



Policy paper on workplace lactation programs in Viet Nam

June 2020



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1

The importance of workplace lactation programs

Childbirth and breastfeeding are women's natural gifts. At the same time, more and more women are participating in the labor force. These two tracks often find themselves in conflict, and women are forced to choose between working and taking care of their children. This has negative consequences not only for women and their families but on the nation. When women are forced to step back from the workforce, the economy loses out on valuable human capital, a loss that has implications on the growth and development of a country.

Viet Nam's rate of women participating in the labor force is high - about 72%, significantly higher than the corresponding rates of the East Asia Pacific region (61%) and the world (50%). Consequently, Viet Nam needs stronger policies in place to protect this workforce and enable these women to be able to perform well in both work and childcare roles. During pregnancy and while raising children under two years of age, female workers need practical support for breastfeeding in the workplace.

The 2016 Breastfeeding Symposium of the world's leading medical journal, the Lancet¹ summarizes the results of more than 20,000 pieces of analysis and research and solidified much of our understanding of the short and long-term benefits of breastfeeding. Most significantly, it found that improving breastfeeding practices could prevent 820,000 child deaths from pneumonia and diarrhea each year (87% of which are among children under six months of age) and prevent 20,000 breast cancer deaths in women - with each year of breastfeeding, a mother's risk of invasive breast cancer decreases by 6%. Breastfed babies tend to have a three-unit higher IQ, better academic performance, and a higher income when they grow up.

Breastfeeding is also in our economic interest. By increasing breastfeeding rates globally, the world could save nearly US\$1 billion per day in medical costs, human losses and labor productivity. Viet Nam could save VND 270 billion per day².

¹ *The Lancet, The 2016 Breastfeeding Symposium: <https://www.thelancet.com/series/breastfeeding>*

² *Dylan D Walters, Linh T H Phan, Roger Mathisen, Loss from*

non-breastfeeding: Global results thanks to new set of tools, Health Policy and Planning, Volume 34, Issue 6, July 2019, Pages 407-

We will only reap these benefits, however, if we put in place policies to protect, support, and promote breastfeeding. In order to achieve this goal and protect the health of mothers and children as well as other long-term benefits, Viet Nam needs to implement policies and measures that ensure maternity protections for female workers (Table 1).



Research shows that female workers who have lactation breaks are nearly 62 times more likely to continue breastfeeding than those who do not. Female workers who are supported and encouraged by their colleagues and/or supervisors are 2.4 times more likely to continue breastfeeding than those who do not. Female workers with access to a dedicated lactation room are 2.38 times more likely to continue breastfeeding than those who do not³.

TABLE 1

What are maternity protection policies?

- ✓ **Maternity leave;**
- ✓ **Establishing health protections at workplace for female workers who are pregnant and breastfeeding;**
- ✓ **Providing medical and financial assistance;**
- ✓ **Ensuring employment and non-discrimination;**
- ✓ **Supporting breastfeeding at workplace post-maternity leave;**
- ✓ **Arranging flexible working hours and time for breastmilk expression or breastfeeding;**
- ✓ **Providing paternity leave for male employees and parental leave in general;**
- ✓ **Supporting the establishment of kindergarten.**

Maternity Protection Convention No. 183 and Maternity Protection Recommendation No. 165, 156, 191 of the International Labor Organization.

