

# **Procedures for the Protection of New & Expectant Mothers at Work**

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## 1.0 Manager's responsibilities

What are your responsibilities as a manager? Ensure that:

- the general work / workplace risk assessments have considered female employees of childbearing age, including new and expectant mothers, and that information has been given to all staff
- when an individual informs you they are pregnant, breastfeeding or have given birth within the last 6 months, you complete a new and expectant mothers at work risk assessment form to identify any additional risks
- if risks are identified, you take action to protect the health and safety of the individual and / or that of their child
- the risk assessment is regularly reviewed as the pregnancy progresses to identify additional risks or problems
- if the individual returns to work following the birth, you continue the assessment in relation to her as a new mother.

## 2.0 Introduction

- 2.1 Whilst pregnancy is a natural state, not an illness, and a healthy, pregnant woman can usually do most of the jobs that she did before becoming pregnant, it is important that our trust and line managers give thought to any parts of an expectant mother's role that may pose a risk to her or her unborn child.
- 2.2 Many women work while they are pregnant and may return to work while they are still breastfeeding. In most cases, good standards of general health and safety management should be sufficient to protect new and expectant mothers. However, there may be particular work situations where there are recognised risks to new and expectant mothers and / or their child. The purpose of this document is to assist managers in making sure that any reasonable adjustments or new risks are identified and reasonable adjustments are made to ensure an expectant mother can continue working.
- 2.3 Specific laws relating to new and expectant mothers at work are mainly contained in:
- The Management of Health and Safety at Work Regulations 1999 (MHSW), which require employers to protect the health and safety of new and expectant mothers
  - The Workplace (Health, Safety and Welfare) Regulations 1992, which require employers to provide suitable rest facilities
  - The Equality Act 2010, which provides protection to pregnant women and those on maternity leave against discrimination. Depending on the circumstances, this can include failing to carry out a risk assessment under MHSW regarding a pregnant worker
- 2.4 This document is based on HSE guidance and aims to provide managers with the necessary information to comply with the law. Contact the head of estates for further advice if needed. Our trust's health, safety and wellbeing manager (Bradford Council) can also be contacted for health / medial related advice.

## 3.0 Definitions

3.1 The phrase 'new or expectant mother' means:

- any employee who is pregnant
- any employee who has given birth within the previous 6 months
- any employee who is breastfeeding

'Given birth' is further defined as 'delivered a living child or, after 24 weeks of pregnancy, a stillborn child'.

## 4.0 What must managers do?

### 4.1 General risk assessments

Pregnancy can often go undetected for the first 4-6 weeks and the unborn child is particularly vulnerable in the early months of pregnancy. Therefore, it is important that managers consider the risks to new and expectant mothers and / or their child when completing all risk assessments, taking any necessary action to ensure they would not be exposed to any significant risk.

If risk assessments identify a specific risk to new and expectant mothers and / or their child, inform female staff of childbearing age about it and explain what controls are in place to ensure that they are not exposed to risks that could cause them or their child harm if they become pregnant or were breastfeeding.

### 4.2 Individual Risk Assessment

When notified that a member of staff is a new or expectant mother, the manager must carry out an individual risk assessment with them. The new and expectant mothers checklist has been produced to help facilitate this process. It is an assessment of their work, helping to identify if it presents any risks to the individual's health and safety, or that of their child, and takes into account if the employee is experiencing any particular problems undertaking work tasks.



The executive director: estates & capital and operations & business managers can advise managers and employees where necessary.

The assessment should be reviewed frequently as different problems may arise during the different stages of the pregnancy, e.g. morning sickness may affect some women early on, while later their increased size may make manual handling tasks difficult.

The Workplace Regulations require employers to provide suitable rest facilities for workers who are pregnant or breastfeeding. The facilities should be suitably located, e.g. near to toilets, and where necessary, e.g. requested by the doctor or midwife, should provide appropriate facilities for the new or expectant mother to lie down.

## 5.0 Protecting the individual – risk control options

5.1. When there is a significant health and safety risk to new and expectant mothers and / or their child, **the first priority must always be to remove the hazard or prevent exposure to the risk.**

When identifying preventive or protective measures, consider the following options, in this order, for risk control –

Option 1 - Remove the risk.

