



## HOUSE OF REPRESENTATIVES

H. No. 4012

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BY REPRESENTATIVES CUA (G.), ARAGO, RODRIGUEZ-ZALDARRIAGA AND  
ZIALCITA, PER COMMITTEE REPORT NO. 467

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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:*

1           SECTION 1. *Short Title.* – This Act shall be known as the “Workplace  
2   Lactation Station Act of 2008”.

3           SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to  
4   protect and promote the right to health of the people and instill health  
5   consciousness among them, to protect the rights of workers and promote their  
6   welfare, and to defend the right of children to assistance including proper care  
7   and nutrition. Section 14, Article XIII of the 1987 Philippine Constitution  
8   provides that “the State shall protect working women by providing safe and  
9   healthful working conditions, taking into account their maternal functions, and  
10   such facilities and opportunities that will enhance their welfare and enable  
11   them to realize their full potential in the service of the nation”. This is  
12   consistent with international treaties and conventions to which the Philippines  
13   is a signatory, such as the Convention on the Elimination of Discrimination

1 Against Women (CEDAW) which emphasizes the provision of necessary  
2 social support services to enable parents to combine family obligations with  
3 work responsibilities, the Beijing Platform for Action whose strategic objective  
4 is to promote harmonization of work and family responsibilities for women and  
5 men, and the Convention on the Rights of the Child which recognizes a child's  
6 inherent right to life and the State's obligation to ensure the child's survival  
7 and development.

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

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

13 (a) "Nursing employee" refers to any female worker, regardless of  
14 employment status, who is breastfeeding her infant.

15 (b) "Workplace" refers to the office, premises or work site where the  
16 nursing female employees are habitually employed, whether in private  
17 enterprises or government agencies, including their subdivisions and  
18 instrumentalities, and government-owned and -controlled corporations.

19 (c) "Express" refers to the act of extracting milk from the breast by  
20 hand or by pump into a container.

21 (d) "Lactation station" refers to a private, sanitary and well-ventilated  
22 room or area situated in the workplace where a nursing employee can wash up,  
23 express her milk comfortably and store this afterwards.

24 SEC. 4. *Establishment of Lactation Stations.* – A lactation station shall  
25 be established in every workplace for the use of its nursing employees. It shall  
26 be located in a private and clean area which must be furnished with  
27 comfortable seats, lavatory for hand-washing and a refrigerator exclusively for

1 storing expressed breast milk. No lactation station shall be situated inside a  
2 toilet or comfort room.

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

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

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

14 SEC. 6. *Coverage and Exemptions.* – All private enterprises as well as  
15 government agencies, including their subdivisions and instrumentalities, and  
16 government-owned and -controlled corporations shall be covered by this Act.  
17 Upon application, and as determined by the Secretary of the Department of  
18 Labor and Employment (DOLE), in the case of the private sector, and the  
19 Chairperson of the Civil Service Commission (CSC), in the case of the public  
20 sector, an entity may be exempted from Section 4 of this Act under the  
21 following conditions:

22 (a) Where the number of women employees who are of child-bearing  
23 age or those between the ages of sixteen (16) to forty-five (45) years old is less  
24 than ten (10); and

25 (b) Where the establishment of lactation stations is not feasible or  
26 necessary due to the peculiar circumstances of the workplace or its employee  
27 composition. For example, when the nature of work requires female  
28 employees to be deployed out in the field or outside of the company premises

1 such as those performed by medical representatives, street sweepers or  
2 plantation workers and other similar situations.

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

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

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

17       SEC. 10. *Penalty Clause.* – Any person, corporation, enterprise,  
18 association or entity which violates any provision of this Act shall be punished  
19 by a fine of not less than Ten thousand pesos (P10,000.00) but not more than  
20 Fifty thousand pesos (P50,000.00): *Provided*, That if the violation is  
21 committed by a private entity, the penalty of imprisonment of not less than one  
22 (1) month but not more than one (1) year shall be imposed on the entity's  
23 responsible officers including, but not limited to, the president, vice president,  
24 chief executive officer, general manager, managing director or partner:  
25 *Provided, further*, That if the violation is committed by a government entity,  
26 the highest official of that agency shall be held liable without prejudice to any  
27 further liability for violation of any provision of the Revised Penal Code and  
28 other applicable laws.

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

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

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

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

          Approved,

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