

Orientation on Mother-Baby Friendly Workplaces

&

Employment-related Provision of REPUBLIC ACT 10028



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Combined presentation from DOH & DOLE

REPUBLIC ACT NO. 10028*

“AN ACT EXPANDING THE PROMOTION OF BREASTFEEDING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7600, OTHERWISE KNOWN AS “AN ACT PROVIDING INCENTIVES TO ALL GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS WITH ROOMING-IN AND BREASTFEEDING PRACTICES AND FOR OTHER PURPOSES”.



*Otherwise known as the “**Expanded Breastfeeding Promotion Act of 2009**”*

PRESENTATION OUTLINE

Department Circular No. 2011-0365 provides for the guidelines for “Mother-Baby Friendly Workplace Certification”

Salient features:

- **Responsibilities of implementing agencies;**
- **Requirements and contents for/of application**
- **Minimum requirements of a lactation station**
- **Self-assessment tool**
- **Minimum requirements of a lactation station**

Policy Objectives:

To encourage, protect and support the practice of breastfeeding

To 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

To promote and encourage breastfeeding and shall **provide specific measures to enable working mothers to continue expressing their milk and/or breastfeeding their infant or young child**

RA 10028 is consistent with the following international treaties, conventions and development goals:

- ✓ **Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)**

Emphasizes the provision of social services to enable parents to combine family obligations with workers responsibilities

- ✓ **Beijing Platform for Action**

Promotes harmonization of work and family responsibilities for women and men

✓ **Convention on the Rights of the Child**

Recognizes a child's inherent right to life and the state's obligation to ensure the child's survival and development.

✓ **Millennium Development Goals**

World's time-bound and quantified targets:

End poverty and hunger

Maternal health

Universal education

Combat HIV/AIDS

Gender Equality

Environmental Sustainability

Child Health

Global Partnership for Development

Provision of Breastfeeding Options for Working Mothers

- Adoption of maternity protection legislation and related measures consistent with ILO Maternity Protection Convention, 2000 no.183 and maternity Protection Recommendation 2000 no. 191.
- Maternity leave, day care facilities, and paid breastfeeding breaks shall be available for all women employed outside the home

Rationale:

Breastfeeding has **distinct advantages** which benefit

- the infant and the mother
- hospital and the country that adopts the practice

Breastfeeding is the first preventive health measure given to a child at birth.

Enhances mother-infant relationship.

Could save the country **valuable foreign exchange** used for milk importation.

Breastmilk as the **best food** for infants/young children.

SALIENT FEATURES OF RA 10028

- 1. Amends the “Rooming-in and Breastfeeding Act of 1992”(RA 7600)**
- 2. Department of Health as the lead agency to oversee the implementation of the law.**
 - **comprehensive national public education and awareness program on breastfeeding**
 - **develop and provide breastfeeding programs for working mothers as part of the companies’ human resource development program**

SALIENT FEATURES OF RA 10028

- 3. Encourages health institutions to set up milk bank and storage of breastmilk to be given to children in the neo-natal intensive care unit whose mothers are seriously ill**
- 4. Requires setting up of lactation stations and provision of lactation breaks in workplaces**

Rules and regulations to be issued by **DOH as lead agency in coordination with *DOLE, DTI, DOJ, DSWD, DepEd, DILG, CSC, CHED, TESDA* and professional and non-governmental organizations concerned**

Employment related provisions:

General Rule : establishments are required to:

1. Come up with **workplace policy** on breastfeeding;
2. Set up **lactation stations**;
3. Allow **lactation periods**, even if so **exempted** to set up lactation stations;
4. Comply with the **Milk Code**;
5. Provide **breastfeeding information** to its employees

Employment related provisions:

Coverage:

- All establishments whether operating for profit or not which employ in any workplace, nursing employees unless so exempted by the Secretary of Labor and Employment

Exemption

- To be sought by private establishments from the DOLE Regional Office having jurisdiction over said establishment.
- **Exemptions** may be granted where the establishment of lactation station is not feasible or necessary due to peculiar circumstances of the workplace taking into consideration among others the following:
 - ✓ *Number of women employees*
 - ✓ *Physical size of the establishment*
 - ✓ *Average number of women who will use the facility*

Exemption

- **Due substantiation** shall be made by the employer to support the application for exemption.
- The exemption granted by the DOLE shall be for a **renewable period of two (2) years**.

