1.0 INTRODUCTION

In Malaysia, there is no clear provision in the law give the right to working mother or worker to breastfeed their baby at work. It is just a national policy and industrial practice which promotes and supports such rights. Therefore, breastfeeding by women employee in the workplace not so covered. It remains just a personal issue and depends on the options and their respective efforts. In reality, the women employee who breastfeeding difficult continue breastfeeding in the workplace because faced with a limited time busy work, commitment, lack of space and facilities as well as discrimination exists directly and indirectly. Even though, breastfeeding of infants is important from the point of health to early growth of infants.

However, it can refer to the Reproductive Health Policy Guidelines and Workplace Programs namely the guidelines under the Department of Occupational Safety and Health, Ministry of Human Resources which defines breast-feeding workers as a female employee who has given birth to a baby not more than twenty-four (24) weeks that breastfeed their baby and informing her condition to their employer. This policy guideline can be seen as the needed that give protection to the female employee who is breastfeed their
baby from a dangerous workplace. This guidelines consists two important aspects, the first is breast feeding breast milk exclusively for 24 weeks or 6 months. Next, the employer must be informed of the activities of breast feeding in the workplace. This is so as to facilitate employers granting time and facilities to employees who is breastfeeding infants in two circumstances, namely whether pumping milk and breastfeeding if babies placed in care centres close to work within six months. These guidelines are in line with the requirements of the regulations under The Occupational Safety and Health Act 1994 (Act 514) section 15 (1) which state it shall be the duty of every employer and every person employed to ensure, to the extent practicable, security, health and welfare of their employees.

An important feature of employment law should be to allow it to balance protect productivity and reproductive rights of work women, including breastfeeding at work. Rules for protecting, promoting and supporting breastfeeding in the workplace is below various legal umbrellas, such as health laws, gender laws, children law, and employment law. So, the needs of lactating complete rooms and conductive environment in the workplace between things that need to be taken by employers to ensure that workers' productivity is not affected when women go back to work after childbirth. Based on surveys that had be done by Annum Lacta, one out of four women have lactation rooms at work and 83 percent indicating the work productivity increased by more than 50 percent if any of the facilities at breastfeeding in the workplace. Marketing Manager (Annum), Fonterra Brands (M) Sdn Bhd, Irene Cheah, said most employers realize needs provides breastfeeding to women but there are some employers provide breastfeeding rooms with facilities which do not meet standard set (Berita Harian, 2017). She also said the lack of support factors from their friend and teams in the workplace, indirectly became the cause of women employees had to stop work because want to give full attention to breast feeding exclusively.
2.0 DISCUSSION

2.1 Act Relate With Breastfeeding in the Workplace

Breastfeeding workers expressly mentioned in the act and regulations which protect employees against exposure from a dangerous working environment. Rules that protect female workers in dangerous, risky is The Rules of Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) 2000:

“Employers, after told by the occupational health and safety officer who is also a medical practitioner or an occupational health doctor about the fact that, may not allow employees who are pregnant or breast-feeding workers involved in, and shall transfer the employee from work may disclose or may expose the worker to chemicals hazardous to health.”

Besides that, another act and regulation also protect the women employee which is Factories and Machinery Act 1967 (Act 139) through Rule 41 (c) that states:

“Employers need to move employees from any work where the employee had been exposed to 'lead' level or higher at any one time, measured in a given period of continuous sampling and testing of pregnant workers, in which test results found the contents of 'lead' in the blood of the workers are on or have exceeded 40 μg/100 g whole blood.”

Rule 43 factories and machinery (Black Tin) 1984 mentions specifically a breastfeeding worker should be protected:

“Employers, after notified shall transfer the employee who is pregnant or breast-feeding employees of the work may disclose or may expose the worker to 'lead' hazardous to health.”

Referring to the above Act, Regulations and Guidelines, it can be conclude that breastfeeding more protected women working in risky and dangerous
places. Although the employer is responsible for maintaining the health and welfare division of workers under the Safety and Health Act of 1994, breastfeeding protection is not emphasized in the normal work environment as it is regarded as personal affairs and self-choice. Indirectly, employers have created discrimination against female workers who are breastfeeding when not supporting breastfeeding in the workplace when it considers personal descriptions.

