

New and expectant mothers who work

A brief guide to your health and safety



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Introduction

This leaflet is aimed at new and expectant mothers. It answers some basic questions you may have about carrying on working while you are pregnant or returning to work after giving birth. It sets out what action your employer should take to protect your health and safety and your child's, and any action you need to take.

Being pregnant or a new mother does not prevent you from working and developing your career. Many women work while they are pregnant and return to work while they are breastfeeding.

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.

What specific regulations are there to protect new and expectant mothers' health and safety?

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.

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

What sort of risks might I be exposed to?

You may be at risk from processes, working conditions or physical, biological and chemical agents and these risks will vary depending on your health, and at different stages of your pregnancy. Some of the more common risks might be:

- lifting/carrying heavy loads;
- standing or sitting still for long lengths of time;
- exposure to infectious diseases (further information can be found at www.hse.gov.uk/pubns/books/infection-mothers.htm);
- exposure to lead;
- exposure to toxic chemicals;
- work-related stress;

- workstations and posture;
- exposure to radioactive material;
- threat of violence in the workplace;
- long working hours;
- excessively noisy workplaces.

Do I have to tell my employer that I am pregnant or that I am breastfeeding?

If you are pregnant, have given birth in the last six months or are breastfeeding, you are not required to inform your employer. However, it is important for you and your child's health and safety protection, and for maternity leave purposes, that you provide them with written notification as early as possible. When they have had written notification from you, your employer may revisit their original risk assessment to identify if they need to do more to make sure you and your baby are not exposed to risk. Your employer can also ask for a certificate from your GP or your midwife showing you are pregnant.

Do I have to be pregnant before my employer takes action to protect my health and safety?

No. Your employer is required to assess the health and safety risks that any employees are exposed to at work. Any specific risks to female employees of childbearing age and new or expectant mothers and their new baby, do not need to be assessed separately, but can be considered as part of, or as an extension to, the overall risk assessment.

When you have told your employer in writing that you are pregnant, they may want to revisit their original, general risk assessment. If the risk cannot be removed, your employer must:

Action 1: temporarily adjust your working conditions and/or hours of work – if that is not possible;

Action 2: you should be offered suitable alternative work (at the same rate of pay) if available – if that is not feasible;

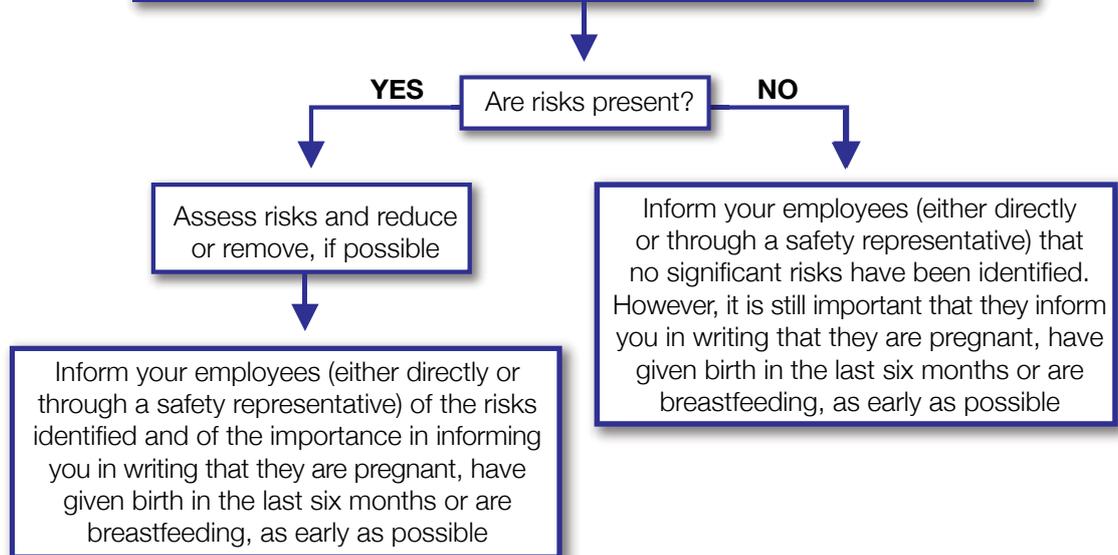
Action 3: you should be suspended from work on paid leave for as long as necessary, to protect your health and safety, and that of your baby.

What involvement should I have in the risk assessment process?

