

SECTION 3(11)

**NEW AND EXPECTANT MOTHERS
AT WORK**

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INTRODUCTION

This section draws attention to the majority of the known risks to new and expectant mothers and gives advice on what managers need to do to comply with the law.

The phrase 'new or expectant mother' means a worker who is pregnant, who has given birth within the previous six months or who is breast-feeding. 'Given birth' is defined as 'delivered a living child, or after 24 weeks of pregnancy, a stillborn child'.

Pregnancy is part of everyday life and its health and safety implications should be addressed by normal health and safety management procedures. Many women work while they are pregnant, some without realising it, and many return to work while they are still breast-feeding. Some hazards in the workplace may specifically affect the health and safety of new and expectant mothers and of their children.

LEGISLATION

The Management of Health and Safety at Work Regulations 1999 require employers to take particular account of risks to new and expectant mothers and action taken to ensure that they are not exposed to any significant risk.

HAZARDS

The sorts of hazards that should be considered are physical, biological and chemical agents, processes and working conditions, for example: shock, vibration, manual handling, ionising radiation, radio frequency radiation, cold, heat, standing for long periods, physical or mental pressure, working at heights, exposure to infections, pesticides, drugs, and carbon monoxide.

Many of the hazards are already covered by specific health and safety regulations, for example the Control of Substances Hazardous to Health Regulations 1999 (COSHH).

ASSESSING AND TAKING ACTION ON RISKS

Risks include those to the unborn child of a woman who is still breast-feeding – not just to the mother herself.

Although not specifically mentioned in the Regulations, there are some features of a pregnancy that the Manager should take into account in considering the arrangements for pregnant and breast-feeding workers. These include morning sickness, backache, varicose veins, haemorrhoids, frequent visits to the toilet, increasing size (protective clothing, work in confined spaces, manual handling), tiredness, balance, comfort, dexterity, agility, co-ordination, speed of movement, reach, etc.

Exposure limits for hazardous substances are set at levels which should not put a pregnant or breast-feeding worker, or her child, at risk. In some cases, there are lower exposure levels for pregnant workers, or for women of child-bearing capacity, than for other workers.

If the assessment does reveal a risk, female employees should be told about it if they are, or could in the future be, pregnant or breast-feeding. It should also be further explained what will be done to make sure that they are not exposed to risks that could cause them harm should they become a new or expectant mother.

As a general rule an employer should consider removing the hazard or prevent exposure to the risk. Where this is not feasible, the risk should be controlled. If there is still a significant risk at

work to the safety or health of a new or expectant mother, which goes beyond the level to be expected outside the workplace, then the Manager must take the following steps to remove her from the risk:

- Step 1 temporarily adjust her working conditions and/or hours of work, or if it is not reasonable to do so, or would not avoid the risk;
- Step 2 offer her suitable alternative work if any is available, or if that is not feasible, they must:
- Step 3 suspend her from work (give her paid leave) for as long as necessary to protect her safety or health or that of her child.

The Manager must do this when he/she has been told in writing that a worker is pregnant, has given birth within the previous six months or is breast-feeding. The Manager can also request a certificate in writing from a registered medical practitioner, or a registered midwife, confirming the pregnancy.

Like other risk assessments, those for new or expectant mothers must be kept under review. Although any hazards are likely to remain constant, the possibility of damage to the foetus will vary at different stages of the pregnancy.

Those workers who are breast-feeding should not be exposed to risks that could damage health or safety for as long as they continue to breast-feed. While many women may stop after the first six weeks, the Department of Health recommends exclusive breast-feeding for the first four to six months, and after that time breast-feeding can be continued with advantage, together with the same introduction of solid food. Although there is no legal requirement to do so, managers may wish to consider providing a suitable place for workers to express and store milk. The Workplace (Health, Safety and Welfare) Regulations 1992 require suitable facilities to be provided for workers who are pregnant or breast-feeding to rest.