Management Standard: Health of the New or Expectant Mother

1. Legal Framework

1.1 The University has a duty of care for the health, safety and welfare of all employees, (including paid postgraduates), whilst at work under the Health and Safety at Work etc. Act 1974. The Management of Health and Safety at Work Regulations 1999, specifically requires assessment of the risks to the health and safety of new or expectant mothers.

1.2 Other regulations such as the Control of Substances Hazardous to Health Regulations 2002 and the Manual Handling Operations Regulations 1992 also require specific assessments to be carried out.

1.3 The Workplace (Health, Safety and Welfare) Regulations 1992 require suitable rest facilities to be provided for pregnant or nursing mothers.

1.4 Although not a legal requirement, employers are encouraged to provide a healthy and safe environment for nursing mothers to express and store milk. These facilities are arranged on a case by case basis on request.

1.5 HSE’s guidance and flow chart for a pregnancy risk assessment, (see appendix 1), confirms that if any risks are identified then employers must take action to remove, reduce or control the risk. If this cannot be achieved employers must:-
Action 1
Temporarily adjust the pregnant or nursing mothers working conditions and/or hours of work; or if that is not possible.

Action 2
Offer the pregnant or nursing mother suitable alternative work (at the same rate of pay) if available; or if that is not feasible

Action 3
Suspend the new or expectant mother from work on paid leave for as long as necessary to protect her health and safety and that of her child.

2. Purpose and Scope
2.1 The purpose of this document is to describe the management standards to be applied to ensure the health, safety and welfare of new and expectant mothers.

2.2 The line manager must understand that being pregnant is not classed as an illness. Many women continue to work while they are pregnant and many return to work following their maternity leave. Some new mothers may return to work while they are still breastfeeding. However, it is important to realise that there is a natural incidence of problems for the new or expectant mother and for the unborn child. It is known that some external factors including exposure to biological agents, chemicals, ionising radiations and physical stress may cause problems and this can led to concerns that exposure of new or expectant mothers in the workplace may produce adverse effects.

2.3 There is no totally reliable test for detecting potentially harmful agents and it is not possible to rely entirely upon known harmful effects when formulating a policy for dealing with pregnancy related health problems. It is necessary to consider the action to be taken when information on adverse effects is available. This standard concentrates on minimising the exposure of new or expectant mothers to all chemicals and other potentially harmful agents. Further, it is acknowledged that excess physical work, fatigue and poor working conditions may cause adverse effects to the new or expectant mother or unborn child, particularly in the later stages of pregnancy. This standard is also concerned with ensuring that the new or expectant mothers are provided with satisfactory working conditions and do not put themselves or the unborn child at risk by carrying out excessive physical work.

3. Definitions
3.1 New or expectant mother - is pregnant, has given birth within the previous six months or who is breastfeeding.

3.2 Given birth - delivered of a living child or, after 24 weeks of pregnancy, a still born child.

4. Standards and Responsibilities
4.1 Heads of Units are responsible for ensuring that this management standard is applied within their areas of responsibility and that recommendations regarding individuals and their work are complied with. They must ensure any necessary resource support is put in place. They
must also ensure that a health and safety training matrix is in place for the pregnant employee and that the employee receives appropriate levels of information, instruction and training as part of their induction and on-going safety training on any known reproductive problems associated with their employment.

4.2 The new or expectant mother has the responsibility to inform their line manager in writing as soon as possible of their pregnancy or the fact that they intend to breastfeed upon returning to work. It is in the best interests of expectant mothers to inform their line manager of their pregnancy as soon as they know so that any preventive or protective measures can be implemented as soon as possible to protect the health of the expectant mother and her unborn child.

4.3 The Unit function is responsible for the unit level issues especially the risk assessment and control aspects of this management standard.

4.4 The line manager, has the responsibility to carry out risk assessments (in compliance with HSE Guidance – see HSE website) and to evaluate the significant hazards associated with the workplace to new and/or expectant mothers. In the schools and Institutes this will normally be the PI (Principal Investigator).

4.5 Occupational Health & Safety Service is responsible for the University wide prevention and protection aspects of this management standard.

4.6 Occupational Health is responsible for the health assessment of the employee where specific health risks have been identified from the pregnancy risk assessment and for advising on the actions required to protect the health of the mother and unborn child.