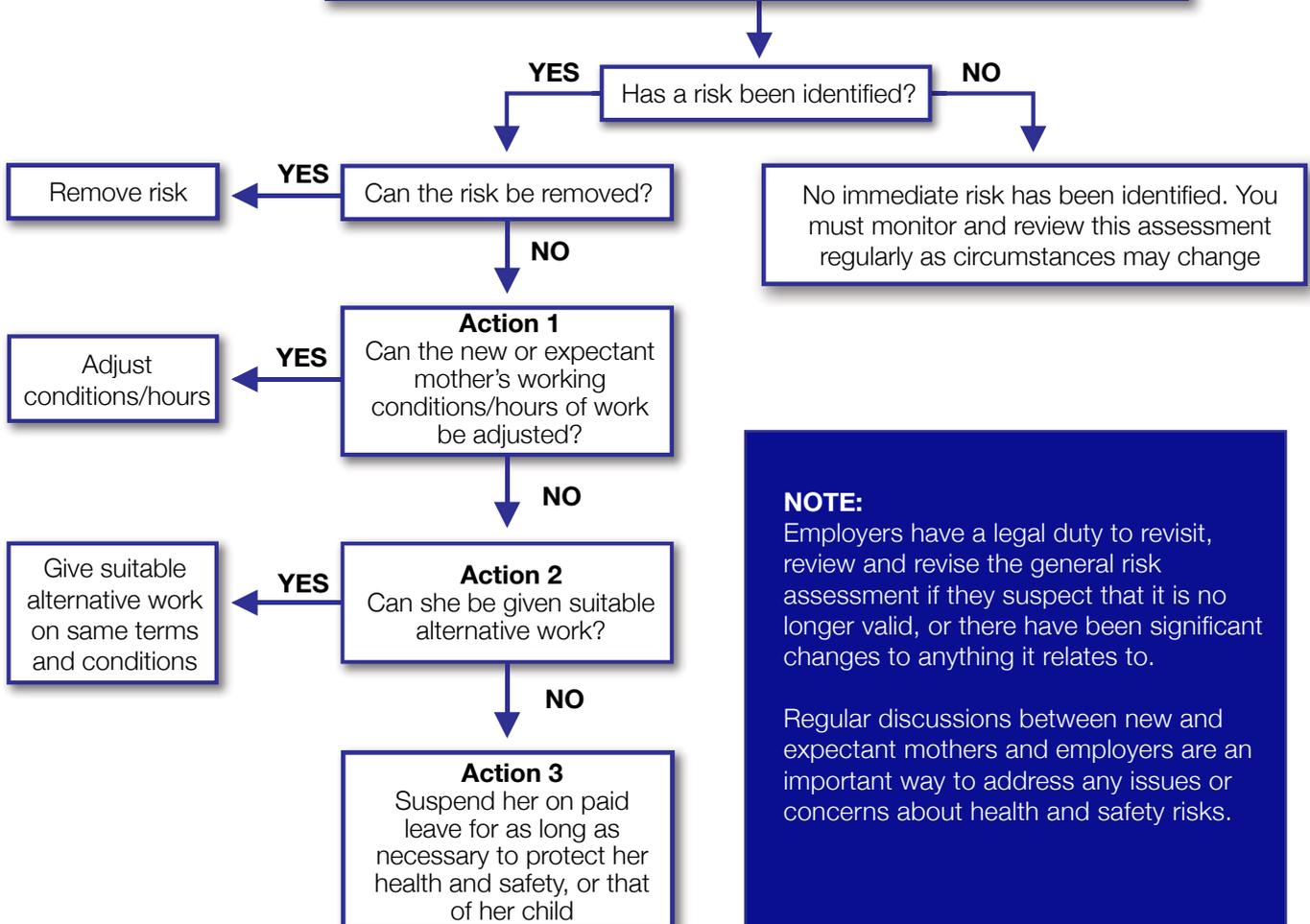
As part of your employer's general duties they must inform you (either directly or through your safety representative) about the preventative and protective measures implemented to reduce, remove or control risk. Your employer may revisit their original risk assessment to identify if there is anything else they need to do to make sure either you or your baby are not exposed to risk.

It is important that you tell your employer about any advice you have had from your doctor or midwife (eg pregnancy-related medical conditions such as high blood pressure, a history of miscarriages etc) as that could affect the assessment. Your employer will use this information to review their risk assessment and if necessary to adjust your working conditions accordingly. You can ask to see the outcome of the risk assessment and your employer must show it to you. The flowchart on page 3 outlines the action your employer must take to do this.

