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HS 8

Pregnant Women at Work Policy

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1. INTRODUCTION

- 1.1 This policy has been produced as a result of the legal requirements set out in the Management of Health and Safety at Work Regulations, which place a duty on the Council with regards to the health and safety of new and expectant mothers.
- 1.2 The above Regulations define new and expectant mothers as:
- those who are pregnant;
 - those who have given birth within the previous 6 months;
 - those who are breastfeeding.
- 1.3 Giving birth is defined as 'delivered a living child or, after 24 weeks of pregnancy, a stillborn child'.

2. POLICY STATEMENT

- 2.1 The Council is committed to ensuring that new and expectant mothers are not prevented from continuing their employment and that, whilst at work, their health and safety, and that of their unborn child, is not put at risk.
- 2.2 The responsibility for implementing the requirements of this policy and the preparation of an appropriate implementation strategy rests with each Director or Head of Service.

POLICY GUIDANCE

3. RISK ASSESSMENT

3.1 When an employee notifies her line manager that she is pregnant, a specific risk assessment must be carried out to ascertain any risks posed to her health and safety in the workplace.

3.2 These risks must include not just those to the mother, but also those risks to the unborn child or a child of an employee who is breastfeeding.

3.3 As a guide, the possible issues to be considered during the risk assessment process could include:

Physical risks:

- movement and posture;
- manual handling;
- shocks and vibration;
- noise;
- radiation (ionising and non-ionising).

Biological agents:

- infectious diseases.

Chemical agents, including:

- toxic chemicals;
- mercury;
- pesticides;
- carbon monoxide;
- lead.

Working conditions:

- facilities (including rest rooms);
- mental and physical fatigue and working hours;
- stress (including post natal depression);
- passive smoking;
- temperature;
- working with display screen equipment (DSE);
- working alone;
- working at heights;
- travelling;
- violence;
- working with personal protective equipment.

3.4 Where a risk has been identified following the assessment, the new or expectant mother and/or their representative must be informed of the risk and the control measures that need to be taken.

3.5 The risk assessment must be kept under review to take into consideration changing circumstances.

4. REMOVAL OF RISK

4.1 If, after attempts to reduce any existing risk factors, there is still a significant risk at work to the health and safety of a new or expectant mother, which goes beyond the level of risk to be expected outside the workplace, then the following options to remove her from risk must be taken:

- (i) temporarily adjust her working hours and/or conditions of work. If it is not reasonable to do so, or would not avoid the risk, then:
- (ii) offer her suitable alternative work (at the same rate of pay), if available. If this is not feasible, then:
- (iii) suspend her from work on paid leave for as long as necessary to protect her health and safety, and that of the unborn child.

- 4.2 These actions are only necessary where, as a result of a risk assessment, there is a genuine concern. If there is any doubt, before offering alternative employment or paid leave, managers should seek further advice in determining the risks and whether they arise from work.

5. NIGHTWORK

- 5.1 Special consideration must be given to new or expectant mothers who work at night. If a medical certificate is produced from a registered practitioner, or registered midwife, stating that night work could affect her health or safety or that of her child it will be necessary to:

- offer her suitable daytime work; or if it is not reasonable;
- suspend her from work on paid leave, as long as necessary to protect her health and safety or that of her unborn child.

- 5.2 These steps should be taken only if the risk arises from work. If a pregnant employee states that they cannot work nights, and if there is a question as to whether the cause arises from her work, then you may have to seek further advice from Human Resources.

6. SUSPENSION FROM WORK

- 6.1 Where an employee is to be suspended from work for health and safety reasons, alternative work will only be suitable if:

- the work is of a kind which is both suitable in relation to her and appropriate for her to do in the circumstances; and
- the terms and conditions applicable to her for performing the work are not less favourable than the terms and conditions applicable for performing her usual work.

7. TRAINING

- 7.1 Employees who are at risk must be informed, instructed and trained, so that any risks to her health and safety and/or that of her unborn child are minimised.

8. NOTIFICATION

8.1 It is not required to alter an employee's working conditions, or hours of work, or suspend her from work, until she notifies her manager in writing that she is pregnant, has given birth within the previous six months or is breastfeeding. Additionally, the amended working conditions do not have to be maintained if the employee fails to produce a medical certificate confirming her pregnancy in writing within a reasonable time if requested to do so. The exemption also applies once it is known that the employee is no longer a new or expectant mother or it cannot be established whether she remains so. However, there is a general duty under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations to take steps to protect the health and safety of a new and expectant mother, even if she has not given written notification of her condition.

9. RECORDS

9.1 The following records must be kept:

- significant findings of all risk assessments required by the Management of Health and Safety at Work Regulations relating to new or expectant mothers;
- control measures determined and/or implemented in response to the risk assessment;
- medical certificates suspending new or expectant mothers from night work;
- any notifications of pregnancy from an employee;
- any relevant health records and/or information;
- details relating to any exposures to hazardous substances;
- any restrictions or prohibitions placed on the employment of employees in certain work.

10. OTHER CONSIDERATIONS

10.1 Managers should ensure that:

- suitable rest facilities are provided for pregnant women and those who are breastfeeding;
- rest facilities should be situated near toilets and include, where necessary, the facility to lie down.

11. ADVICE

11.1 Advice on the implementation of this policy can be obtained from the Health and Safety Team, Human Resources, Tŷ Elai, Williamstown, CF40 1NY, telephone 01443 425531.

MANAGERS CHECKLIST

	✓ As Appropriate		
	N/A	Yes	No
• Has a risk assessment been carried out of specific risks posed to the health and safety of new and expectant mothers?			
• Has action been taken as a result of the assessment to reduce the risks?			
• Where after attempts to reduce the risks there is still a significant risk, have steps been taken to remove the risk?			
• Has special consideration been given to new and expectant mothers who work at night?			
• Have suitable rest facilities (including, where necessary, the facility to lie down) been provided for pregnant women and those who are breastfeeding, and are these facilities situated near toilets?			
• Are there procedures in place to ensure that employees are aware that they must notify the Council, in writing, that they are pregnant, given birth within the previous six months or breastfeeding?			
• Are appropriate records being kept?			
• Are there monitoring procedures in place to ensure that the requirements of the policy are being met?			

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