Other Features

Sanctions:

Sanctions for any private non-health facility, establishment and institution which unjustifiably refuses or fails to comply with Sections 6 and 7 of the law (sections 10 and 12 of this Rules)

Number of Offense	Amount of Fine
First Offense	Not less that P50,000.00 but not more than P200,000.00
Second Offense	Not less that P200,000.00 but not more than P 500,000.00
Third Offense	Not less that P500,000.00 but not more than P 1,000,000.00 Cancellation and revocation of business permit/license to operate.

Effectivity

RA 10028


March 16, 2010


IRR of RA 10028

September 12, 2011

Implementing Guidelines

- LGUs are hereby encourage to set up a procedure for submission , application and review of all applications for MBFW from any health and non-health facilities within the jurisdiction;
- Any health and non-health facility, establishment and institution intending to obtain the working MBF certificate shall apply with their LGU

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- Once the health and non-health facilities, establishment and institution have accomplished the self assessment tool and have found that their establishment may qualify for the certification, they can now submit their letter of intent together with their accomplished self-assessment to their respective LGU or Local health department
 - The LGU will have to review and assess applications, eventually send recommendation for certifications to the DOH Regional Office, for those that have complied with the requirements.

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- The DOH Regional Office will review the recommendations and may conduct random validation and will issue the certification to the LGU or a report on the reasons why certification cannot be granted
 - The certificate shall be valid for two years, subject to re-application and reassessment.


Roles and Responsibilities


DOH Regional Office

- ☐ Disseminate the guidelines and tools for implementation to all cities and provinces within the jurisdiction
- ☐ Set up a procedure for the submission of the recommendation from different LGUs
- ☐ Review recommendations for certifications
- ☐ Conduct random validation to validate recommendations made
- ☐ Issue certification or report with findings for not granting certification to the LGU
- ☐ Maintain database with all applications review and certifications issued

Local Government Unit (LGU)

- Set up procedure on how to apply, for the different potential applicants; receive all applications; review the applications and eventually conduct ocular visit to validate information provided
- Recommend certification for those that qualify in accordance with the law to respective DOH Regional Office

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- ❑ Received feedback from DOH Regional Office and eventually received notice for granted/not granted
 - ❑ In case certification is not granted, will inform the applicant of the ground for which certification was denied at the LGU/Regional level
 - ❑ The LGU may implement the law through the Local Health offices and related offices within LGU. The LGU is also encouraged to develop and pass a local ordinance to support implementation and monitoring program.

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- The Health and Nutrition Department, Infant and Young Child Feeding Committee, together with the Local Council for the Protection of Children (LCPC) are existing structures that may be tasked to oversee the implementation and monitoring the compliance of the workplaces

Department of Labor and Employment (DOLE)

Contribute in the dissemination of RA 10028, its IRR and related guidelines and standards to all establishments under its jurisdiction. DOLE, will promote and advocate the implementation and compliance to the law, and may integrate it in all its related programs and projects.

DOH DO 2011-0365:

Implementing Guidelines/Process Flow

DOH

- Encourage health and non-health facilities for MBWC via LGUs
- Provides LGUs with Self-Assessment Tool (SAT)

LGU

- Markets certification to establishments

USER

- Approaches LGU for application and SAT
- Writes Letter of Intent (LOI) and submits SAT

DOH DO 2011-0365:

Implementing Guidelines/Process Flow

LGU

- Conducts 1st assessment based on LOI and SAT; 30-day allowance
- Recommends compliant facilities for certification to DOH ROs

DOH RO

- Reviews recommendations; may conduct random validations
- Rejects applications or grants MBFWC to establishment via LGUs

DOH RO

- Grants 2-year certification to establishments via LGU
- Issues proof of lactation stations for tax exemption for Regional BIR

Requirements to be Submitted within the Letter of Intent

- All applications should contain the following:
- 1. Filled-up assessment tool
- 2. Company profile, vision and mission to include number of women workers
- 3. Workplace policy for breastfeeding
- 4. Documentation or proof(s) of lactation station
- 5. Name of person in charge



Documentation of activities conducted to promote or inform the workers about breastfeeding

- Sample IEC materials to promote breastfeeding in the workplace
- List and specifications of equipment and facilities in the lactation station (can be an additional requirement if necessary)

1. Workplace Policy

Description: A clear set of guidelines that protects, promotes and supports the breastfeeding program.

How can it be developed? It can be developed in consultation with the workers, approved and properly disseminated to all concerned. The policy should be part of the company's general policy or manual of operation, and the policy should operationalize the provision of the IRR.

