



LEAFLET 36

NEW AND EXPECTANT MOTHERS AT WORK

AMENDMENT RECORD

Amnd No	Date	Text Affected	Authority and Date

REVISION NOTE

This leaflet follows a similar format to the Health and Safety Executive (HSE) Approved Code of Practice (ACoP) with guidance contained in boxes separating it from policy.

HISTORICAL RECORD

Original Leaflet was introduced in October 2001
Revised July 2011

This policy has been equality and diversity impact assessed in accordance with Departmental policy. This resulted in a Part 1 screening only completed (no direct discrimination or adverse impact identified) This policy is due for review in July 2014.

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FOREWORD

This leaflet is published under the authority of the Defence Occupational Health, Safety and Environment Board (OHSEB). This leaflet is for application across all areas of MOD and the Armed Forces and reflects recent changes in legislation and or MOD practises.

1. SCOPE

1.1 This leaflet provides policy and guidance for line managers and all female staff (Service and civilian) on managing the health and safety risks to women who are of childbearing age, pregnant, or are new mothers in compliance with the Workplace Health, Safety and Welfare Regulations (Reg 25) and the Management of Health and Safety at Work Regulations (Regs 16 and 18); where:

- a new mother is defined as someone who has given birth (having delivered a living child or, after 24 weeks of pregnancy, a stillborn child) within the previous six months, or is breastfeeding; and
- a baby is defined as the unborn child or a child up to the age of six months, or is breastfeeding.

2. INTRODUCTION

2.1 The Management of Health and Safety Regulations require that special attention is given to identifying and controlling risks at work to protect the health and safety of new and expectant mothers and their babies. This means that consideration must be made not only to the specific hazards but also to the health related aspects of pregnancy that could be exacerbated by the work or the workplace.

2.2 Many of the risks to new and expectant mothers at work are already covered by existing legislation, and control measures should already be in place. However, written risk assessments of the work environment, materials and

activities, to ensure that appropriate protection is offered to the mother and baby are required.

2.3 Many hazards in the workplace can affect the health and safety of new and expectant mothers and their babies and therefore working conditions, normally considered acceptable, may no longer be suitable.

3. ROLES AND RESPONSIBILITIES

3.1 Commanding Officers/Heads of Establishment (CO/HoE)

3.1.1 The CO/HoE shall ensure that suitable rest facilities are made available for expectant mothers or mothers who are breastfeeding; this facility should include a safe environment for expressing and storing milk.

3.2 Line Managers

3.2.1 All risk assessments (JSP 375, Volume 2, leaflet 39) shall consider the hazards and risks for all female staff of childbearing age as pregnancy usually goes undetected for the first few weeks.

3.2.2 Having been formally notified of a pregnancy, the LM shall ensure activities carried out within their area of responsibility which may pose a significant risk to a new or expectant mother and her baby are reviewed and that action is taken to minimise the potential for harm from those activities where appropriate (i.e. specific individual assessment) .

3.2.3 In assessing risks to new or expectant mothers LMs shall ensure that the person(s) carrying out these specific assessments are competent and able to take due account of all relevant information.

3.2.4 LMs shall keep all risk assessments for new and expectant mothers under constant review. Although hazards are likely to remain constant, the identified risks to the mother and the unborn child will vary during the different stages of the pregnancy as dexterity, agility, co-ordination, speed of movement, and reach may be impaired.

GUIDANCE

For further information and advice see: HSE Leaflet HSG122 (New and expectant mothers at work – A guide for employers). Line Managers can also consult their local health and safety advisor, the TLB Chief Environment Safety Officer (CESO) or the Service Medical Centre for Service personnel, and the PPPA for civilian staff.

GUIDANCE

It is important that the new or expectant mother is involved with the assessment; particularly to take account of any medical advice she may have received from her medical adviser (for example GP or midwife). Particular attention should be paid to the actual tasks that they have to perform during their work to ensure that any risk associated with these is adequately controlled. This should be regarded as an ongoing process throughout the course of the pregnancy as the capabilities of the person involved may be significantly reduced as the pregnancy progresses (for example problems with manual handling). The nature of the tasks they are required to do may also have to be temporarily modified accordingly and, in some cases, there may be a need to remove them from the task(s) completely.

3.2.5 If the assessment identifies risks to an expectant mother or her baby that cannot be avoided or otherwise adequately controlled then LMs shall take the following action:

- temporarily adjust her working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk;
- offer her suitable alternative work (at the same rate of pay) if available; or if that is not feasible;
- provide her with paid leave for as long as necessary to protect her health and safety, and that of her baby.

3.2.6 The confidentiality concerning a woman's pregnancy means the LM shall not make it known that she is pregnant if she does not wish it to be known or if she does not consent to it. Exceptionally, where the actions of other members of staff may adversely affect the health and safety of a pregnant woman, it may be necessary to take steps (including limited disclosure) to protect her, but this shall be done with the woman's agreement following consultation.

3.3 Staff

3.3.1 Staff shall provide formal written notification (as early as possible) to their Line Manager (LM) if they are new or expectant mothers to ensure that reasonable adjustments can be made to safeguard their health and safety and that of their babies.

GUIDANCE

Staff should bring to the attention of their line manager any concerns they have relating to their health and safety at work due to being a 'new or expectant mother'

3.3.2 New mothers shall inform their Line Manager in writing if they intend to continue breastfeeding after their return to work; this will ensure that risk assessments are reviewed and remain current for the duration of breastfeeding or for six months after the birth whichever is greater.

GUIDANCE

Further information is available in HSE leaflet INDG373 (A Guide for new and expectant mothers who work).

4. RELATED DOCUMENTS

JSP 375 Vol 2:

- a. Leaflet 4 - Manual Handling
- b. Leaflet 5 - Management of Hazardous Substances
- c. Leaflet 24 – Working with Display Screen Equipment
- d. Leaflet 28 - Workplace Environmental Comfort
- e. Leaflet 39 - Health and Safety Risk Assessment.

Other MOD Documentation:

- a. AP1269A - Tri-service aviation medicine standards & clinical policies
- b. JSP 392 - Radiation Safety Handbook

Legislation and Guidance:

- a. Workplace Health, Safety and Welfare Regulations
- b. Management of Health and Safety at Work Regulations
- c. HSE leaflet INDG373 (A Guide for new and expectant mothers who work).
- d. HSE Leaflet HSG122 (New and expectant mothers at work – A guide for employers).