



MC No. 12, s. 2015

MEMORANDUM CIRCULAR

T O ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS (LGUs); GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS (GOCCs); STATE UNIVERSITIES AND COLLEGES (SUCs)

SUBJECT Exemption from the Establishment of Lactation Station in Government Agencies

Section 14, Article XIII (Social Justice and Human Rights) 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".

Consistent with the constitutional rights of women on account of their maternal functions, Republic Act No. 10028 known as "The Expanded Breastfeeding Promotion Act of 2009" was signed into law on March 16, 2010, which provides the adoption of rooming-in facility as a national policy to encourage, protect and support the practice of breastfeeding, which shall create an environment where basic physical, emotional and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

Section 10, Rule III of the IRR of RA 10028 provides that health and non-health facilities, establishments or institutions, including public places, shall establish Lactation Stations which shall be accessible to breastfeeding women. Lactation stations shall be adequately provided with the necessary equipment and facilities and other items, the standards of which shall be defined by the Department of Health. Lactation Stations 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.

Section 8 of the said Rules provides that a government agency may apply for an exemption to establish a lactation station from the Civil Service Commission.

To ensure public sector compliance with Republic Act No. 10028, the Civil Service Commission (CSC) Resolution No. 1302446 promulgated on November 7, 2013 prescribes the following Guidelines in granting exemption to government agencies from the establishment of Lactation Stations.

A. Grounds for Exemption

The following are grounds for exemption from the establishment of lactation stations in government offices:

1. Limited Space/Physical Size of Agency - when it is not feasible for the office to accommodate or provide a decent place for breastfeeding taking into account limited space and crowded surroundings as certified by the Civil Service Commission Field Office (CSCFO) concerned.
2. Number of Women Employees - if there are no women employees in the agency or if the number of women employees capable of reproduction is only 5 or less, for which utilization of the breastfeeding facility may be rare, or when all or 90% of women employees are beyond the age of reproduction (menopausal stage or when a woman is incapable of bearing a child) as may be certified by the Human Resource Management Officer (HRMO) of the applicant-agency.

In some cases, agencies, despite the limited number of women-employees or women of reproductive age, may still be required to establish a lactation station when the average number of women clients or visitors is substantial provided that there is enough space or the physical size of an agency warrants it.

Government employees who are on field work assignment may opt to avail themselves of a lactation station facility that may be available in any government agency located near their field of assignment.

B. Requirements for Exemption

The applicant-agency must submit to the CSC Regional Office (CSCRO) concerned the following:

1. A duly accomplished Application Form;
2. A certification from the agency HRMO as to the total number of women employees and women of reproductive age in the agency.
3. A certification from the CSCFO as to non-availability of space for breastfeeding.

C. Procedure in Granting Exemption

The Application Form (Annex A), together with the required supporting documents, may be submitted directly to the CSCRO or through the CSCFO which has jurisdiction over the applicant-agency. If coursed through the CSCFO, the following procedures shall apply:

1. Preliminarily evaluate the completeness of the requirements
2. Conduct physical inspection as to non-availability of space for breastfeeding.
3. Forward all the necessary documents to the CSCRO for approval and the corresponding issuance of Exemption Certificate by the CSC Regional Director if found to be complete and in order.

When necessary, the CSCFO should verify or confirm with the agency the average number of women clients or visitors on a daily basis.

D. EFFECTIVITY OF EXEMPTION

The exemption shall be effective on the date of the issuance of the Certificate of Exemption by the CSCRO for a renewable period of two (2) years. Renewal is not automatic. Upon its expiration, the applicant-agency should file a new application for exemption, together with recent documentary requirements to the CSCRO/CSCFO concerned.

For compliance.


ROBERT S. MARTINEZ
Acting Chairman

17 AUG 2015

**ESTABLISHMENT OF LACTATION FACILITY
IN GOVERNMENT AGENCIES**

APPLICATION FOR EXEMPTION

Name of Agency :
Address :
Total Personnel Complement :
Total Number of Female employees :
 who are 18-49 years old (as of date
 of application)
Contact Information :
 (telephone, fax, email, mobile)

Conditions for Exemption:

1. Agencies with less than 49 employees at a single fixed location
2. Proximity of the workplace to the source of contamination
3. Nature of work requires female employees to be deployed outside the Office building
4. Those under peculiar circumstances, please specify: _____

Requirements:

1. Duly accomplished Application Form
2. Certification from the HRMO as to the total number of female employees (age 18 – 49 years old)
3. Documents in support of Item No 4 , under conditions for exemption

Head of Agency

Approved:

Director IV, CSC Regional Office No.