



Republic of the Philippines
OFFICE OF THE SANGGUNIANG PANLUNGSOD
CITY OF ZAMBOANGA

ORDINANCE NO. 377

**AN ENABLING ORDINANCE ON THE PROMOTION OF BREASTFEEDING IN THE WORKPLACE
AND PROVIDING PENALTIES THEREOF**

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EXPLANATORY NOTE

WHEREAS, The 1987 Constitution of the Republic of the Philippines mandates the State to protect and promote the right to health of the people and instill health awareness among them;

WHEREAS, Section 16 of Republic Act 7160 provides that the Local Government shall ensure and promote the general welfare of its constituents, to include among others, the promotion of health and safety;

WHEREAS, The Philippines has adopted the World Health Organization (WHO) and United Nations International Children's Emergency Fund (UNICEF) "2002 Global Strategy on Infant and Young Child Feeding" which recommends exclusive breast milk feeding for newborn, and with continued breastfeeding in combination with complimentary feeding for infants and young children from six (6) months onward;

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WHEREAS, The use of breast milk which is widely recognized as the best source of nutrition for babies, promotes the development of emotional bonding between the mother and child, bestow upon the newborn infant protection against infection, provides the mother natural contraception after delivery and protect the mother from closely spaced pregnancy.

NOW, THEREFORE, be it enacted, as it is hereby enacted by the Sangguniang Panlungsod of Zamboanga City in session assembled, that:

SECTION 1. TITLE – This Ordinance shall be known as the “Promotion of Breastfeeding in the Workplace and Providing Penalties Thereof.”

SECTION 2. DECLARATION OF POLICY – The City of Zamboanga shall adopt the national policy of rooming-in and breastfeeding in order to encourage, protect and support the practice of breastfeeding.

It shall create an environment where basic physical, emotional and psychological need of the mothers and infants are fulfilled.

The City shall likewise protect working mothers by providing safe and healthy working conditions, taking into account the maternal functions, facilities and opportunities that will enable mothers to combine family obligations with work responsibilities.

Towards this end, the city shall promote and encourage continues breastfeeding and provide specific measures that would enable nursing mothers to continue expressing their milk and/or breastfeeding their infants or young child.

SECTION 3. DEFINITION OF TERMS:

3.1 Cup feeding – the method of feeding an infant using a cup the content of which can be any type of fluid.

3.2 Breastfeeding – is the method of feeding an infant directly from the human breast.

3.3 Breast milk – is the human milk from the mother.

3.4 Breast milk substitute – any food being marketed or otherwise represented as partial or total replacement of breast milk whether or not suitable for that purpose.

3.5 Expressed breast milk – is the human milk which has been extracted from the breast by hand or by breast pump, which can be fed to an infant using a dropper, a spoon, or a cup.

3.6 Expressing milk – is an act of extracting human milk from the breast by hand or by pump into a container.

3.7 Formula feeding – is the feeding of a newborn with infant formula usually by bottle feeding. It is also called artificial feeding.

3.8 Health Institutions – are hospitals, health infirmaries, health centers, lying-in centers, or puericulture centers with obstetrical and child health services.

3.9 Health personnel – are professionals and workers who manage and/or administer the entire operations of health institution and/or who are involved in providing maternal and child health services.

3.10 Health workers – all persons who are engaged in health and health related work, and all persons employed in all hospitals, sanitaria, health infirmaries, health centers, rural health units, clinics, and all other health related establishments, whether government or private and shall include medical, allied health professional administrative support personnel employed regardless of their employment status.

3.11 Infant – is a child with the zero (0) to twelve (12) months of age.

3.12 Lactation Station – private, clean, sanitary, and well-ventilated room or an area in the workplace or public place where nursing mothers can wash up, breastfeed or express their milk comfortably and store this afterward. Also known as breastfeeding room/area/station.

3.13 Non-health facility, establishment or institution – public places and workplaces.

3.14 Private sector organizations – refer to privately owned companies, corporations, associations, foundations, and the like.

3.15 Public sector – the portion of society controlled by national, state or provincial and local governments.

3.16 Public place – enclosed or confined areas such as schools, public transportation terminals, shopping malls, and the like.

3.17 Rooming-in – the practice of placing the newborn in the same room as the mother right after delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding. The infant may either share the mother's bed.

3.18 Workplace – refers to the work premises, whether private enterprises or government agencies, including their subdivisions, instrumentalities and GOCC's.

3.19 Young child – is a child from the age of twelve (12) months and one (1) day up to thirty-six (36) months.

3.20 Nursing Employee – any female worker, regardless of employment status, who is lactating or breastfeeding her infant and/or young child.

SECTION 4. SCOPE/APPLICABILITY – The provision of this Ordinance shall apply to all private enterprises, government agencies, including their subdivisions and instrumentalities, and all government owned and controlled corporations in the City of Zamboanga.

