



Sheffield Occupational Health Advisory Service (SOHAS)

Working to Prevent and Alleviate the Effects of Work on Health

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THIS FACTSHEET IS PART OF THE **MOTHERS AT WORK SERIES**

Health and Safety at Work for pregnant women and new mothers

A guide for health professionals

Health professionals, in particular GP's and midwives, play a vital role during a woman's pregnancy and following the birth of her child.

Many new and expectant mothers work. Employers are advised that pregnancy is not an illness.

Employers are required by law (Management of Health and Safety at Work Regulations 1999) to:

- assess workplace risks for all their employees, and take practical action to control those risks.
- ensure a safe and healthy work environment for their pregnant and breastfeeding employees. New and expectant mothers are defined as someone who:
 - is pregnant
 - has given birth (including stillbirth) within the last six months
 - is breastfeeding.

Employers must identify hazards in their workplace that could pose a health and safety risk to new and expectant mothers and take appropriate action to remove or reduce the risk. They must make this in-

formation known to all their female employees of childbearing age, not just those who have informed them they are pregnant.

Hazards and Risks

The most common risks are:

- Lifting and carrying heavy loads
- Standing or sitting for long periods of time
- Workstations or posture
- Exposure to infectious diseases
- Exposure to chemicals (e.g. drugs, lead)
- Exposure to radioactive material
- Exposure to smoke
- Work-related stress
- Threat of violence in the workplace
- Long working hours
- Excessively noisy workplaces
- Extremes of heat or cold.

For further information on risks see: *Useful Information 'USDAW'*

A personal risk assessment

Employers must carry out a personal risk assessment for a new and expectant mother. In order for this to happen:



Almost 440,000 working women are pregnant in Great Britain each year. Almost **half are likely to experience some form of disadvantage at work**, simply for being pregnant or taking maternity leave. Equal Opportunities Commission, 2005



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REMEMBER... A GP or midwife can write to a woman's employer asking for changes to be made at work, especially to working hours if she works at night. An Occupational Health Adviser from Sheffield Occupational Advisory Service (SOHAS) – see Useful Information – can advise on the best course of action. You can also refer a pregnant woman direct to SOHAS.

Research by the **Equal Opportunities Commission** shows that on average only 3% of any workforce will be on maternity leave during the year but **properly managed pregnancy and maternity leave can deliver clear benefits to staff and employers.**

Women must give notice in writing, as early as possible, to their employer that they are pregnant, or breastfeeding or have given birth within the last six months.

- An employer can ask for written medical evidence to confirm this.

Doctors must record any advice given to patients about their ability to perform their own or usual type of occupation on a Medical Statement (Med 3). Where the doctor considers work adjustments are needed during pregnancy and breastfeeding the doctor should:

- record this advice to the employee (and employer) in the 'remarks' section on the Med 3
- select section (a) 'You need not refrain from work.'

Other health professionals, including midwives, can also advise a wom-

an's employer on avoiding a risk, using the Med 3 form. The time from when a pregnancy is confirmed, to the start of maternity leave can be as little as three or four months, so there needs to be a quick response if changes are needed.

Employers must then carry out a personal risk assessment for the woman. This should:

- be based on the initial assessment
- take account of any medical advice their doctor or other health professional has provided e.g. by letter or on a Med 3 form
- be carried out with the help of the woman and if appropriate, her union representative
- be monitored and reviewed on a regular basis.

What happens after the risk assessment?

If the risk assessment identifies hazards that could pose a risk to the mother or baby, then the employer must do all they can to eliminate the risk or reduce it to a safe level. If the risk cannot be removed, the employer must take action:

- If it is reasonable and if it avoids the risk, temporarily adjust the mother's working conditions/hours of work.
- If this is not possible, can the mother be offered suitable alternative work? (on terms and conditions which are not less favourable than normal conditions of employment).
- If this is not possible, the mother has the right to be suspended on full pay for as long as is necessary to avoid the risk (paid suspension from work).

Points to consider:

- Some women are offered paid suspension from work when they would rather stay at work. If a woman is in this situation,

suggest that she contacts her union representative if she feels there might be ways that her job can be adapted. If she is not in a union suggest she contacts SOHAS for help (see Useful Information).

- If a woman is suspended for health and safety reasons, an employer can start the maternity leave four weeks before the baby is due.
- Signing a pregnant woman off sick from work, by issuing a Med 3, may not address the cause of her ill health. The health problem could re-occur on her return to work and her colleagues, who may also be pregnant or in the future become pregnant, might also be exposed to the hazard.
- Signing a pregnant woman off sick from work may adversely affect her income, during sick leave and maternity leave (see 'What is the impact on maternity rights?').

If you are in doubt about any aspects of the above, refer the woman to SOHAS (see Useful Information). It is very important that she receives accurate advice on these matters.

Only half the women had a health and safety risk assessment carried out

– 'Pregnancy at work: a survey of women, Equal Opportunities Commission', 2004/5

It is automatic sex discrimination if an employer fails to carry out a risk assessment in respect of a pregnant woman. This applies to all employers.

