



Safety & Wellbeing Policy Arrangement

Section 36 – New and Expectant Mothers

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Further guidance on this matter can also be obtained from the safety team at healthandsafety@northlan.gov.uk

Section 36 New & Expectant Mothers

1. Introduction

The Management of Health and Safety at Work Regulations places a duty of employers to assess the risk to employees and others who may be affected by the work activity. An employer is therefore required to consider the effects of the work activity on pregnant workers, the unborn child, the nursing mother and the newborn child.

This document aims to give specific guidance to assist the managers, supervisors and employees who need to be clear on the work hazards and how they affect new and expectant mothers.

A new or expectant mother is a worker who is pregnant, who has given birth within the previous 6 months, or who is still breast feeding.

There are many HR issues surrounding the maternity aspect of employment and a fuller explanation of these can be obtained from the relevant Human Resources team.

2. Risk Assessment

The Management of Health and Safety at Work Regulations 1999 places a duty on the employer to assess the risks associated with work activities. All work activities must have been assessed and a record of this assessment made.

It has long been recognised that the period of pregnancy can present additional risks to the mother and subsequently the child. It is therefore expected that the employer will undertake a specific assessment of the risk as it related to the particular employee.

Specific guidance on general risk assessment can be found within AS4 – General Risk Assessments and other Service documentation. However, the following hazards may well permit focus on the more common issues.

Lifting/carrying of heavy loads

Most post holders in the council will undertake manual handling in some way or another, e.g. moving of photocopy paper, moving equipment to and from vehicles, moving files. It is important to ensure that the lifting and carrying has been assessed and that all steps have been taken to reduce the need for carrying, bending, twisting, moving etc.

Standing or sitting for long periods of time

Administrative tasks may require sitting for a prolonged period of time whilst other jobs such as swimming pool lifeguard may require prolonged periods of standing. It is important to reduce the periods of such activity.

Exposure to infectious diseases

Many council employees work with clients and members of the public. Potential exposure to infectious diseases from the client groups etc. need to be evaluated and action taken where it is reasonably foreseeable that such exposure may occur.

Exposure to lead

The majority of council employees will not be exposed to lead at any time during the working day. There are a few tasks where exposure to lead may well occur e.g. slater. These activities will be well known to the manager/supervisor and steps can be taken to reduce the exposure.

Work related stress

Work related stress is an issue that continues to be difficult to define and indeed manage. There are many sources of stress. These could be personal, organisational or physical. There should be an assessment of the sources of organisational stress and steps taken to remove or reduce these sources. It should be noted that during pregnancy and after birth the mother may well be anxious about issues that are not readily associated with health concerns. For example the use of computer monitors has been thought to carry a risk of miscarriage for those using them for a prolonged period of time. Such a link does **not** exist. There is no increased risk of miscarriage for those using computer monitors. However, the concerns at a psychological level may well cause medical complications with the pregnancy. Such stressors may still need to be addressed.

Workstations & posture

There may well be specific postural issues that require attention, for example back support. Alternative chairs with enhanced back support may be required and a change in the work periods at the workstation may be required.

Exposure to radioactive materials

There are few posts within the council that use radioactive sources to perform a work activity, such sources are well contained and present little health risk to any employees. Where radiation sources are being used within the workplace then its continued use during pregnancy etc. must be effectively evaluated.

Other people's smoke

Secondary smoke has been recognised as being a health concern to all those who inhale it. Medical advice to date is that women who are pregnant should not smoke. Exposure to passive smoke should also be prevented.

There is a no smoking policy in council buildings and as such exposure to smoke for the most part should be easily managed. There are a few situations where smoking in a council building may still occur. If smoking cannot be stopped in these properties during the period of pregnancy or during the employees attendance to the workplace then consideration to their continued attendance at that workplace must be given.

Threat of violence in the workplace

The threat of violence is a recognised stressor to most employees, it is important that a proper evaluation of the risk is made when threats of violence are reasonably foreseeable, e.g. reception areas, house visits etc.

Long working hours

Pregnancy and motherhood is a physically demanding period, it is important to ensure that new and expectant mothers are managed to prevent excessive hours working hours. Lack of rest can put health at risk.

Excessive noise in the workplace

Noise is recognised as a stressor and as such it may well be prudent to reduce the exposure to noise during pregnancy.

A specific form has been created to permit full consideration to be given to maternity issues when undertaking an associated risk assessment. HSF34 can be downloaded from CONNECT as can further guidance on its use.

3. Involvement of the GP/ Occupational Health Specialist

The GP or midwife will provide information to the employer about the health and pregnancy of an employee. Written notification of the pregnancy will normally be given to the appropriate HR Section and agreement reached as to the various maternity matters that need attention.