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However, upon application to, and determination by the Director of the Department of Labor and Employment for the private sector, and Chairperson of the Civil Service Commission for the public sector, health and non-health facilities, establishment and institution may be exempted for a renewable period of two (2) years from Section 4 of this Ordinance, where the establishment of lactation stations is not feasible or necessary due to the peculiar circumstances of the workplace or public place taking into consideration, among others, the number of women employees, physical size of the establishment and the number of women who visit the establishment or office.

SECTION 5. ESTABLISHMENT OF LACTATION STATIONS – The City of Zamboanga mandates all private enterprises, government agencies, including their subdivisions and instrumentalities, and government-owned and controlled corporations in the City of Zamboanga to establish a lactation station with necessary equipment and facilities, such as lavatory for hand-washing, unless there is an easily accessible lavatory nearby; refrigeration or appropriate cooling facilities for storing expressed breast milk; a table; comfortable seats where the mother can hand express breast milk; electrical outlets for breast pumps and other items shall also be provided, the standards of which shall be defined by the City Health Office. The lactation station shall be clean, well ventilated, comfortable and free from contaminants and hazardous substances, and shall ensure privacy for the women to express their milk and/or in appropriate cases, breastfeed their child. In no case, however, shall the lactation station be located in the toilet.

SECTION 6. LACTATION PERIODS – Nursing mother employees are entitled to break intervals in addition to the regular time-off for meals to breastfeed or express milk. The employee shall notify her immediate supervisor before leaving her station.

These intervals which include the time it takes an employee to get to and from the workplace to the lactation station shall be counted as compensable hours worked. The duration and frequency of breaks may be agreed upon by employees and employers but in no case shall such intervals be less than 40 minutes for every 8 hour working period. Usually, there could be 2-3 breast milk expressions lasting to 15-30 minutes each within a workday.

SECTION 7. ACCESS TO BREASTFEEDING INFORMATION – Employers shall ensure that the staff and employees shall be made aware of this Ordinance. That all pregnant employees shall be provided with information on how they can combine breastfeeding and work once they return to work. The employers shall coordinate with the City Health Office in order for them to avail of the breastfeeding program for working mother.

SECTION 8. INCENTIVES AND AWARDS SYSTEM - The City Health Office shall create an award system in order to strengthen compliance of this Ordinance subject to existing laws, rules and regulations.

SECTION 9. BREASTFEEDING AWARENESS MONTH – In order to raise the awareness on the importance to promote breastfeeding, the month of August in each and every year shall be known as the “Breastfeeding Awareness Month”.

The City Health Office shall be the lead agency in the celebration of Breastfeeding Awareness Month through the inclusion of BF awareness month in the monthly health events.

SECTION 10. IMPLEMENTATION AND MONITORING - The City Health Office shall be the lead agency in the implementation and monitoring of the provision of this Ordinance for this purpose. The Chief Executive shall create a multi-sectoral monitoring team composed of the following persons or their duly authorized representative, but not limited to:

1. City Health Officer - Chairman
2. City Nutrition Action Officer
3. City Social Welfare and Development Officer
4. Licenses and Permits Officer, Office of the City Mayor
5. Representative from the NGO to be appointed by the City Mayor
6. City Treasurer
7. City Engineer
8. City Schools Division Superintendent, Dep-Ed.
9. Regional Director, Department of Health
10. Regional Director, DOLE
11. Regional Director, CSC
12. City Director, DILG
13. City Police Director

The monitoring team shall have the following functions:

1. Monitor compliance of this Ordinance.
2. Develop and provide information and educational materials on the benefits of Breastfeeding/breast milk.
3. Conduct training and seminar programs on breastfeeding.
4. Submit reports on the status of implementation of this Ordinance to the City Mayor and the City Health Office.

SECTION 11. PENALTIES – The following penalties shall be imposed on violation of the Ordinance.

Any private non-health facility, establishment and institution which unjustifiably refuses or fails to comply Sections 5, 6 and 7 of this Ordinance shall be imposed a fine of:

First offense – P1,000.00 plus warning to be issued by the City Health Office

Second offense – P2,000.00 and non-extension of sanitary permit

Third offense – P5,000.00 and the cancellation or revocation of business permits or licenses to operate.

In all cases, the fine imposed should take into consideration, among others, the number of women employees, physical size of the establishment, and the average number of women who visit the establishment.


SECTION 12. FUNDING – The City Government shall allocate substantial amount from the Gender and Development Fund for the effective implementation of this Ordinance.

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SECTION 13. SEPARABILITY CLAUSE – If for any reason, any part or provision of this Ordinance is declared null and void, other parts or provisions which are not affected shall continue to be in full force and effect.

SECTION 14. EFFECTIVITY CLAUSE – This Ordinance shall take effect in accordance with the provisions of the Local Government Code.


ENACTED: July 27, 2011, as an urgent measure.


JAIME U. CABATO
Temporary Presiding Officer

ATTESTED:


ZENAIDA G. JAYME
City Secretary

APPROVED:


CELSO L. LOBREGAT
City Mayor