

Pregnant Workers

Employers have a general duty to ensure the health and safety of employees at work, so far as is reasonably practicable, and this implies an individual duty to each employee. Consideration must therefore be given to women who may be at risk, including any additional risks, in the same work situation, to women who are pregnant (including the risks to their unborn child), breast feeding or nursing.

Employers must identify these additional risks and take appropriate action to prevent or control them. In practice this may mean that systems of work or control measures adopted for male employees may not be appropriate for female employees and/or new or expectant mothers, and must be adapted or replaced accordingly.

In addition to the duty described above, the Management Regulations impose specific duties on employers in respect to 'new or expectant mothers'. The provisions extend the general risk assessment required to specifically cover women of child bearing age or new or expectant mothers where they may be exposed to any process, working condition, or physical, chemical or biological agents, which may adversely affect their health and safety or that of their baby.

Specific Risks

The specific risks include:

- Physical agents such as vibration; manual handling; noise; ionising and non-ionising radiation; temperature extremes; postures and movements that cause mental and/or physical fatigue; high pressure atmospheres
- Biological agents such as bacteria and other micro-organisms known to cause adverse human health effects, especially those known to cause abortion or physical/neurological damage
- Chemical agents such as mercury; lead; substances absorbed through the skin; cytotoxic drugs; carbon dioxide; and chemicals labelled with the following risk phrases: possible risk of irreversible effects; may cause cancer; may cause heritable genetic damage; may cause harm to the unborn child; possible risk of harm to unborn child; may cause harm to breast fed babies.

Psychological effects of pregnancy

Certain physiological conditions occur during pregnancy, which should be taken into account when deciding whether the work poses a particular risk to expectant mothers. These conditions include morning sickness, which may be relevant, where early morning shifts are worked or where there may be exposure to nauseating smells. Backache is a common complaint which is associated with working posture and manual handling activities, and which will become increasingly important as the pregnancy progresses. Posture will also be significant if varicose veins and hemorrhoids develop, the latter also being associated with work in hot environments.

The increasing physical size of the pregnant woman may affect her ability to wear personal protective equipment properly and reduce the effectiveness of the protection. The amount of workspace needed for her to work comfortably, her ability to perform manual handling correctly and safely, and her degree of mobility, dexterity and co-ordination, may also be affected. Many pregnant women have to make regular visits to the toilet so it is important that they can leave their work easily and that the toilet facilities are readily accessible. They will also suffer from increasing tiredness and may be unable to work overtime or late shifts. Balance may also be affected so any risks from uneven or slippery floors should be considered.

The Approved Code of Practice created under the Workplace (Health, Safety and Welfare) Regulations requires that "facilities for pregnant women and nursing mothers to rest should be conveniently situated in relation to sanitary facilities and, where necessary, include the facility to lie down".

Addressing the risks

If the risks to new or expectant mothers identified by the risk assessment cannot be, then employers must, where it is reasonable to do so, alter the working conditions or hours of work of those women if doing so would avoid the risks.

Where altering the hours of work or working conditions is not reasonable, or would not control the risks, then the new or expectant mother has the right to be offered suitable alternative work, with no detriment in terms or conditions, where it is available in her employer's undertaking. If such work is available but is not offered prior to any suspension, then she has the right of complaint to an Industrial Tribunal.

If suitable alternative work is not available, employers must suspend the new or expectant mother for as long as is necessary to avoid the risk. Employers are exempted from taking this action until the woman has produced written notification that she is pregnant or has given birth within the previous six months, or is breast-feeding.

A new or expectant mother must also be suspended from night work where she has a signed certificate from a registered medical practitioner or midwife, stating that such a suspension is necessary for her health and safety.

Employers are also exempted from maintaining any of the actions detailed above, including the suspension from night work where the woman has not provided written notification of her condition, or has failed to produce a certificate (see above), within a reasonable time of being requested to do so by her employer. This exemption also applies where employers know the woman is no longer pregnant, etc or cannot establish whether she remains so.

Pregnant Workers Assessment

Name _____ Job title _____ Workplace _____

Activities	Hazards	Controls in place	Risk (H/M/L)	Controls Required	Controls implemented?
	Chemical				
	Physical				
	Biological				
	Psychological				

Name of Assessor _____

Signature of Assessor _____

Date of Assessment _____