Information from the GP or midwife will be required to permit the risk assessment to be undertaken. Information provided by the GP or midwife may be of a sensitive or medical nature and may not be fully available to the manager/supervisor. In such circumstances or where health risks are unclear, it would be prudent to seek the advice of an occupational health practitioner. Contact with the occupational health provider can be made via the appropriate Line Manager or, in some cases, the HR officer dealing with the maternity case.

GP/ Midwife advice may well change at various stages through the pregnancy and it is therefore important to ensure that the risk assessment is reviewed every time new advice is received from any medical source. If required proposed control measures can be discussed with HR officers, health and safety officers or occupational health practitioners.

4. Considerations whilst at work prior to maternity leave

Prior to the taking of maternity leave, the manager/supervisor of a pregnant worker will need to undertake a review of the activity risk assessment. This review will consider the issues raised in 2 above.

Issues that may well be highlighted are addressed in some way within the charts found in appendix 1. However specific care and attention is required in circumstances such as high blood pressure and history of miscarriage. Steps that can be taken in order to reduce the risk to employees include:

- regular review of risk assessment;
- re-arrangement of hours to reduce stress levels;
- re-arrangement of frequency of rest breaks;
- consideration of the suitability of night work and provision of alternative day shift hours;
- time off for ante natal care made on the advice of the GP, midwife or health visitor;
- provision of suitable rest places with access to toilets and drinking water.

A completed risk assessment and agreed risk reduction programme can only be created when a manager/supervisor takes onboard the views/advice of the employee, the HR officer, medical personnel and in certain circumstances a health and safety officer.

5. Considerations prior to, and during, the return to work.

It is compulsory for new mothers to take 2 weeks maternity leave after the birth of their child/children. Thereafter the return date is decided in consultation with the allocated HR officer and the manager/ supervisor. Where a return to work is within a 6 month period after birth then particular care is required, and attention is required to be given to many of the factors already dealt with within this document. However other issues will also apply to mothers who continue to breastfeed.

Written notification should be received from mothers who have opted to breastfeed, preferably before they return to work. This fact should then be taken into consideration when undertaking a risk assessment of the relevant work activities. Appropriate rest places need to be provided and facilities to ensure nursing mothers have easy access to toilets and are able to drink plenty of fluids.

The HSE have recommended that employers provide a private, healthy and safe environment for nursing mothers to express and store milk. It is not suitable to use a toilet area for this purpose. It should be noted that **this is not a legal requirement**, but an expectation on good employers.

Other specific risks for breastfeeding employees include:

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

Where a manager/supervisor has concerns about these substances direct advice should be sought from the relevant health and safety section.

6. Homeworking

Homeworking is often a method of work utilised by those wanting to spend more time at home after the birth of a child. If homework is being actively considered as part of the work schedule, then a specific risk assessment is required. Detailed guidance is available at Service and Corporate levels in this respect (see AS37 – Health and Safety for Homeworking).

No homeworking should take place without a risk assessment.

7. Managers and Supervisors

Managers and supervisors will already be aware of their duties to manage health and safety. This duty also extends to those that work in a home environment. Health and safety is an integral part of the management process and should managers/ supervisors feel that they require further training in the management of health and safety then they should, in consultation with their own manager, contact the relevant health and safety section for further information on the training options that exist within the council.

Appendix 1 is based on the actions outlined by the HSE in their publication “A guide for new and expectant mothers who work.” The chart directs the manager through the options that are available and assists in the identification of the correct course of action to protect the health and safety of the employee and the child concerned.

Appendix 2 has been included within this document to assist managers and supervisors in addressing the primary health and safety matters associated with new and expectant mothers. It is important to remember that all aspects of management, including safety, need to be monitored and reviewed. With this in mind, managers and supervisors will need to ensure that they review the risk assessments regularly to ensure they are still valid, for example has there been a change in medical advice?

Over and above this the supervisor/ manager should also undertake specific checks to ensure that all the agreed health and safety measures are in place and being used

Specific details on such inspections can be found in Service or Corporate guidance.