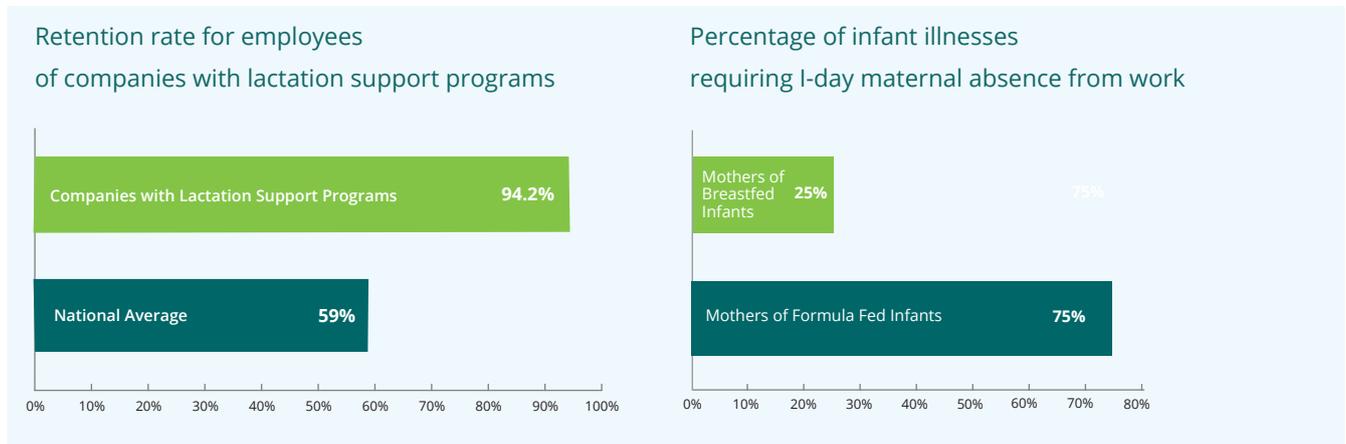
Viet Nam currently ensures six months of maternity leave entitlement wages (as defined in the revised Labor Code 2012) and is poised to implement additional maternity protection measures. However, female workers who breastfeed need support in the workplace to maintain breastfeeding when returning to work after maternity leave. These protections include rest time and a safe, private place for breastmilk expression, as well as formalized support from colleagues and businesses.

³ Tsai SY. Impact of a breastfeeding-friendly workplace on an employed mother's intention to continue breastfeeding

after returning to work. *Breastfeed Med.* 2013;8(2):210-216. doi:10.1089/bfm.2012.0119

Companies in Viet Nam with lactation programs show significantly higher retention rates (94%) than the national average (59%)⁴. Female employees working in enterprises that have workplace lactation programs report feeling satisfied and more committed to the enterprise and they are more productive. Lactation rooms also make women

feel confident that they can maintain breastfeeding when returning to the office⁵, and are more likely to return to work when returning to a supportive environment. Conversely, one-day absences to care for sick children occur more than twice as often for mothers who formula feed than those who breastfeed^{6,7}.



Implementing and regulating breastfeeding breaks and establishing lactation rooms at the workplace are effective measures to help female workers maintain and confidently breastfeed their children, leading to significant positive impacts for the company.

⁴ Ortiz, J, McGilligan K, & Kelly P. (2004). Duration of breastmilk expression among working mothers enrolled in an employer-sponsored lactation program. *Pediatric Nursing, American Journal of Health Promotion*, 30(2):111-119

⁵ Galtry J. Lactation and the labor market: breastfeeding, labor market changes, and public policy in the United States. *Health Care Women Int.* 1997;18(5):467-480. doi:10.1080/07399339709516301

⁶ Cohen R, Mrtek MB & Mrtek RG. (1995). Comparison of maternal absenteeism and infant illness rates among milk expression among breastfeeding and formula-feeding women in two corporations. employer-sponsored lactation program. *American Journal of Health Promotion*, 10 (2), 148-153.

⁷ Dinour, L. M. & Szaro, J. M. Employer-Based Programs to Support Breastfeeding Among Working Mothers: A Systematic Review. *Breastfeed. Med. Off. J. Acad. Breastfeed. Med.* 12, 131-141 (2017).



2

International experience of workplace lactation programs

Acknowledging the importance of maintaining breastfeeding for female workers after maternity leave, many

countries and organizations around the world have well-supported policies and are promulgated clearly in the legal documents.

The International Labor Organization (ILO) Maternity Protection Convention, 2000 (183) and its accompanying Recommendation (No. 191) states that there should be an area for female workers to express and store milk at workplaces: “Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.” As of 2016, 31% (50/159) of countries have regulations on lactation rooms and daycare centers at workplaces. Most of those countries (29/50) have compulsory requirements

for businesses with a large number of female employees. Most countries that have regulations on lactation rooms are in Asia, Africa, South America and the Middle East because it is a low-cost and effective measure to protect, support and promote breastfeeding in low- and middle-income countries⁸.

