

## Woman, Lactation and Work!

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### Abstract

Human breastfeeding is the ideal diet for infants and young children, it is a universal human right of all mothers and infants, as such should be promoted, protected and supported, to maintain their performance, even in those circumstances that may confront the binomial mother-son, who can put her at risk and determine her failure or abandonment. Mothers who breastfeed and return to work require maximum support in their environment to achieve successful breastfeeding and preserve it over time. We all have the right to participate as factors of change and allies in the support and defense of breastfeeding, to consolidate and maintain their practice. In this article, an account is given of the Legal Regulations for the Protection of Breastfeeding and Maternity in force in Venezuela, and it is shown how, through the timely support, the information and training offered to pregnant women and breastfeeding mothers, achieves the compatibility of the practice of breastfeeding with paid work, allowing working mothers and their children to enjoy their multiple benefits.

**Keywords:** *Human Breastfeeding; Mothers; Support; Protection; Work*

For years it has represented a real challenge for the working mother who nurses returning to work without abandoning the practice of breastfeeding, regardless of the type of work she performs. The same happens in the case of the breastfeeding mother who resumes her studies.

There are derogatory myths that negatively influence mothers who are breastfeeding and who discourage them, once the post-natal rest is about to end. For example, it is said that "breastfeeding is not viable beyond maternity leave", that "breastfeeding and having a paid job is incompatible", that "breastfeeding is a burden for working women", among other things.

The reincorporation to work affects the mother-child binomial, since it produces emotions in mothers and mixed feelings such as: guilt and grief for having to get away from the child, commitment to his work, fear for the attention he will receive in his absence, insecurity to maintain his milk production, uncertainty about the attitude that coworkers may have and the employer before the breaks due to maternity and breastfeeding, as well as concern to comply with the expectations of being "any exemplary mother, a good wife, a worker efficient and stay socially active". This situation causes great anguish and stress in the mothers, which affects their confidence, generates doubts and generally induces them to supply formula as a supplement or substitute for breast milk.

Many working mothers are subjected to additional pressure, because of their conditions socio-economic assumes alone motherhood and upbringing, fulfilling a double working day conformed by their paid work and the daily responsibility of home care and satisfaction of family needs. Consequently, working together with the different situations raised is one of the main causes of failure and/or abandonment of human breastfeeding.

This difficult challenge has caused many mothers to have to choose or decide between exercising their motherhood fully breastfeeding their children and maintaining a paid job or continue with studies. The added value of the complex work performed by women in the reproductive, care and upbringing of their children, which is fundamental and has great impact both for the family and for society, is not usually recognized in the labor context.

This unjust situation violates the universal right of mothers and infants to exercise and enjoy the practice of breastfeeding with freedom. This, like any other right, should be respected.

The reality is that returning to work does not mean abandoning breastfeeding once the maternity leave is over. To maintain and prolong it the working mother needs to have: 1) Timely and accurate information provided by trained health personnel that allows her to empower herself, to harmonize her paid work with the upbringing and breastfeeding, thus making an informed and concrete decision about the adequate food for your child and planning your work and home activities, with the goal of achieving the well-being of the family. 2) Full confidence in herself to continue breastfeeding and timely defend their rights. 3) Support in your environment, true and consistent by your partner, family, friends, community, health staff, your co-workers and employer, or the director of the educational unit, in the case of the student mother. Working mothers to achieve their purpose of preserving breastfeeding, should know: a) What are the alternative strategies to implement? to maintain milk production and continue breastfeeding, when they have to temporarily separated from their children by reason for reincorporation to work or studies. a) What are your rights? based on knowledge of the legal framework of protection in force in your respective country.

The strategies available to the mother to maintain and prolong breastfeeding are: 1) Training in the extraction, preservation and supply of their own milk. The milk will be extracted, preferably manually, during the working day and placed in a refrigerator or freezer, so that it can later be delivered to the baby by the person who takes care of it when the mother is absent. 2) Breastfeed at free demand and without restrictions to the infant, when he returns home after work, during the time they remain together.

All working mothers who breastfeed should know the legal framework of breastfeeding protection that exists in their country, in order to be able to defend their right to breastfeed properly.

In Venezuela there is a policy of promotion, protection and support for breastfeeding, which, in the field of women, breastfeeding and work, has generated since 2000 the documents that make up the Legal Norm of Protection to Lactation, the Maternity and Paternity: six Laws decreed by the National Assembly of the Republic and 3 Ministerial Resolutions, which are summarized in a summarized way as follows:

### Organic law of labor and workers

LOTTT (Official Gazette Extraordinary No. 6.076 (07/05/2012)).

