

same daily reduction of hours of work in cases where the child is raised by the father alone, if the working mother does not benefit from the daily breaks, if the mother is not employed or in the case of the death or serious illness of the mother. In Spain, working fathers enjoy the same rights to breastfeeding breaks²⁰ as mothers for the first nine months of their baby's life, irrespective of the employment status of the child's mother, in order to provide support for their partners. This entitlement followed a ruling of the European Union Court of Justice, which handed down a national court's decision that reserving breaks only for women perpetuates a traditional division of labour that keeps men in a subsidiary position to women in the exercise of parental duties and that such discrimination is not justified by the objective of the protection of women.²¹

Often, legislation covers only certain categories of workers, usually those in standard or formal employment. In Spain, domestic workers are not entitled to breastfeeding breaks and, in Italy, domestic workers and homeworkers are not remunerated for breastfeeding breaks (European Union, 2011). However, a number of countries are working to expand breastfeeding entitlements as part of efforts to improve maternity protection at work. For example, in Mauritius, the law explicitly includes domestic workers within the scope of provisions for breastfeeding breaks (see box 6.1). Nigeria's law explicitly includes all women in

public, private, industrial, commercial or agricultural undertakings or any branch thereof and provides two half-hour breaks per day.

Daily reduction of working hours

Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

Recommendation No. 191, Paragraph 8

Convention No. 183 allows member States to choose whether breastfeeding women should be provided with a right to daily breaks or to a daily reduction of hours of work. In Yemen, nursing breaks are offered in the form of reduced working time. In several countries, nursing breaks can be taken as paid breaks, or converted into a reduction of working time to allow for late arrival at or early departure from the workplace. This is the case in Armenia, Chile, Ireland, Spain, Sudan and the United Republic of Tanzania. In Chile, a women worker, during the nursing period, may either come to work an hour later than normal or leave an hour earlier.²² In Ecuador, in enterprises or workplaces where there is no nursery provision, a nursing mother's hours of work for the first nine months after childbirth are limited to six a day.²³

Box 6.1 Mauritius, the Philippines and India: Expanding the scope of breastfeeding coverage

In **the Philippines**, a recently established law has expanded the scope of coverage for breastfeeding breaks: agricultural workers and people engaged in precarious work (i.e., short-term or seasonal contracts) now enjoy access to nursing break protection, as long as the nursing worker is employed by "private enterprises or government agencies, including their subdivisions, instrumentalities and government owned and controlled corporations".

In **Mauritius**, maternity protection laws explicitly include domestic workers in the scope of provisions for breastfeeding breaks. Domestic workers are entitled to two half-hour breaks or one hour-long

break without deductions in pay. They enjoy this entitlement until the child is 6 months old. This period may be extended on the recommendation of a medical practitioner.

In **India**, the Association for Consumers Action on Safety and Health implemented a project to raise awareness of the benefits of breastfeeding among domestic workers from the slum community of Mumbai and their employers. It succeeded in both identifying the obstacles that these workers faced in combining work and breastfeeding and creating an enabling environment for this practice (ILO, 2013).

Sources: Philippines: The Republic of the Philippines, Expanded Breastfeeding Promotion Act, 2009. Mauritius: Employment Rights Act, s. 30(6)(b); Domestic Workers (Remuneration) Regulations 2010. Second Schedule, s. 7(7). India: Funding for the program was earmarked for 2010–2011. India: ILO, 2013, op. cit.