Looking to these countries, we can identify strengths to include in Viet Nam’s policies.

⁸ ILO (2014), *Maternity and paternity at work: Law and practice across the world*



In the Philippines⁹, Law No. 10028 was passed by the Congress on March 16, 2010, regarding the promotion of breastfeeding in the country. Specifically, the law stipulates:

- **Article 11.** All health and non-health facilities shall establish lactation stations, provided with necessary equipment and facilities, such as: lavatory, refrigeration, electrical outlets, tables, chairs.
- **Article 19.** The expenses incurred shall be deductible expenses for income tax purposes up to twice the actual amount incurred.
- **Article 21.** Any private non-health facility, establishment and institution which unjustifiably refuses or fails to comply shall be imposed a fine of at least Php 50,000.00 (VND 25 million) on the first offense, Php 200,000.00 (VND 100 million) on the second offense and Php 500,000.00 (VND 250 million) on the third offense.

In Taiwan¹⁰, the Law on Gender Equality amended and supplemented on May 20, 2016 provides the following provisions on promoting and protecting breastfeeding:

- **Term A.** Lactation period of employees are extended to include children under two years old of age. In addition to predetermined breaks from work, the employer must provide an additional 60 minutes for breastfeeding and/or pumping breastmilk. Since each employee's breastfeeding/pumping times are different, limits on the number of breastfeeding/pumping times have been eliminated. In consideration of employees' need to breastfeed/pump during extended work hours, provisions have been updated to include an additional 30 minutes for breastfeeding/pumping for employees who work more than one hour outside of normal working hours.
- **Term B.** Companies with more than 100 employees must have a lactation room or other appropriate babysitting service.

⁹ <https://www.officialgazette.gov.ph/2010/03/16/republic-act-no-10028/>

¹⁰ <https://english.mol.gov.tw/homeinfo/7040/26067/>

In Germany¹¹, the amended Maternity Protection Law (2018) requires employers to provide an adequate break room that can accommodate a reclining chair for expecting and nursing mothers who require it for their well-being. Working mothers that are nursing their babies are permitted to take “nursing breaks”, providing eight hours of work was not interrupted by a break of two hours or more. Nursing breaks are 30 minutes, two times per day or one time per day for one hour. If a working mom is at the job for more than eight hours, then she is entitled to two 45-minute breaks or if there isn't a close nursing area available, then a single 90-minute break is to be provided.

In Belgium¹², Labor Collective Agreement No. 80 gives women working under contract in the private and the public sector the right to breastfeed or to express their milk during work hours. Breastfeeding breaks are paid by the national health insurance at the same rate as maternity leave (82 per cent of salary). They are considered work time, meaning that employees do not lose their rights to seniority,

advancement, etc. The worker is entitled to breastfeed and/or to express her milk in specific premises set up by the employer. The premises have to be private, well ventilated, well lit, clean, appropriately heated and equipped for the mother to lie down to rest. They are generally located in or very close to the undertaking, but in certain circumstances, they can be in the employer's home. In shopping centers, the premises can be shared by the employees of several employers.

In the US¹³, the Fair Labor Standards Act was enacted on March 23, 2010 and in Section 7 (r) states that employers of more than 50 workers shall provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breastmilk.”

In Korea¹⁴, Article 21 of the 2014 Labor Law states: “Employers must set up childcare places to assist workers to express, store milk, and look after children”.



Mandatory provisions for lactation rooms in Vietnamese law will provide guidance to the private sector and position Vietnamese businesses to better participate in global supply chains.