Health and Safety Executive guidance:

- ...the (health and safety) regulations do not put a time limit on breastfeeding. It is for the women themselves to decide how long they wish to breastfeed, depending on individual circumstances.
- Access to appropriate facilities for breastfeeding mothers to express and safely store breastmilk or to enable infants to be breastfed at or near the workplace, may facilitate breastfeeding by working women, and may significantly protect the health of both mother and infant.
- Protective measures include:
 - access to a private room where women can breastfeed or express breast milk,
 - use of secure, clean refrigerators for storing expressed breastmilk while at work, and facilities for washing, sterilising and storing receptacles,
 - time off (without loss of pay or benefits, and without fear of penalty) to express milk or breastfeed.

'New and expectant mothers at work: A guide for employers' HSE 2002

Night work

A pregnant woman or new mother who usually does night work must be offered a suitable alternative or be suspended on full pay if she has a certificate from her doctor or midwife stating that it is necessary to avoid such work for her or her child's health and safety.

Physical demands

Handling of heavy loads, where there is a risk of injury, has been shown to be potentially harmful to the health of pregnant women and new mothers and/or their babies. Lifting, bending and stretching can also cause problems.

On return to work

An employer needs to pay particular attention to women who may handle loads during the three months following a return to work after childbirth.

What is the impact on maternity pay rights?

Check if the woman is eligible for an employers' sick pay scheme. If not, then if a woman is signed off work, instead of being given advice regarding adjustments to her work, she may be financially disadvantaged because:

- her only source of income may be Statutory Sick Pay (SSP) (£72.55 – April 2007), with income support in appropriate cases,
- being off sick and in receipt of SSP during pregnancy could affect whether or not a woman qualifies for Statutory Maternity Pay (SMP) when she leaves work to have her baby. This is because entitlement to SMP depends on the level of earnings during pregnancy. If earnings fall below the "lower earnings limit" for the relevant

period (e.g. because she is off sick and in receipt of SSP), this may mean she does not qualify for SMP during your maternity leave, (although she may be able to claim Maternity Allowance),

- women getting only SSP in the period used for calculating their earnings towards Statutory Maternity Pay (SMP) may not qualify, although they may be able to claim Maternity Allowance,
- if a woman is signed off sick for a pregnancy related reason

at any time after the beginning of the fourth week before her expected week of childbirth, her maternity leave will automatically be triggered, irrespective of when she intended to start it. This will mean less maternity leave after the baby is born.

Maternity Certificate (MAT B1)

A doctor or registered midwife can complete the MAT B1 certificate at or around 20 weeks. This is needed to claim Statutory Maternity Pay (SMP) or Maternity Allowance.

Breastfeeding

Employers have a duty to enable their employees to continue breastfeeding once they have returned to work. A woman must notify her employer in writing as early as possible that she is breastfeeding. Her employer must then carry out another specific risk assessment and take the steps set out above. Specific risks could include:

- Working with organic mercury,
- Working with radioactive material,
- Exposure to lead.

Useful information:

For health and safety issues

Health and Safety Executive (HSE) infoline 0845 3450055 or www.hse.gov.uk/mothers for links to the HSE 'guide for new and expectant mothers who work' and 'New and expectant mothers at work: guide for health professionals'. A poster, 'Mum's the Word' advertising the free leaflet for mothers can be downloaded from <http://www.hse.gov.uk/mothers/poster.pdf>

'Working safely with ionising radiation: Guidelines for expectant or breastfeeding mothers' and 'Health and safety of new and expectant mothers in the catering industry' are available free from the **HSE infoline or web site** www.hse.gov.uk 'New and expectant mothers at work: A guide for employers' is £9.50.

SOHAS (Sheffield Occupational Health Advisory Service) 0114 2495903. An occupational health adviser can give general advice to health professionals or individual women. They can also help if you need to write to a woman's employer requesting changes to her working hours or arrangements. www.sohas.co.uk

Maternity Alliance. A free fact sheet 'Health and Safety at Work' with answers to frequently asked questions is available from www.maternityalliance.org.uk

USDaw (Union of shop, distributive and allied workers) On their web site www.usdaw.org.uk search for 'pregnancy risk assessment checklist'.

For maternity rights and pay issues

(Time off for antenatal care, Maternity leave, Protection against unfair treatment or dismissal, Statutory Maternity Pay, Maternity Allowance)

ACAS National helpline 08457 47 47 47 or see www.acas.org.uk

Department of Trade and Industry (DTI) for an interactive guidance website that will work out what maternity/paternity pay and leave an individual is entitled to see <http://www.direct.gov.uk/en/Employment/Employees/Work-AndFamilies/index.htm>.

Equal Opportunities Commission Helpline. Specific advice if there is a possibility that you have been discriminated against for being pregnant. Helpline 0845 601 5901 9am–5pm Monday–Friday or see www.eoc.org.uk.

National Insurance enquiries for individuals for general enquiries on National Insurance and on Statutory Payments, including Statutory Maternity Pay (SMP). Tel: 0845 302 1479.

Department for Work and Pensions (DWP). For information on maternity benefit and maternity allowance www.dwp.gov.uk

Working Families for free legal advice for working parents on maternity/paternity leave and pay, rights in family emergencies, help to negotiate family-friendly hours, advice on tax credits and benefits. Tel: 0800 013 0313. Free factsheets at www.workingfamilies.org.uk