4.7 Human Resources is responsible for advising the line manager/employee on any specific contractual changes relating to the pregnancy and or maternity benefits, click on link to maternity policy.

4.8 Employee’s Midwife/General Practitioner has the responsibility to enquire about the employee’s occupation and ensure the employee informs their employer of any specific pregnancy health risks regarding that employee.

5.0 Procedure

5.1 A member of staff should inform their line manager in writing as soon as possible after receiving confirmation that they are pregnant. While many women may prefer not to disclose this information in the early stages, it is strongly recommended that they inform their employer as soon as they know they are pregnant so that any preventive or protective measures can be implemented. New mothers should also inform their line manager in advance of their return to work if they are still breastfeeding so appropriate arrangements can be made.

5.2 It is recommended that pregnancy risk assessments are undertaken as follows: -

- Initial assessment - Upon receiving written notification of pregnancy
• 2nd review – For breastfeeding mothers returning to work handling hazardous chemical with the Hazard Statement H362 - May cause harm to breastfed children.

5.3 Upon notification that an employee is pregnant or breastfeeding, the line manager together with the new or expectant mother will review the risk assessment for the employee’s occupation using the generic risk assessment form. The manager must take into account any possible adverse effects on the new or expectant mother and the unborn child together with the risks posed by their working conditions in setting any handling standards or exposure limits Note: If the employee is working in a low risk environment e.g. office/administrative function this form will not need to be completed.

5.4 It is recommended that a pregnancy risk assessment is undertaken where a review of the generic risk assessment indicates that specific risks in pregnancy may exist. This form is available on the OHSS website. The Line Manager/PI will carry out a specific pregnancy risk assessment for the purpose of determining the additional hazards likely to be experienced by a pregnant employee to enable suitable and sufficient risk control measures for the health and safety of the employee and her unborn child.

5.5 The pregnancy risk assessment will supplement pre-existing risk assessments for the work and may also cover some areas present in the workplace that could affect the health and safety of new and expectant mothers which have not previously been considered.

5.6 If the line manager/PI has any concerns about the health of the pregnant employee or the actions required to protect the health of the mother and unborn child then they should refer the employee to Occupational Health together with an electronic copy of the completed pregnancy risk assessment form. The email needs to be transmitted with the sensitivity setting as confidential.

5.7 Web guidance on aspects of pregnancy that may affect work, the risk assessment process and factors to consider when completing the risk assessment are available on the OHSS website.

5.8 A copy of the completed risk assessment/follow up reviews will be made available to the new or expectant mother.

5.9 The University will treat sympathetically requests for special working conditions which are medically required as a result of pregnancy or breastfeeding. Further guidance can be sought from Human Resources.

6.0 Associated Document

• Maternity Policy – http://www.ncl.ac.uk/hr/leave/maternity.php
• Pregnancy Risk Assessment form – http://www.ncl.ac.uk/ohss/health/pregnancyassessment.htm
7.0 Associated Guidance documents

- Management of Health & Safety at Work – Approved Code of Practice and Guidance

- ‘Infection Risks to New and Expectant Mothers in the workplace’: HSE 1997
  http://www.hse.gov.uk/mothers/information.htm

- INDG 373 Guide for New and expectant mothers who work
APPENDIX A – HSE Flow chart for Pregnancy Risk Assessment

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

Are risks present?

YES
Assess risks and reduce or remove, if possible

NO
Inform your employees (either directly or through a safety representative) of the risks identified and the importance in informing you that they are pregnant, have given birth in the last six months or breastfeeding, as early as possible.

You have been notified that an employee is pregnant, given birth in the last 6 months or is breastfeeding. Revisit your general risk assessment as completed in Stage one, above.

Has a risk been identified?

YES
Can the risk be removed?

NO
Adjust conditions hours

Action 1
Can the new or expectant mother’s working conditions/ hours of work be adjusted?

NO
Give suitable alternative work on same terms and conditions

Action 2
Can she be given suitable alternative work?

NO
Suspend her on paid leave for as long as necessary to protect her health and safety, or that of her child

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.
Document Approval

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Document Revision History

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A University Occupational Health & Safety Service
B University Human Resources Departments
C University OHSS website

Distribution Location