¹¹ https://www.howtogermy.com/pages/maternity_protection.html

¹³ <https://www.dol.gov/agencies/whd/nursing-mothers/law>

¹² <http://mprp.itcilo.org/allegati/en/m10.pdf>

¹⁴ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=25437&lang=ENG



3

Implementation of workplace lactation program in Viet Nam

According to the Vietnam General Confederation of Labor (*details in Appendix 1*), as of May 2020, after nearly five years of implementing Decree 85/2015/ND-CP, the country has had 812 lactation rooms set up in 500 agencies and businesses in 40 provinces and cities. This is an increase of 70 rooms in 14 provinces in 2014. These lactation rooms benefit nearly one million female workers, and on average there is one lactation room for every 1,200 female workers.

Out of 515 agencies and enterprises, 378 units are categorized as “employers who employ many female workers.” Specifically:

- 55 enterprises employ between 10 to less than 100 female employees with female employees accounting for 50% or more of the total number of workers.
- 151 enterprises employ between 100 to less than 1,000 female employees with female employees accounting for 30% or more of the total number of workers.
- 172 enterprises employ 1,000 or more female workers.

Forty provinces across the country have workplace lactation rooms. Hanoi has the most, with a total of 116 rooms in 70 agencies and businesses. Samsung has the highest number of lactation rooms, with 61 rooms in total, equivalent to an average of one lactation room per 631 female workers. Typical businesses that do well in workplace breastfeeding support are described in Annex 2.

Enterprises that have already installed lactation rooms can provide information on the operation efficiency of lactation rooms in Vietnam: 76% of respondents responded that the lactation room was operating effectively, only 24% of enterprises commented that the lactation room operates less effectively or ineffectively because there are no female workers who are pregnant or breastfeeding, female workers have not been informed about breastfeeding, and the lactation room is too far away from the workplace, inconvenient.



Regarding the cost of establishing a lactation room,

- The average cost is VND 15 million.
- The minimum cost is zero when maximizing the company medical room.
- The highest cost is VND 465 million by Stanley Vietnam Electric Company (under the Labor Union of Gia Lam, Hanoi).
- 16 enterprises have invested over VND 100 million for a lactation room.

The average cost to establish a lactation room of VND 15 million is affordable for any company, which is only equivalent to 3.4 to 5 months of basic salary of a laborer (depending on region).



4

Cost-benefit analysis

According to the 2019 Enterprise Census (See Table 2), Viet Nam has 622,388 active enterprises, about 5% of which (29,842 enterprises) “employ a lot of female workers”

as defined in the Article 3 of Decree 85/2015/ND-CP. As noted above, only 378 enterprises “employing a lot of female workers” have established lactation rooms.

TABLE 2

Costs and benefits of establishing lactation rooms

Type of business	# of companies	Cost (million VND)	# of female employees	# of children <2years	BenePt (million VND)
Do not employ a lot of female workers	592,546 (95.2%)	8,888,190	1,846,533 (28%)	53,984	736,853
Employ a lot of female workers	29,842 (4.8%)	447,630	4,917,590 (72%)	138,816	1,962,347
a) Employ from 10 to less than 100 female employees and the number of female employees accounting for 50% or more of the total number of employees .	22,962 (3.8%)	344,430	607,715 (9%)	15,971	242,507
b) Employing from over 100 to less than 1,000 female employees and the number of female employees accounting for 30% or more of the total number of employees .	6,043 (0.9%)	90,645	1,735,038 (25%)	49,454	692,361
c) Employ 1,000 female employees or more.	837 (0.1%)	12,555	2,574,837 (38%)	73,391	1,027,480
Total	622,388	9,335,820	6,764,123	192,800	2,699,200

Source: Calculated from the General Statistics Office of Vietnam statistics (2019).

The average cost of establishing a lactation room is VND 15 million. If a baby is breastfed from six months to 24 months of age, the family can save VND 14 million per child from formula milk costs.

Key takeaways of the cost-benefit analysis

1. If all employers which “employ a lot of female workers” are required to establish a lactation room, the total cost is VND 442 billion; compared with VND 2,000 billion savings from not having to use formula milk.
2. If all employers which “employ 1,000 female employees or more” are required to establish a lactation room, the total cost is VND 90 billion; compared with VND 692 billion savings from not having to use formula milk.
3. If all employers which “employ from over 100 to less than 1,000 female employees and the number of female employees accounting for 30% or more of the total number of employees” are required to establish a lactation room, the total cost is VND 12 billion compared with VND 1,000 billion savings from not having to use formula milk.