Title VI - Labor Protection of the Family in the Social Work Process

- Protects every working woman in her family life, her working conditions, health, pregnancy, maternity and breastfeeding, as well as paternity. Support mothers and fathers in the fulfillment of raising, training, educating, maintaining and assisting their children (Art. 331).
- Prohibits the applicant woman from demanding a job, the performance of a medical examination or laboratory test, intended to diagnose pregnancy or another condition that may discriminate against her. It is also not allowed to request the presentation of medical certificates for such purposes (Article 332).
- Protection of the pregnant worker: She is exempt from work that endangers her life and / or that of her child (Art. 333 and 334).

- Exalts that children under 6 years of age have the right to be cared for in Initial Education Centers with Breastfeeding Room, during their parents' working day; if the mother or father works for an employer that employs more than twenty (20) workers (Article 343).
- If the employer cannot install and maintain an Education Center in the workplace, he / she must pay the tuition and monthly payment of a Center outside the same. The payment of this service will not affect the salary of the worker (Article 344).
- Maternity breaks: Pre-natal rest of six (6) weeks and Post-natal of twenty (20) weeks with labor Immobility of two (2) years after childbirth (Art. 335 and 336).
- Breastfeeding Breaks: During the breastfeeding period the working mother is entitled to two daily rest periods of half an hour each (total 1 hour per day) if there is an Initial Education Center with a Breastfeeding Room in the workplace or 1 and half an hour each (total 3 hours daily), in case this Center does not exist (Art.345).
- Pre-natal and post-natal breaks can be accumulated and cannot be waived (Article 338).  
The adoptive mother of a child under 3 years of age: Is entitled to a Maternal Rest for Adoption of twenty-six (26) weeks with a labor Immobility of two (2) years. If, through the process of inducing breastfeeding, you achieve the exclusive breastfeeding of your baby, you will also be entitled to the two daily rest periods for breastfeeding (Article 340).
- Mothers can have their prescribed holidays, immediately after the Post-natal rest (Art. 341).
- Paternity Leave: Workers will be entitled to a Permit or Paid leave of fourteen (14) days after childbirth with labor Immobility of two (2) years after it. Being the same, in case of adoption of a child under 3 years. The parents are responsible and play a decisive role in the care and upbringing of the children, as well as in the close and continuous support to the working mother during the lactation stage, therefore their participation is fundamental and must be encouraged (Art. 339).
- Prohibits discrimination against working mothers due to pregnancy or breastfeeding. During the period of pregnancy and lactation, the salary should not be different from that of other workers who perform a similar job, in the establishment where the mother works (Art. 346).

### **Joint resolution ministry of health and ministry of labor and social security No. 271/4754**

(Official Gazette No. 38.528 of 09/22/2006)

- Extension of the Permission or Breastfeeding Rest until 9 months after the birth (Art. 1).
- In special cases, it will be extended up to 12 months after delivery, considering as such: maternal or child health disorders (referred to in this resolution: prematurity, eating disorders, intestinal malabsorption syndrome, nutritional deficit in any of its stages, intrauterine growth retardation, low birth weight, Down syndrome, inborn errors of metabolism, cystic fibrosis, Pierre Robin syndrome, lip and/or cleft palate, congenital heart disease, spina bifida, myelo-meningocele, seizure disorders, hydrocephalus , cerebral palsy among others), multiple births or if there is no Initial Education Center in the workplace (Art.2).
- In order to enjoy breastfeeding breaks, the mother must present monthly to her employer a certificate of health control of the baby, issued by a health center, which records the timely assistance to consultation, breastfeeding and the health condition of mother and baby is necessary (Art.3).

### **Law for the protection of families, maternity and paternity**

(Official Gazette No. 38.773 of 09/20/2007)

- The father will have a paternity leave of 14 days after the birth. You will be able to familiarize yourself with the care and assistance of the newborn, in addition to providing support to the mother with breastfeeding. The leave will be 21 days in the case of multiple births and will be extended by an additional 14 days in case of complications with the health of the newborn (Article 9).

### Resolutions of the ministry of health

- Ministerial Resolution No. 405 (Official Gazette No. 38.002 of 08/17/2004).  
Its purpose is: To regulate the labeling of adapted formulas for infants and food complementary for the consumption of infants, small children. It is based on the Code.  
International Marketing of Breast Milk Substitutes - CICSLM (1981).
- Ministerial Resolution No. 444 (Official Gazette No. 38.032 of 09/28/2004).  
Its purpose is: Regulate, protect, promote and stimulate in all health facilities, the policy and practice of breastfeeding as a strategy to achieve excellence in quality of life and health, which protects the rights of children and mothers. Is based on the Amigo del Niño Hospital Initiative (IHAN) - WHO / UNICEF (1991).