2.2 Rules of Breastfeeding in another Country

The International Labour Organisation (ILO) through the Convention's instrument and the recommendations for protecting breastfeeding at the workplace. As early as its establishment in 1919, the ILO has shown the importance of protecting women's reproductive functions to continue productive function. The harmony of these two functions has a significant effect on the balance of a woman's life. The protection of women's right to work means empowering reproductive functions of breastfeeding at the workplace and is an essential element under the three Maternity Protection Conventions (No.3, No. 103 and No.183) formed from 1919 to 2000 to protect breastfeeding at workplace. Under Konvesnyen No.3, it places a safe break of 30 minutes a day while, Convention No. 103 and No. 183 depending on the country's legislation to underlie the duration of time for breastfeeding provided that at least one rest was given once a day. Convention No. 183 also suggested converting breastfeeding to reduce working hours.

International countries such as the Philippines through the law of the Expanded Breastfeeding Promotion Act (2009) fix there is a need for special spending to establish a lactation station or room. All related expenses of this project will be deducted from tax. Likewise Affordable Care Act 2010 is introduced in the United States to support breastfeeding at the workplace by allowing employers or workers to make claims for the purchase or expenses of milk pumps or other lactation equipment and is deducted from health taxes. But, what is more interesting is Argentina in 2013 implemented a breastfeeding law that encouraged the existence of breastfeeding facilities at work and the all costs and expenses involved are from the Ministry of Health
fund. In France, women are given two hours of breastfeeding and employers also need to provide lactation rooms to their employees. Similarly with Russia, working women are given thirty minutes for every three hours. In Egypt, breastfeeding women are given twice a day or at least one hour for 18 months after birth. This time is extra from regular breaks. In Italy, a breastfeeding break provided is a two hour break for full-time and hourly employees for part-time workers. Tunisia has twice served during the Nine months from the birth of the baby and the employer is required to provide the nurse's room. The percentage of breastfeeding has been exclusively increased when the law guarantees breastfeeding at work place. Breastfeeding policy should be given at least 6 months to meet the exclusive breastfeeding period as recommended by World Health Organisation (WHO) (Heymann et al, 2013).

2.3 The Importance of Breastfeeding in Workplace

For explaining the aspects of the health and welfare of female workers covered, working women who continue breastfeeding has actually been promoting the public health policy of the country because breast milk is the best food for immunization and growth optimum baby.

The findings on nutrition and the benefits of breast milk obtained by various studies clearly prove breastfeeding has very good for growth and health as well as beneficial to the mother who is breastfeeding. Yet to obtain advantages and this benefit, a mother must undergo a period of breastfeeding with challenges and obstacles. Breastfeeding requires commitment from the deceased's mother in terms of time and care of nutritious food. To ensure the smooth process of breast feeding, a woman should suck his son needs children consistently. For the duration of a day, frequency may reach 5 to 10 times, and probably more than that. Let alone for a mother career always confronted with a variety of assignments during the day today. Women who work in the private sector is said to have a higher tendency not to continue breastfeeding, after entering a career. Due to busy work, passionate in women forget with their responsibility to complete their baby needs milk (Syamilah et al., 2015). Ashmika Motee et al. (2013) says between the cause of the cessation of the process of breast feeding by women who never breastfeed babies is caused by
factors to entering career following the completion of maternity leave. So, the babies do not get enough nutrition for the growth. The right for women employee to breastfeeding in the workplace is very important to the babies’ health and the employer need to provide the lactation rooms.

According to Labbok (2016), women who are breastfeeding can reduce the incidence and risk of breast cancer, uterus and the uterus, the quality of good health after childbirth, improving bone function by reducing the risk of osteoporosis. A study on the weight of women breastfeeding the baby more than a year faster experience weight reduction that is two times compared with mothers who breastfed infants less than three months.

This support is actually a positive impact to employers in long-term benefit if giving protection to female workers who wish to continue breastfeeding while working. Cardenas R. A in his study noted that 40 absences due to sick children among female workers is, 25% only among employees who are breastfeeding an infant, while 75% of absenteeism among infants given formula milk. So, it's actually something positive to work productivity. Employees can focus on work because it is not concerned with pumping because there was a time of rest and breastfeeding facilities in the workplace. They were able to offset both the productive and reproductive roles well because the support shown by the employer.