STAGE 1: GENERAL RISK ASSESSMENT
 Assess the risk to the health and safety of your employees, including females of child-bearing age and new and expectant mothers



STAGE 2: AFTER NOTIFICATION
 You have been notified in writing that an employee is pregnant, has given birth in the last six months or is breastfeeding. Revisit your general risk assessment as completed in Stage One above



NOTE:
 Employers have a legal duty to revisit, review and revise the general risk assessment if they suspect that it is no longer valid, or there have been significant changes to anything it relates to.

Regular discussions between new and expectant mothers and employers are an important way to address any issues or concerns about health and safety risks.

Does the risk assessment get repeated as my pregnancy progresses?

Employers are required by law to review general workplace risks. Your employer should regularly monitor and review any risk assessment as circumstances may change, particularly at different stages of your pregnancy. If you think you are exposed to a risk at work, you need to talk to your employer about it so they can review the risk assessment. You may also wish to talk to your safety representatives. Any written advice from your GP to your employer may help.

Can I rearrange my hours to decrease my stress level?

If the risk assessment identifies stress as a possible risk, your employer should remove the risk, where possible. If that is not possible, your working conditions or hours of work should be adjusted.

Am I entitled to more frequent rest breaks?

As a new or expectant mother, you are likely to need to go to the toilet more often, as it is important to drink plenty of fluids both while you are pregnant and when you are breastfeeding. It is sensible to agree timing and flexibility of rest breaks with your employer as part of the risk assessment process.

I have told my GP I think my health problems are due to risks I have been exposed to at work. I am pregnant, so should I be signed off work?

Signing you off sick from work may not resolve the cause of your ill health and in some circumstances, this may affect your maternity benefits. Once informed that you are pregnant, your employer may revisit their original, general risk assessment and if that identifies a risk, take the appropriate action.

Can I still work nights?

Yes. But, if your GP or midwife has provided a medical certificate stating that you must not continue to work nights, then your employer must offer you suitable alternative day work on the same terms and conditions. If that is not possible, then your employer should suspend you from work on paid leave for as long as necessary to protect your health and safety and/or that of your child.

What are my maternity rights?

HSE is responsible for areas relating to your health and safety, and that of your child before birth and during breastfeeding.

You should contact www.gov.uk for more information about your maternity rights:

- time off work for antenatal appointments;
- statutory maternity pay;
- maternity allowance;
- protection against unfair treatment or dismissal.

When can I return to work?

You will find information about how much maternity leave you can choose to take by visiting www.gov.uk, but you are required to take compulsory maternity leave for the first two weeks following childbirth. You can decide your return to work after compulsory maternity leave in discussion with your employer. It is important to have this discussion before you return to work, if an earlier assessment has identified risk for the new mother or baby. If this is the case, you may need to be suspended from work on full pay, pending further assessment.

For more information about returning to work, visit www.gov.uk.

I am returning to work. Can I still breastfeed?

It is your decision if you wish to breastfeed on your return to work. You should provide your employer with written notification, if possible before you return, that you are breastfeeding. Your employer may revisit the original risk assessment (as outlined in Stage Two of the flowchart on page 3), if potential risks had already been identified in the general risk assessment.

Your employer must provide suitable rest facilities for pregnant and breastfeeding mothers and it is recommended that employers provide a private, healthy and safe environment for nursing mothers to express and store milk. Toilets are not suitable for this.

Are there specific workplace risks associated with breastfeeding?

There may be risks other than those associated with pregnancy to consider, if you plan to continue breastfeeding once you have returned to work. These depend on your working conditions and could include:

- working with organic mercury;
- working with radioactive materials;
- exposure to lead.

You should inform your employer, in writing, as early as possible, that you plan to continue breastfeeding when you return to work. Your employer should then take the same action as when you provided notification of pregnancy (see the flowchart on page 3).

I am concerned that my employer has failed to take the appropriate action. What should I do?

You can talk to, and get advice from, your safety representative, your union (if you belong to one), or your occupational health service (if your employer provides one). You can also visit HSE's website at www.hse.gov.uk for further advice. Specifically you may wish to visit the workers' rights pages (www.hse.gov.uk/workers/index.htm) for more information, or the complaints page if you feel your employer is not fulfilling their legal duties relating to your health or safety (www.hse.gov.uk/contact/workplace-complaints.htm).

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at www.hse.gov.uk/pubns/indg373.htm.

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