Research by Alive & Thrive calculates that Viet Nam would benefit VND 100,000 billion every year if all efforts to protect, support and promote breastfeeding are implemented, in which: reduced child morbidity and mortality would save VND 17,000 billion in health costs; reduced maternal mortality would save VND 300 billion in health costs; and preventing future loss of labor productivity and income would save VND 83,000 billion^{15,16,17}.

It is clear that the law should regulate all employers which “employ a lot of female workers” or employers which “employ from over 100 to less than 1,000 female employees and the number of female employees accounting for 30% or more of the total number of employees” to establish at least one lactation room.

¹⁵ Dylan D Walters, Linh T H Phan, Roger Mathisen, *Loss from non-breastfeeding: Global results thanks to new set of tools, Health Policy and Planning, Volume 34, Issue 6, July 2019, Pages 407-417, <https://doi.org/10.1093/heapol/czz050>*

¹⁶ Alive & Thrive, *Cost of not breastfeeding: <https://www.aliveandthrive.org/cost-of-not-breastfeeding/>*

¹⁷ General Statistics Office of Vietnam, *Statistics on employers utilizing women labors 2019.*



5

Survey of opinion from employers and employees

In order to have a practical basis for the revision of Decree 85/2015/ND-CP on policies for female workers, in June 2020, the Vietnam General Confederation of Labor conducted a field survey on family life of workers in industrial parks and export processing zones in 10 provinces (Hanoi, Ho Chi Minh City, Hai Phong, Bac Giang,

Hai Duong, Vinh Phuc, Da Nang, Dong Nai, Long An, and Tien Giang). A total of 20 businesses and 1,000 workers participated in the survey. The workplace lactation program received favor from both employees and employers.

Feedback from the employees show that:

97%

of the workers in the survey supported the rule that “Every business should have at least one lactation room.”

77%

agreed that “It is difficult for female workers to maintain breastfeeding if they have only 60 minutes nursing break without a private place to do this.”

99%

agreed that “They feel more satisfied and attached when working at a company with good workplace lactation policies”.

Feedback from the employers shows that workplace lactation programs help to increase satisfaction, increase satisfaction of female workers with their businesses, reduce sick child leave, and increase the time female workers maintain breastfeeding (Table 3).

TABLE 3

Benefits of the workplace breastfeeding support program for businesses

Benefits	n	%
Increasing satisfaction of female workers with enterprises	18	90
Increase cohesion of female workers with enterprises	17	85
Reduce the time women take leave to look after sick children	12	60
Increase the time female workers maintain breastfeeding	17	85

Source: Survey of Vietnam General Confederation of Labor in 10 provinces (2020)

Specifically, 95% of businesses are very supportive of lactation rooms and agree that “The enterprise can install a lactation room because the cost of setup is not large” and “Considering the cost and benefit, I think businesses should set up lactation rooms for female workers.”

Ms. Do Thi Kim Dung, Head of Human Resources Department, ALK Vina Company shared:

“The business started as a lactation room at first because Samsung required to follow their checklist. When it comes to work, it is better for female workers and breastfeeding mothers. They do not have to discard breastmilk in the bathroom anymore, and feel attached to the company because of good policy. I support the law that requires the lactation room because otherwise, the business will not do it. Without doing this, businesses and workers will not know such a good effect”.

Mr. Nguyen Van Truong, Head of Human Resources - Administration, Hadanbi Vina Company shared:

“The cost of a lactation room is about 10 million for thousands of people, totally the business can afford it. If included in the required law, it will have a great impact. But it must be accompanied by awareness-raising so they will express breastmilk more often, their children will benefit. There are currently only 1-2 users, mostly office workers.”



When asked what factors motivate workers to use the lactation rooms provided, the majority of respondents said that cleanliness (63%) and the presence of a refrigerator (63%) were key elements. Proximity to the workplace (48%),

access to breast pumps (43%), air conditioning (38%) and privacy (37%) were also key considerations (Table 4). Lactation spaces that include these elements as well as access to tables and chairs meet most global technical standards¹⁸.

