

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 175

Introduced by Representatives
GLORIA MACAPAGAL ARROYO and DIOSDADO MACAPAGAL ARROYO

EXPLANATORY NOTE

The World Health Organization of the United Nations strongly recommends exclusive breastfeeding for babies during the first six months of life and for breastfeeding to be supplemented with solid foods until the age of two. This is the healthiest option that can effectively reduce infant mortality and malnutrition.

While the Department of Health has actively endorsed this stance, strong support from working nursing mothers is yet to be gained. Most women cease breastfeeding their infants after returning to work because of lack of employer encouragement for the time and privacy to pump, difficulty storing and transporting milk, low milk supply, and personal exhaustion.

This bill promotes breastfeeding practices. It encourages women to continue nursing their infants by institutionalizing an employee lactation support program where lactation stations are established in workplaces and giving them ample breaks and the privacy to express breast milk for their infants.

Immediate approval of this bill is earnestly requested.


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Second District, Pampanga


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**AN ACT ESTABLISHING AND MAINTAINING LACTATION STATIONS IN
WORKPLACES AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. *Short Title.* – This Act shall be known as the “Workplace
Lactation Station Act of 2010”.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to protect and promote the right to health of the people and instill health consciousness among them, to protect the rights of workers and promote their welfare, and to defend the right of children to assistance including proper care and nutrition. Section 14, Article XIII of the 1987 Philippine Constitution provides that “the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation”. This is consistent with international treaties and conventions to which the Philippines is a signatory, such as the Convention on the Elimination of Discrimination Against Women (CEDAW) which emphasizes the provision of necessary social support services to enable parents to combine family obligations with work responsibilities, the Beijing Platform for Action whose strategic objective is to promote harmonization of work and family responsibilities for women and men, and the Convention on the Rights of the Child which recognizes a child's inherent right to life and the State's obligation to ensure the child's survival and development.

Towards this end, the State shall promote and encourage breastfeeding and provide the specific measures that would allow mothers to continue to breastfeed their infants.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are hereby defined:

- (a) “Nursing employee” refers to any female worker, regardless of employment status, who is breastfeeding her infant.
- (b) “Workplace” refers to the office, premises or work site where the nursing female employees are habitually employed, whether in private

enterprises or government agencies, including their subdivisions and instrumentalities, and government-owned and -controlled corporations.

- (c) "Express" refers to the act of extracting milk from the breast by hand or by pump into a container.
- (d) "Lactation station" refers to a private, sanitary and well-ventilated room or area situated in the workplace where a nursing employee can wash up, express her milk comfortably and store this afterwards.

SEC. 4. *Establishment of Lactation Stations.* – A lactation station shall be established in every workplace for the use of its nursing employees. It shall be located in a private and clean area which must be furnished with comfortable seats, lavatory for hand-washing and a refrigerator exclusively for storing expressed breast milk. No lactation station shall be situated inside a toilet or comfort room.

The display of advertisement on milk formulas for infants and babies aged zero (0) to three (3) years old shall not be allowed within the workplace premises where a lactation station has been set up.

All private enterprises and government entities shall establish lactation stations within six (6) months after the approval of this Act or within the first six (6) months of operation of the enterprise or entity.

SEC. 5. *Lactation Periods.* – In addition to the regular time-off for meals, the nursing employee shall be granted break intervals totalling thirty (30) minutes within an eight (8)-hour working period to express her milk. This break period, including the time it takes the employee to get to and from the workplace lactation station, shall be counted as compensable hours worked.

SEC. 6. *Coverage and Exemptions.* – All private enterprises as well as government agencies, including their subdivisions and instrumentalities, and government-owned and -controlled corporations shall be covered by this Act.

Upon application, and as determined by the Secretary of the Department of Labor and Employment (DOLE), in the case of the private sector, and the Chairperson of the Civil Service Commission (CSC), in the case of the public sector, an entity may be exempted from Section 4 of this Act under the following conditions:

- (a) Where the number of women employees who are of childbearing age or those between the ages of sixteen (16) to forty-five (45) years old is less than ten (10); and
- (b) Where the establishment of lactation stations is not feasible or necessary due to the peculiar circumstances of the workplace or its employee composition. For example, when the nature of work requires female employees to be deployed out in the field or outside of the company premises such as those performed by medical representatives, street sweepers or plantation workers and other similar situations.

SEC. 7. *Incentives.* – The expenses incurred by private enterprises or entities in complying with Sections 4 and 5 hereof and in maintaining the lactation stations shall be allowed as deductible expenses for income tax purposes: *Provided*, That the deduction shall only apply for the taxable period when the expenses were incurred: *Provided, further*, That such enterprises or entities shall secure an accreditation certificate from the DOLE, to be filed with the Bureau of Internal Revenue before they can avail of the incentive.

SEC. 8. *Funding.* – Government agencies, including their subdivisions and instrumentalities, shall use their respective budget for gender and development or their budgets for repairs, maintenance and materials acquisition to comply with Section 4 hereof.

SEC. 9. *Breastfeeding Information and Education in the Workplace.* – The DOLE and its attached agencies, as well as the CSC, shall include breastfeeding awareness and promotion in all their education-related programs.

SEC. 10. *Penalty Clause.* – Any person, corporation, enterprise, association or entity which violates any provision of this Act shall be punished by a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00): *Provided*, That if the violation is committed by a private entity, the penalty of imprisonment of not less than one (1) month but not more than one (1) year shall be imposed on the entity's responsible officers including, but not limited to, the president, vice president, chief executive officer, general manager, managing director or partner:

Provided, further, That if the violation is committed by a government entity, the highest official of that agency shall be held liable without prejudice to any further liability for violation of any provision of other applicable laws.

SEC. 11. *Implementing Rules and Regulations.* – The DOLE and the CSC, in coordination with the Department of Health, shall issue, within sixty (60) days after the effectivity of this Act, the rules and regulations for its effective implementation among their respective constituencies.

SEC. 12. *Separability Clause.* – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby and shall continue to be in full force and effect.

SEC. 13. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,