



New and Expectant Mothers

Module 1



Health & Safety
Essentials

Registered charity number 207890

Introduction and legal framework

Introduction

Many new and expectant mothers continue to work safely, although there may be risks in the workplace that can have an enhanced effect on an expectant mother and her unborn child. All employers should already have considered any especially vulnerable persons in their general risk assessment, and more specifically, the risk to females of childbearing age.

For the purposes of risk assessment in this context, the term 'new and expectant mothers' includes women that are pregnant, have given birth within the previous 6 months or are breastfeeding. This definition ensures inclusive protection for female employees, the unborn child or the child of a woman who is still breastfeeding.

The employers duty to assess the risk to ALL who might be affected by the nature of the work undertaken should consider BOTH male and female reproductive health. This should be reflected in the general risk assessment in any workplace that contains female workers of childbearing age. This is vital when it is considered that some women will not know if they are pregnant in the first 4-6 weeks, the stage they are particularly vulnerable to the risks posed by working with hazardous chemical substances.

Legal framework

The Management of Health & Safety at Work Regulations require the employer to carry out a specific risk assessment once a woman has notified her pregnancy. Additional specialist regulations regarding chemical and physical agents provide additional protection for some types of work, e.g. those working with Ionising Radiation.

Whilst the employee doesn't have a specific responsibility in law to inform their employer if they are pregnant and intend to take maternity leave until later in the pregnancy, they are nevertheless encouraged to do so as to promptly initiate a special assessment of any hazards which will put her at additional risk. The employer may ask for a certificate confirming this from the GP or midwife.

Once informed of the pregnancy, the employer must then take immediate steps to manage the risks to the person including informing them or their employee representative of the findings of the risk assessment and proposed controls.

Depending upon the circumstances, the employer may need to make reasonable adjustments to the workplace or work-patterns to take into account the risk to health needs and limitations of the new and expectant mothers.

Other legislation, predominantly employment law, i.e. the Employment Rights Act 1996 and the Sex Discrimination Act 1975, reinforce the need for the employer to make reasonable adjustments and to ensure that the woman suffers no detriment with regard to terms and conditions of employment. The expectant mother is entitled to rest breaks and readily accessible welfare facilities, and this will include providing a healthy, safe environment for expressing milk and its storage. It is not considered hygienic for new mothers to express milk in toilet areas.