2.4 Advantages and Disadvantages

While breastfeeding at work may seem like the obvious choice, there are pros and cons when apply it, and the women employees will need to make the right decision for them.

2.4.1 The advantages of breastfeeding at workplace include:

2.4.1.1 This is a good choice to help maintain routine and maintain a connection that can give benefit to the babies’ health.
2.4.1.2 The women employee is more confidence in their life if they can breastfeed in the workplace.
2.4.1.3 The women employee feel themselves appreciated and their suggestion are heard by their employers and are more motivated to do the work.

2.4.2 The disadvantages of breastfeeding at workplace include:

2.4.2.1 Breastfeeding laws when working can be extremely tiresome, and it's hard to combine into routines that the employees are comfortable with for themselves.

2.4.2.2 The cost to build the lactation rooms also expensive because not all workplaces going to be mother-friendly.

2.5 Study Case

Referring to Perdrix-Wang v. Director, Employment Services Department, Jolie Pedrix-Wang made an appeal as she was denied compensation after she quit working as a chemist at Cyro Industries (Cyro). Arkansas. The Arkansas Unemployment Law states that only employees who voluntarily terminate their employment must do so with "relevant work-related reasons" eligible for unemployment compensation. The court found that Ms. Pedrix-Wang stops working without any reason related to work at Cyro. She stopped working because of the working condition of exposing it to certain chemicals that could endanger breastfeeding. When asked to provide the necessary facilities to prevent the use of such chemicals, Cyro refuses to provide it but offers her to stop breastfeeding and return to work as a chemist without any problems when dealing with chemicals. The second option is, can work in a lower position than a chemist's post that does not expose him to harmful chemicals.

The appellate court ruled that Ms Pedrix's decision to quit was a voluntary decision based on personal reasons which is breastfeeding that was not related to work. The courts in this case have created the dichotomy the relationship between the working and family as separate entities.
2.6 The Benefits of Breastfeeding in the Workplace

2.6.1 Reduce health care costs

Breastfeeding is good for babies and moms health. So, the women employee are not visit the doctor as much and it can cause lower medical insurance claims to the employer. The positive effect of breastfeeding on mothers potentially reduces future illness and medical claims.

2.6.2 Reducing the employee absenteeism to work

Since the baby is healthier when get enough breastfeeding, the employer can see reduction in the absence of necessary employees stay home to take care of sick children.

2.6.3 Positive public relation and company image

Providing an environment that supports breastfeeding workers in the workplace can enhance the reputation of the company as a task for the welfare of their employees and their families. This ultimately enhances the positive relationship and enhances the company's image in society.

2.6.4 Increase in employee retention

Companies that support breastfeeding programs at work can help maintain a stable workforce. Workers who want to breastfeed their babies are more likely to return to workplace or company that provides a supportive breastfeeding environment.
3.0 CONCLUSION

In conclusion, the protection of breastfeeding in the workplace from the aspect of employment law is negligible in Malaysia. Although the breastfeeding are significant to the start of public health, breastfeeding is rarely discussed openly at work. It remains a private business of a female worker who needs to be self-managed. Mostly, the mothers who are able to continue breastfeeding in the workplace because of their intense and high motivation despite discrimination or discomfort in terms of time, space and facilities and lack of employer support. However, there are more women working out there who want to continue breastfeeding exclusively but cannot afford because of lack of support in the workplace or those who want to know but are stuck between work and baby needs. Thus, legal intervention mechanisms can provide the right and protection space for breastfeeding workers and companies and the government must work together to find solutions for breastfeeding in the workplace. For example, Fonterra Brands (M) Sdn Bhd takes the initiative to provide a complete lactation room and meet the standards set for the convenience of female workers. In addition, the company is also working with Talent Corporation Malaysia (Talentcorp) to ensure more companies are providing these requirements. This comprehensive effort will have a great impact on the country's public health.
REFERENCES


“I have never seen a human being who more perfectly represented the modern conception of a robot”

Winston Churchill