

G11- New and Expectant Mothers at Work Policy

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1. INTRODUCTION

The County Council will assess the risks to all new and expectant mothers in its employment and do what is reasonably practicable to control risks identified. It will also provide suitable rest facilities to new and expectant mothers and breastfeeding mothers.

In some workplaces, there are risks that may affect the health and safety of new and expectant mothers and that of their child and there are specific laws that require employers to protect the health and safety of new and expectant mothers.

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The legal requirements relating to new and expectant mothers at work is 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.

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These regulations cover female employees of childbearing age and expectant or new mothers, including those who are breastfeeding.

Definitions:

"New or expectant mother" means an employee who:

- is pregnant, or
- has given birth within the previous six months, and/or
- still breastfeeding.

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

2. APPLICATION

All County Council Employees

3. RESPONSIBILITIES

Directors and Assistant Directors

Are responsible for:

- Assessing the risks created by work to new and expectant mothers.
- Making appropriate arrangements to eliminate or control risks identified.
- Recording the significant findings of risk assessments and reviewing that control measures are effective.
- Providing facilities for employee rest purposes.

Corporate Health and Safety Team

Review and revision of the policy

Employees

It is important for employees to inform their manager they are pregnant as soon as possible, so that a risk assessment can be carried out. Without this information the employer is unable to take any further action.

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4. DUTIES OF EMPLOYERS

General

Employers are required to carry out risk assessments for any significant risks identified to employees and this is covered in the employer's general risk assessment of work activities. Employers need to consider within their general risk assessment that new or expectant mothers are not exposed to significant risks. These include risks to the unborn child or the child of a woman who is still breastfeeding.

There is no legal requirement to record a specific or separate risk assessment for expectant mothers however employers may choose to do this and a model risk assessment is provided for reference at [Appendix 1- Model Expectant Mother Risk Assessment](#).

An outline of the risk assessment process is detailed in [HSE Pregnant Worker Risk Assessment Flow chart](#). There could be different risks depending on whether an employee is pregnant, has given birth recently, or is breastfeeding.

The main hazards which may affect the health and safety of new or expectant mothers employed by the County Council are listed in [Appendix 2](#). Many of the hazards listed are already covered by specific health and safety regulations and existing guidance is available in the [LCC Health and Safety Manual](#).

Once a significant risk has been identified, a decision must be made on what action to take:

- in all cases, consideration should be given to the removal of the hazard
- where it is not feasible to remove the hazard, the risk should be controlled

If there is still a significant risk which goes beyond the level of risk arising from routine activities, the following action should be taken:

- temporarily adjust working conditions and/or hours of work; or if it is not reasonable to do so or would not avoid the risk;
- offer suitable alternative work if any is available
- if neither of these options is feasible, suspend the employee from work (on pay) for as long as necessary to protect the employee's health or that of her unborn child

The above-mentioned actions are only necessary where the risk assessment has resulted in genuine concern. Employers must also take into account any medical advice from the employee's GP or midwife about their health, and adjust their working conditions accordingly.

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There is a need for the employer/line manager to regularly monitor and review the original risk assessment, taking into account possible risks that may occur at different stages of the pregnancy. This review can be achieved during supervision with the line manager or discussed sooner if there is any change in circumstances reported by the employee. A record should be kept that this review has taken place. LCC managers can obtain further advice from the Council's Occupational Health Provider or the Corporate Health and Safety Team

Breastfeeding Employees

There are different risks to consider for employees who are breastfeeding. Managers must ensure that these do not affect the health and/or safety of the employee or baby as long as breastfeeding continues.

The regulations do not put a time limit on breastfeeding; it is for the individual to decide for themselves, depending on their own circumstances.

Although there is no requirement to do so, consideration should be given to providing a safe and healthy environment for employees who are breastfeeding to express and store milk. (NB toilets are not considered suitable for this.)

Where an employee continues to breastfeed for many months, the risk assessment should be reviewed regularly to ensure the control measures remain effective. The Department of Health has produced information for new mothers wishing to continue to breastfeed when they return to work see: [NHS Breastfeeding and Work](#).

Night-workers

Special consideration should be given to night-workers if the employee has a certificate stating that night work could affect the health and safety of a new or expectant mother.

An employer must either:

- offer suitable alternative daytime work if available; or if that is not reasonable
- suspend the employee from work with pay for as long as is necessary to protect her health and safety

This action need only be taken if the risks arise from work. LCC managers can obtain further advice from the County Council's Occupational Health Provider.

Information for Employees

If assessment reveals any significant risks, employees of child-bearing capacity should be given information about these. Information on the main areas relating to County Council work is contained in the employee guidance [Appendix 3 - POEL 12](#). This should be made available, both to pregnant employees and to other employees, on request.

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In general, employees should be:

- told about significant risks if they are or could in the future be pregnant or breastfeeding;
- given information about the actions that will be taken to make sure that they are not exposed to the risks that could cause harm

For example, female employees whose work brings them into contact with children must be advised of the risk of exposure to certain infections and the actions that must be taken to avoid this risk (see [Appendix 2](#)). This advice must be issued when the employee takes up an appointment, either through the employee guidance (see: [Appendix 3 - POEL 12](#)) or by letter.

5. [ADVICE AND SUPPORT](#)

Please contact the [Corporate Health and Safety Team](#) for further advice.

Your HR Adviser will be able to assist you with maternity leave and employment issues.

6. **LEGISLATION**

The Management of Health and Safety at Work Regulations 1999

The Workplace (Health, Safety and Welfare) Regulations 1992

The Equality Act 2010 accepts

7. **COVID 19**

Women who are pregnant with significant heart disease, congenital or acquired are classed as "Extremely Clinically Vulnerable". As part of the expectant mother risk assessment additional control measures related to controlling/reducing/managing the hazards COVID poses to these individual employees needs to be incorporated, reviewed on a regular bases and amended/updated as required . Further COVID guidance and information can be found:-

[LCC COVID webpage](#)

[COVID Gov.uk – Shielding Guidance](#)

[NHS COVID – Advice during pregnancy](#)

8. **FURTHER INFORMATION AND GUIDANCE**

More detailed information on supporting New and Expectant Mothers is available see the links listed below:

Health & Safety Executive

[HSE New and Expectant Mothers](#)

[HSE FAQs New and Expectant Mothers](#)

[HSE Infection Risks to New and Expectant Mothers in the workplace](#)

[New and Expectant Mothers who Work indg373 \(rev2\)](#)

Health Protection Agency

[HPA Guidance on Infection Control in Schools and Child Care Settings](#)

Related LCC Policies & Guidance

[G13 Display Screen Equipment](#)

[G27 Substances Hazardous to Health](#)

[Appendix 4 HM Guidance - A Guide to Health and Safety at Work for New and Expectant Mothers](#)

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