### Law of promotion and protection of breastfeeding

(Official Gazette No. 38.763 of 09/06/2007)

Its origin is based on Resolutions of the Ministry of Health and Social Development (MSDS) No. 405 and No. 444.

- Its purpose is: to promote, protect and support breastfeeding as the ideal means for the adequate feeding of infants in order to guarantee their life, health and integral development (Article 1).
- Reaffirms the right of pregnant women, mothers and fathers to receive timely, accurate and understandable information on the practice and benefits of breastfeeding (Article 3).
- Exalts breastfeeding as a universal right and ratifies its social co-responsibility, as a matter for the whole society (Art. 2 and 4).
- Supports Exclusive Breastfeeding until 6 months of age and Optimal Breastfeeding, continued after 6 months accompanied by complementary feeding until 2 years (Article 5). Guides its proper promotion through printed or audiovisual material (Art. 9 and 10). This Law advocates prolonged breastfeeding, as stated in the World Infant and Young Child Feeding Strategy WHO / UNICEF (2002), as it should be, to improve nutritional status, growth, development and thus guarantee the survival of infants and young children.
- The staff of public and private health centers that provide maternal and child care must: Support exclusive and optimal breastfeeding, encourage mothers at the early start of breastfeeding in the first hour of life (early attachment), encourage breastfeeding at free demand and without restrictions, guarantee joint accommodation, as well as helping mothers to maintain breastfeeding and manage the difficulties they may present. (Art-6-8).
- Encourages re-lactation in mothers of infants under 6 months of age, when breastfeeding has been abandoned in an unjustified manner (Article 11).
- Seeks to protect breastfeeding from commercial influences and regulates the proper commercialization and distribution of breast milk substitutes when their use are necessary (Art. 12-21).
- Establishes protection measures for breastfeeding in emergency situations and disasters. It will be preserved, guaranteeing spaces that facilitate breastfeeding. Only milk substitutes can be distributed for the consumption of infants, when breastfeeding is impossible. The supply will be carried out with the supervision of health personnel (Art.22).

### Organic law on the right of women to a life free of violence

(Official Gazette No. 38.647 of 03/19/2007)

- It is considered as a constitutive act of obstetric violence, executed by health personnel, among others: Numeral 3. Prevent the early attachment of the newborn with his mother, without justified medical reason, denying him the possibility of loading and breastfeeding him immediately at birth (Art. 51).

### Organic law of prevention, conditions and working environment

LOPCYMAT (Official Gazette N ° 38.236 - 07/26/2005)

Partial Regulations of the LOPCYMAT (Official Gazette N ° 38.596 - 03/01/2007)

- Working women during pregnancy and up to one (1) year after childbirth have the right not to perform tasks that endanger their life, health or personal integrity or the health of their child, without detriment to their working conditions (Art. 14).
- During pregnancy, the mother is entitled to one (1) day or two (2) half days of leave or monthly paid leave for prenatal consultation. During the first year of the child's life, to ensure their care and treatment, the mother and / or father incorporated into the work, are entitled to one (1) day of paid leave or monthly Permit, for control in pediatric consultation, immunizations and follow-up of the practice of breastfeeding (Art. 15).

### Organic law of protection for the child, girl and adolescent

LOPNNA (Official Gazette No. 5.266 - 02/10/1998). Entered into force in 2000. Reformed in 2007.

Promotes and Protects:

- Right to be informed about preventive education in general health, immunizations, early stimulation of child development, sexual and reproductive health, environmental protection, nutrition, nutrition, breastfeeding and birth registration (Art. 43).
- Right to protect motherhood. Guaranteeing all women, services and free care programs (Article 44).
- Protection of the Mother-Child Link. All Health Centers and Services must guarantee the joint accommodation of the newborn and their mother, except when it is necessary to separate them for health reasons (Art 45).
- Protection, promotion and support for breastfeeding. It obliges public and private institutions to offer conditions and spaces that allow mothers to breastfeed their children, even in the case of mothers deprived of their liberty (Art.46).