TABLE 4
Factors that motivate workers to use the lactation room

Key elements of lactation room	n	%
Cleanness	271	63.3
Refrigerator	270	63.1
Proximity to the workplace	206	48.1
Breast pump	192	43.0
Air-conditioners	162	37.9
Privacy	160	37.4
Comfortable chairs	155	36.2
Safety	154	36.0
Proximity to the lavatory	109	25.5
Electric sockets	102	23.8
Napkins	92	21.5
Brochures on breastfeeding	85	19.9
Fans	72	16.8
Tables	70	16.4
Brochures on milk expression	63	14.1
Childcare near the workplace	54	12.6
Others	6	3.6

Source: Vietnam General Confederation of Labor survey (2020)



6

Summary and Recommendations

Workplace lactation programs provide a variety of benefits for employers, employees and society. While they allow women to remain active in the labor force, which ensures society benefits from their abilities and talents, more importantly they ensure that they and their children benefit from breastfeeding. When children are not breastfed, they are at higher risk of illness and death. Later in life, mothers who do not breastfeed are more prone to develop life-altering and life-threatening cancers and Type II diabetes. Section 1 of the report highlights the benefits of workplace lactation program for employers, employees and the society.

Fifty (50) countries have regulations on lactation rooms and daycare centers at workplace and 29 countries have compulsory regulations. Viet Nam's main exporting countries (Taiwan, Korea, EU, US) have compulsory regulations. The Decree including compulsory regulations will position Vietnamese companies to better participate in the global supply chain.

The voluntary regulation stipulated in Decree 85 has only increased the total number of companies having workplace lactation programs from 70 to 500 after four years. If the decree is revised from a voluntary to compulsory regulation, the scope of coverage shall widen to at least 800 additional lactation rooms (if required among companies "employing more than 1.000 female workers"), or 6.000 more lactation rooms (if required among companies "employing more than 100 female

workers, who accounting for more than 30% of total workers"), or 29.000 more lactation rooms (if required among companies "employing a lot of female workers").

The vast majority of employers (95%) and employees (99%) support compulsory regulations for workplace lactation programs, according to a survey conducted by the Viet Nam General Confederation Labor in 10 provinces of Viet Nam in May 2020.

The social benefits far outweigh the costs of setting up workplace lactation rooms. The average cost of establishing a lactation room is VND 15 million. If a baby is breastfed from six months to 24 months of age, the family can save VND 14 million per child from formula milk costs. Society will reap benefits, too: Research by Alive & Thrive calculates that Viet Nam would benefit VND 100,000 billion every year if all efforts to protect, support and promote breastfeeding are implemented, in which: reduced child morbidity and mortality would save VND 17,000 billion in health costs; reduced maternal mortality would save VND 300 billion in health costs; and preventing future loss of labor productivity and income would save VND 83,000 billion.

Based on the above analysis, we propose the amendment to Decree 85/2005/ND-CP related to the nursing break and lactation room requirements as follows:

1

ARTICLE 3, CLAUSE 3.

The lactation room is a private space, close to the workplace of the majority of female workers, not toilets or bathrooms, with power, chairs and refrigerators to protect born, shielded from the infringement and vision of colleagues and the public.

2

ARTICLE 7, CLAUSE 3.

Female employees who are nursing a child under 12 months of age are entitled to 60 minutes a day off during the working time to express, store breastmilk and rest. Break time is still entitled to full wages under employment contracts or flexible leave as agreed with the employer.

3

ARTICLE 7, CLAUSE 4.

Encourage employers to install lactation rooms in accordance with the actual conditions at the workplace, the needs of female workers and the capabilities of the employers. In cases where the employer employs a lot of female employees, the lactation room must be installed at the workplace.

4

ARTICLE 10.