Option 2 - Where Option 1 is not possible, alter the individual's working conditions or hours of work if this would avoid the risk and it is reasonable to do so.

Option 3 - If Option 2 is not possible, give the individual suitable alternative work on the same terms and conditions.

Option 4 - Line manager to take advice from their HR advisor where they are considering varying an individual's working arrangements to ensure our trust is aware of any employee relations risks and can be confident that changes are the only way to mitigate.

Option 5 - If Option 4 is not possible, the individual must be sent home from work on full pay for as long as is necessary to avoid the risk and protect the health and safety of her and / or her child.

Record action taken on the **new and expectant mothers risk assessment form.**

## 6.0 Risks to consider

6.1 The law states the risks to assess for new or expectant mothers at work as:

- physical risks:
  - working at height / depth
  - physical intervention as part of caring / supporting a student in crisis
  - long working hours
  - standing / sitting for prolonged periods of time
  - lifting and handling heavy loads
  - noise / vibration
  - infectious diseases
- biological risks:
  - particular attention should be made to the first trimester specifically in relation to infections, notifiable diseases, epidemics and pandemics. Our trust has a number of WTDs relating to the Covid-19 pandemic which provides good practice guidelines for protecting staff as far as is reasonably practicable, and these should be referred to if necessary.
- chemical risks:
  - harmful substances
- working conditions:
  - extremes of temperature
  - lone working
  - psychological risks
  - stress

For the process to be successful, it is very important that the working relationship between the employee and line manager is good and that regular updates take place. To ensure that any adjustments made are working and / or if there have been any changes in the employee's health or working activities change which could affect them. During the regular catch up, line managers need to check that any adjustments made are still beneficial. If there is any doubt relating to adjustments, the employee should be guided by their GP / specialist or midwife for additional advice which may lead to additional support adjustments being required.



## 7.0 Breastfeeding

- 7.1 On receiving written notification that a member of staff is breastfeeding, the manager must ensure she is not exposed to risks that could damage her health and safety or that of her child, for as long breastfeeding continues. Complete a new and expectant mothers checklist in relation to breastfeeding and review regularly. Where risks are identified and controls put in place, continue to follow the actions for as long as necessary. The regulations do not put a time limit on breastfeeding. It is for the individual to decide how long they wish to breastfeed.
- 7.2 It is good practice to provide a healthy and safe environment for breastfeeding mothers where they can breastfeed or express milk, i.e. access to a private room; use of a secure, clean refrigerator for storing expressed breast milk while at work; facilities for washing, sterilising and storing receptacles; time off (without loss of pay or benefits, and without fear of penalty) to express milk or breastfeed.
- 7.3 It is unlikely that employees who continue breastfeeding will be exposed to risks which give rise to the need for them to be offered alternative work or given paid leave. Managers can contact the head of estates or the health, safety and wellbeing manager (Bradford Council) for advice if necessary.

## 8.0 Night work

- 8.1 If a new or expectant mother performs night work and has a medical certificate to say that she should not do so, the manager must either:
- contact their HR advisor as well as the executive director: estates & capital to ensure we are involved in the management of any employee relations risks
  - offer the employee suitable alternative daytime work or, if that is not reasonable, suspend her from work, on paid leave, for as long as is necessary to protect her health and safety and that of her child.

## 9.0 What happens next?

- 9.1 Completing the new and expectant mothers risk checklist is not a one-off task. It must be reviewed frequently during the course of the pregnancy and after the birth whilst breastfeeding, due to the changes experienced by the individual at each stage.
- 9.2 Any action needed should be recorded on the risk assessment checklist and implemented as soon as is practicable. Changes or amendments to the provisions made during the different stages of the assessment should be clearly dated.
- 9.3 Keep in touch (KIT) days are to identify any specific risks where employees have been out of the workforce for a period of time / might want to bring the baby to work to meet colleagues etc.
- 9.4 Managers must be mindful of the confidential / private nature of the information on the risk assessment checklist. At the end of the pregnancy / breastfeeding, when the assessment is no longer required, the risk assessment checklist must be stored on the individual's personnel file. Contact with the HR advisor and health and safety representative is encouraged where it is felt this is needed to ensure support is provided.

