

New and Expectant Mothers

Being pregnant or a new mother does not prevent an employee from working and continuing to develop their career. The majority of working women continue to work while they are pregnant and are able to return to work while they are breastfeeding. However there are some workplaces and/or working conditions generally considered acceptable that may no longer be so during pregnancy and breastfeeding stages. Both The Management of Health and Safety at Work Regulations 1999 (MHSWR) and Workplace (Health, Safety and Welfare) Regulations 1992 include regulations that protect the health and safety of new and expectant working mothers. Under the Sex Discrimination Act 1975, if an employer fails to protect the health and safety of their pregnant workers, it is automatically considered sex discrimination.

1. The regulations cover female employees who are, or in the future could be, a new or expectant mother. A new mother is defined as someone who has given birth within the previous six months, this includes expectant mothers who have given birth after 24 weeks to a living baby or a still born, or those that continue to breastfeed.
2. Risk Assessments as required by MHSWR should include the identification of any specific risks to females of child bearing age who could become pregnant and any risks to new and expectant mothers. As with all risks it is the responsibility of the employer to inform all such relevant employees of the risk and implement risk minimisation controls.
3. It is the responsibility of the employee to inform their employer that they are pregnant. Until this point as an employer, there is no obligation to take any action other than as stated above.
4. A specific risk assessment must be completed to ensure that the expectant employee is not exposed to any significant risk by virtue of working conditions or processes. The risks will change and vary depending on the individual employee's health e.g. high blood pressure, previous history of miscarriage and stage of pregnancy. The expectant mother should be involved with all risk assessments completed for her and any guidance given by her GP/midwife included.
5. Special consideration should be given to hazards such as:
 - manual handling requirements
 - ergonomics e.g. standing or sitting for long lengths of time, workstations and posture
 - exposure to infectious diseases, lead, radioactive material
 - work-related stress
 - excessively noisy workplaces
 - long working hours and/or shift work
 - travel to work and/or as part of the job specification e.g. peripatetic workers
6. Review the risk assessment findings with employee, line management and HR. Adjustments and/or changes to her working schedule should be agreed and introduced, determined by the risks identified. It is normal to increase the frequency of rest breaks, as well as providing a suitable rest facility for such breaks, or perhaps additional time to travel home to take a break. An expectant mother should drink more and will need more comfort breaks, thus requiring ease of access to welfare facilities.
7. Risk assessment and review must continue for a nursing mother returning to work. Provision of a healthy and safe environment to express and store milk must be provided.
8. An employer has a duty of care to provide adjustments to the work place so as to avoid the risk. If this is not possible then alternative work should be provided with the same salary and benefits. If that is not feasible then it is necessary to suspend the employee on full pay for as long as is necessary, to protect the health and safety of both mother and baby.
9. The risk assessment must be monitored and collectively reviewed on a regular basis.

FURTHER INFORMATION AND GUIDANCE

- www.hse.gov.uk
- www.berr.gov.uk
- HSG122: New and expectant mothers at work: A guide for employers
- INDG373: New and expectant mothers at work: A guide for new and expectant mothers
- INDG334: Working safely with ionising radiation for expectant mothers
- Sex Discrimination Act 1975 The Stationery Office 1975 ISBN 978 0 1054 6575 1

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