

Relevant Legislation

Employment Rights Act 1996

The Workplace (Health, Safety and Welfare) Regulations 1992

The Management of Health and Safety at Work Regulations 1999

General

Pregnancy should not be equated with ill health. It should be regarded as part of everyday life and its health and safety implications adequately addressed by normal health and safety management procedures.

Many women work while they are pregnant, and many return to work while they are still breastfeeding. Some hazards in the workplace may affect the health and safety of new and expectant mothers and their children.

What will be done to protect the health and safety of a new and expectant mother and her child?

Employers are required to carry out a general risk assessment to assess the health and safety risks that employees may be exposed to whilst at work (*see section E6 – Risk Assessment*). As part of this process, the employer is required by law to consider female employees of childbearing age, including new and expectant mothers, and assess the risks that may arise from any process, working condition or physical, biological or chemical agents.

The County Council requires that a personalised risk assessment be completed for each new or expectant mother it employs. To help line managers with this requirement, the Corporate Health and Safety Team has produced a generic risk assessment which addresses the hazards and risks which need to be considered and this document is available via the [webpage](#). **The line manager should involve the new or expectant mother in this process.** In most cases risks to a new or expectant mother and/or her child should be reduced to acceptable levels, that is to say, at or below those expected outside the workplace, by implementing the standard hierarchy of control as described in section E6.

If this is not possible then the County Council will endeavour to protect the new or expectant mother and/or her baby by implementing the following steps:

- (a) Temporarily adjust her working conditions and/or hours of work. If it is not reasonable to do so, or would not avoid the risk:
- Offer her suitable alternative work if any is available; or if that is not feasible.
 - Give her paid leave for as long as necessary to protect her safety or health or that of her baby.
- (b) In cases where the mother works night shift, and she has a medical certificate stating that night work could adversely affect her or her baby, the County Council will:
- Offer her suitable alternative daytime work if any is available; or if that is not reasonable
 - Give her paid leave for as long as necessary to protect her safety or health or that of her baby.

The personalised risk assessment should be reviewed periodically or if it is suspected the assessment is no longer valid or if there have been any significant changes. The review should also take account of possible risks that may occur at different stages of pregnancy, for example, dexterity, agility, co-ordination, speed of movement and reach may be impaired because of the employee's increased size as the pregnancy progresses.

Please see the attached flowchart (Appendix 1) which should be referred to, as necessary.

What must the employee do?

In order that the County Council can take steps to protect the expectant mother adequately she must inform her line manager of her pregnancy, in writing, as soon as possible.

Facilities

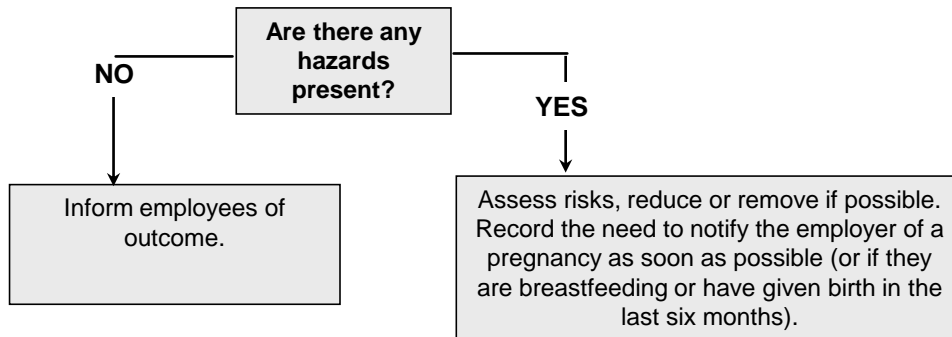
Facilities for pregnant or nursing mothers to rest must be provided. Wherever practicable, these should be conveniently situated in relation to sanitary conveniences and include the facility to lie down.

If it does not prove practical to have a separate room within the building for this purpose, the minimum requirement would be to provide a reclining chair with leg support in a space which can be made private.

A suitable facility to express milk and store it under refrigerated conditions should also be provided in the event that any mother returning to work requires this. It would be appropriate to provide a separate, small fridge for this purpose, if so required.

General Risk Assessment

(to be carried out by Manager in consultation with employees)



On notification of pregnancy, birth or breastfeeding

Carry out a *personalised* risk assessment based on general assessment

(to be carried out by Manager and new or expectant mother)