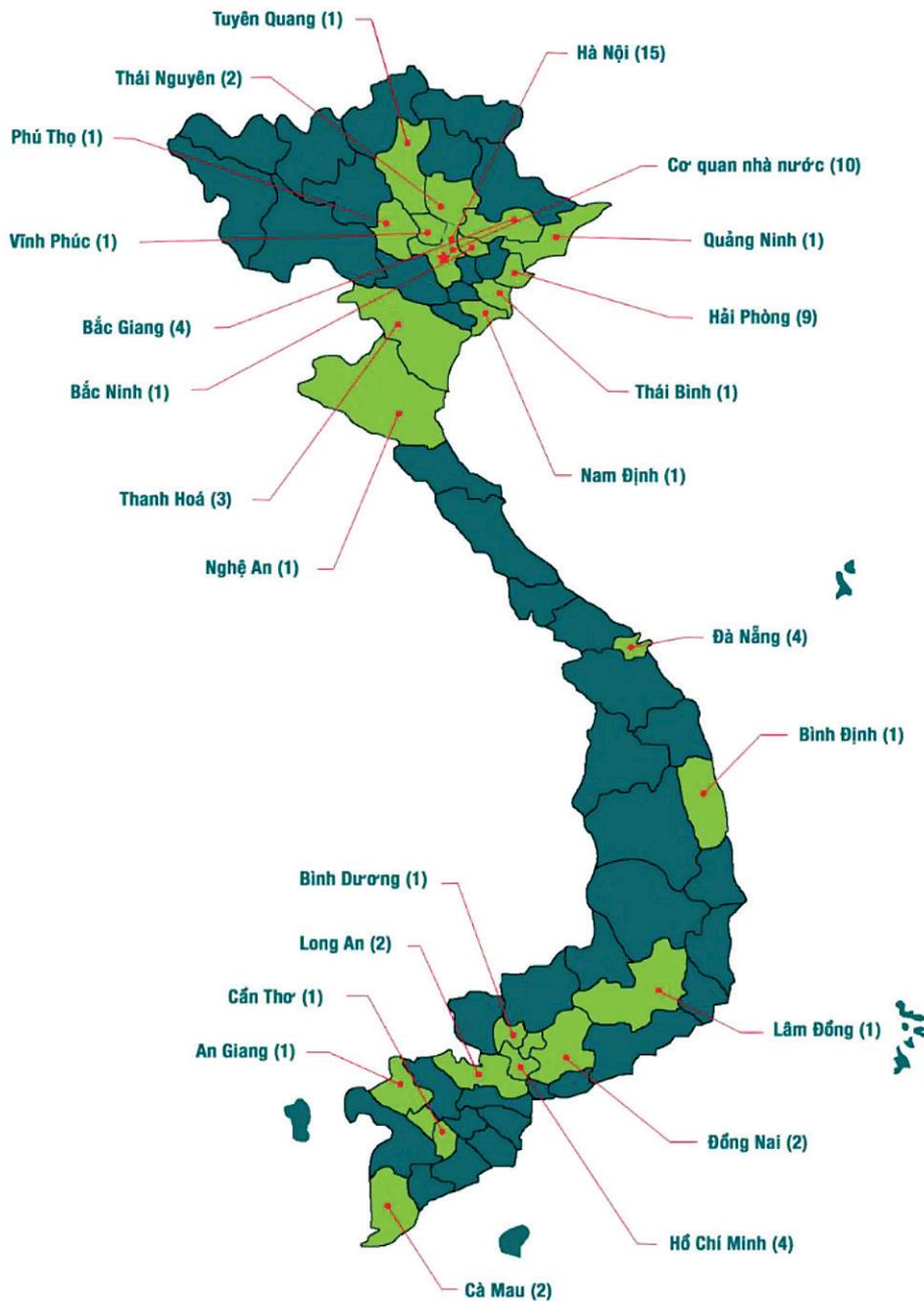
The expenses for setting up a lactation room, milk storage and additional expenses due to employees' 60-minute nursing break shall be included in deductible expenses when determining the taxable income for enterprise income tax calculation.