Once exposed the Regulation of Protection to Human Breastfeeding in force in Venezuela and based on experience as a Clinical Nursing Consultant, to the team work of the Centers that I lead (The Big House since 2000 and My Drop of Milk since 2002) and participation as a member of the Technical Board of the National Maternal Breastfeeding Program of the Ministry of Health (from 2015 to 2017) and of the Maternal Breastfeeding Commission of the Venezuelan Society of Childcare and Pediatrics (Periods 2011-2015 and 2017-2019), I must say that even when we have an extensive legal framework, challenges are posed to improve it, so that more pregnant women, nursing mothers, parents and families can enjoy their benefits. These challenges are the following:

- Improve in general the dissemination of all these Laws.
- Achieve the approval of the Draft Regulation of the Law for the Promotion and Protection of Breastfeeding (written since 2008). This law lacks regulation, which is necessary and fundamental to achieve its full compliance.
- Promote a Project to Reform the Organic Labor Law for Worker (LOTTT) or a Ministerial Resolution. That contemplates: 1) Clarify some aspects of this Law fundamental for the viability in its compliance a) Clearly define the duration of the breastfeeding rest and if the number of hours/day of the same, will vary according to the working day of each worker (Art. 3. 4. y 5). b) Specify the percentage to be granted to the worker, for payment in an initial education center for her child, when said center is not available in the workplace (Art. 344). 2) Encourage exclusive breastfeeding and the start of complementary feeding after six months, by the mother instead of another person, to ensure optimal breastfeeding; for this purpose, the prolongation of post-natal rest from twenty (20) weeks to twenty-four (24) or twenty-eight (28) weeks, that is, until six (6) to seven (7) months of age of the infant (Art. 336). 3) Take into account special situations in the practice of breastfeeding, which require special and / or additional care, such as premature and multiple births, granting them a more extended post-natal rest (Article 336).

The human breastfeeding is the best and safest feeding option for all infants, since it guarantees health, maximum food safety, optimal growth and development, child survival, in addition to providing multiple benefits to the mother, family, society and to the country. It must be exclusive during the first six months and prolonged up to two years or more, accompanied by adequate complementary feeding. Feeding with mother's milk is ideal and will always be the norm in all infants. Promoting their practice in the workplace offers economic and employment advantages, as well as positive repercussions on health.

Breastfeeding contributes to a more productive workforce, since breastfeeding mothers tend to be absent less from work because they and their children are healthier. If the employer actively supports working mothers to continue breastfeeding, they will also receive other benefits from their employees, such as fidelity, satisfaction, greater performance of hours worked, reduction in turnover, decrease in loss of personnel qualified and a better corporate image of the company. Breastfeeding therefore benefits not only mothers, infants and families but also employers and, consequently, the company, whether public or private.

The company, to facilitate the work of the working mother who breastfeeds, should offer flexibility in the performance of the work, comply with the labor regulations for breastfeeding and maternity protection in force in the country and implement, as far as possible, a favorable environment, such as have a support room for breastfeeding, which promotes a comfortable, quiet, easily accessible, with appropriate hygienic, sanitary and privacy conditions, which also has a refrigerator for the temporary storage of milk. This room would favor breastfeeding (if the infant is allowed to stay with the mother in the workplace or if it is brought by the person who takes care of it) and / or the extraction and conservation of the milk during the working day. If the company has resources, it could supply the worker with some supplies that are necessary for the extraction of milk, such as: sterile bottles to be used as collection containers of the same and/or thermal containers or cooler for the transport of extracted breast milk.

At present, working mothers carry out paid work outside and/or inside the home.

Breastfeeding and working away from the infant is possible with adequate support in the environment and should not be considered as an obstacle in the practice of breastfeeding. These working mothers must plan in advance the available alternative strategies that will help to maintain and prolong the lactation in a successful way upon reincorporation to work.

If the mother works at home, performing paid work as an employee or contracted, it may be easier for her to practice breastfeeding. It is essential that it be organized in advance and have the support of other members of the family group, since at home they will probably have to take care of other children, cook, perform household chores, as well as paid work. It can be downright crippling, breastfeeding and trying to fulfill simultaneously the responsibilities of parenting, family and paid work [1-21].

### Conclusions

The right to breastfeeding in the working mother must be respected, supported and defended.

When employers are sensitized and informed about the importance and impact of safeguarding this right, they understand the advantages of supporting the practice of breastfeeding in their employees, taking into account their particular situation as working mothers and their family responsibilities in general. This knowledge determines a positive change in their attitude, striving since then to offer support, establishing friendly policies in the company in this regard. More and more employers are taking this initiative.

It is necessary to raise awareness among public policymakers in governments, the health system, the departments and/or directorates of human resources of public and private companies, trade unions and employers, among others, in relation to the need to support and defend breastfeeding as a right, in terms of time and subsidies.

It is fundamental to join efforts by all sectors to develop friendly actions for mothers, infants and families, so that women can work and breastfeed everywhere, as well as strengthen national legislation on the matter, ensuring its dissemination and application.

By establishing a strong positive support network in the breastfeeding mother's environment, it will be possible to achieve a balance between family and work life, which allows successful and prolonged breastfeeding, in accordance with the motto of the World Breastfeeding Week of 2015: Breastfeed and Work Let's make it possible!

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