2. Lactation Stations

Private, clean, sanitary and well-ventilated rooms or areas in the workplace or public places where nursing mothers can wash up, breastfeed or express their milk comfortably and store this afterwards. Also known as breastfeeding room/area/station.

Description:

Adequately provided with the necessary equipment and facilities & other items based on standards defined by the DOH.

- Comfortable and ensures privacy for the women to express their milk and/or in appropriate cases, breastfeed their child.

2. Lactation Stations

Equipment, facilities & other items:

- ✓ Lavatory
- ✓ Small table
- ✓ Refrigeration or appropriate cooling facilities for storing expressed breastmilk;
- ✓ Comfortable seats;
- ✓ Other items, the standard of which shall be defined by the DOH; and
- ✓ Electrical outlets for breast pumps

MINIMUM REQUIREMENTS

1. Clock
2. Well-lit and clean
3. Easily accessible lavatory
4. Covered trash receptacles
5. Chairs with backrest
6. Manual breast pump
7. Electric outlets for e-breast pumps
8. Refrigerator for milk storage; labelling materials
9. Logbook

2. Lactation Stations

Requisitess:

- ✓ **Not to be located in the toilet**
- ✓ **Free from contaminants and hazardous substances**
- ✓ **No promotion, marketing, and/or sales of infant formula and/or breastmilk substitutes**

3. Lactation Periods

General Policy:

Allow **break intervals** for breastfeeding or expressing milk among nursing employees in addition to the regular time-off for meals;

Intervals include the time it takes an employee to get to and from the workplace to the lactation station;

3. Lactation Periods

General Policy:

It shall be counted as compensable hours worked.

The Department of Labor and Employment (DOLE) may adjust the same: *Provided*, That such intervals shall not be less than a total of forty (40) minutes for every eight (8) hour working period.

3. Lactation Periods

Duration and Frequency of Breaks:

May be agreed upon by the employees and employers with the minimum being **40 minutes**.

There could be **2-3 breastmilk expressions** lasting **15-30 minutes** each within a workday.

Notification:

Employees should notify their immediate supervisors before leaving their stations



8-10-12 hours/oras
(room temperature)

3-6 months/
buwan



Breastmilk Storage

PAG-IIMBAK NG GATAS NI MOMMY

24-48 hours/oras

24 - 48 oras



3-5 days/araw



1 year/taon

1 taon



4. Workplace Compliance with the Milk Code

Strict measures to prevent any direct or indirect promotion, marketing, and/or sales of infant formula and/or breastmilk substitutes within the lactation station;

5. Access to Breastfeeding Information

- ✓ **Employers shall ensure that the staff and employees shall be made aware of this Act and this IRR.**
- ✓ **Pregnant employees shall be provided with information on how they can combine breastfeeding and work once they return to work. They should be provided with regular breastfeeding education.**

5. Access to Breastfeeding Information

The information that will be provided to mothers should include:

- ✓ **Manual breastmilk expression;**
- ✓ **Cup feeding;**
- ✓ **Handling;**
- ✓ **Storage and transporting of expressed milk.**

Other Features

Monitoring

National level down to Barangay levels

Functions of the Monitoring Team

Monitor compliance and problems

Review/act on reports of violations

Verify reports of violations

Recommend sanctions or punitive actions

Submit regular reports on the status of the implementation of the Act

Healthy Beginnings
for a Better Society

BREASTFEEDING IN THE WORKPLACE IS POSSIBLE

MODULE 4



Creating a breastfeeding-friendly workplace



OBJECTIVES

This module provides guidance and tools for the initiation of a Workplace Lactation Programme. It discusses the workplace provisions of the Expanded Breastfeeding Promotion Act of 2009 (Republic Act 10028).

The target users are government agencies, human resource managers, business owners, advocates and anyone interested to set up a Workplace Lactation Programme.

Why do we need BF-friendly workplaces?

- BF is women's work.
- BF is unsupported and uncompensated.
- Returning to work for BF mothers is difficult.

Why do we need BF-friendly workplaces?

- Breastfed infants least likely to get sick
- One-day absences to care for infants occur twice more often for mothers of formula-fed infants
- Absences due to sick children are unpredictable, compromising workplace operations



BF-friendly Workplaces

SPACE + TIME

A woman is given time to go to a clean, comfortable private area where she can breastfeed or express breastmilk

Provide for baby.

Sustain milk supply.

Relieve discomfort of full breasts.

RA 10028: Workplace Provisions

Workplace Lactation Policy

SPACE: Lactation Station

TIME: Lactation Periods

Provision of Breastfeeding
Information

Compliance with EO 51