Map of workplace lactation rooms in Viet Nam

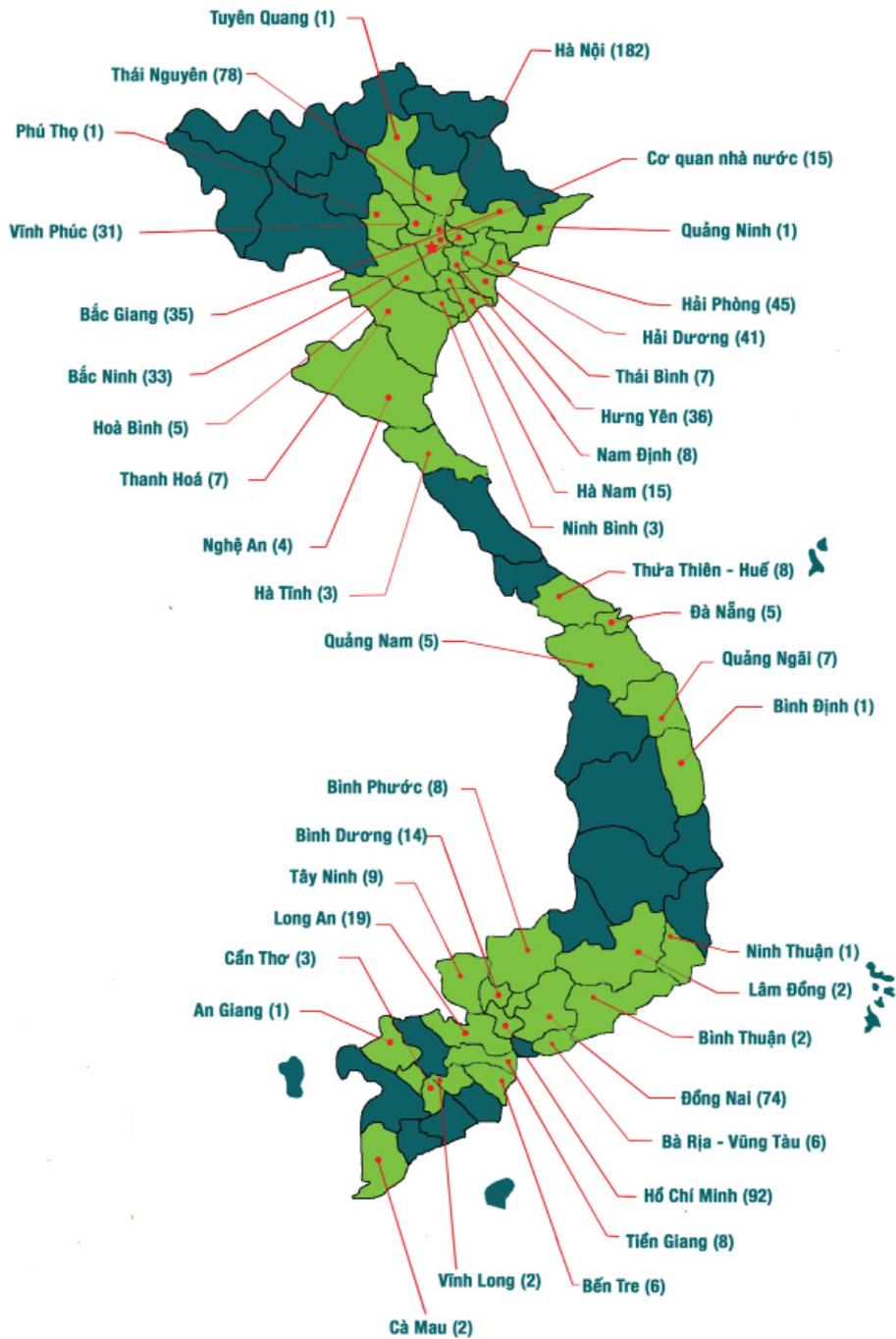
(in 2014 and 2020)

In 2014

70 rooms in 23 cities and provinces



In 2020
826 rooms in 40 cities and provinces



Disclaimer: The map does not reflect a position by agencies on the legal status of any country or area or the delimitation of any frontiers.