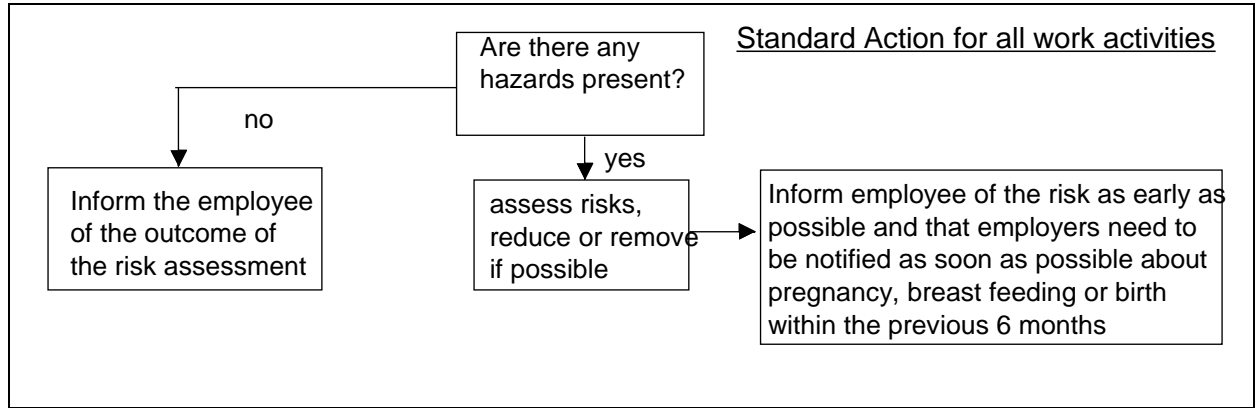
Appendix 1 - Risk Assessment Chart

Risk Assessment Chart

Appendix 1

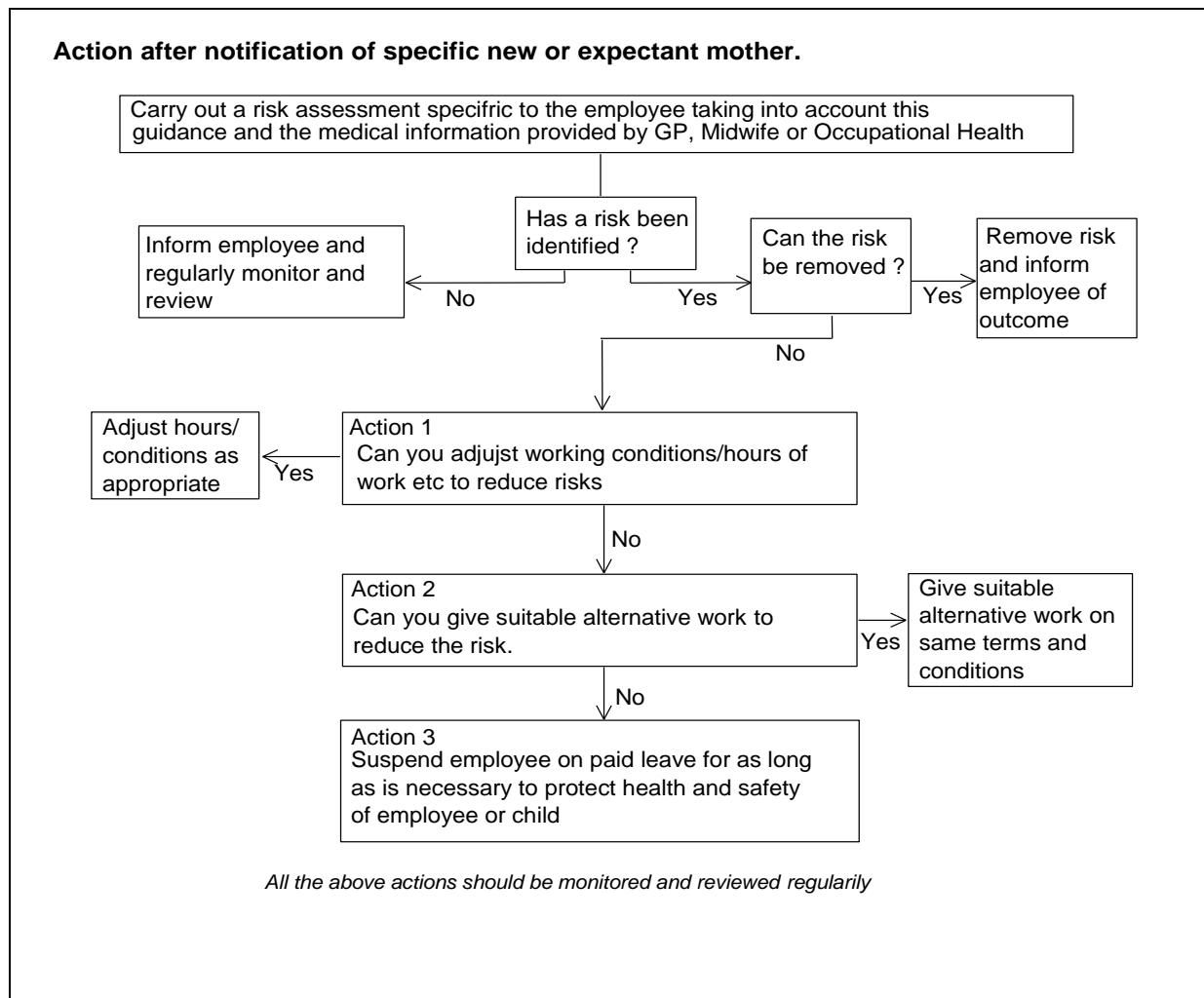
Process 1: General Action to be taken as a result of risk assessment of work activity.

Process 2: Action after notification has been received of a pregnancy, new birth or breastfeeding employee.



Appendix 2

Manager/Supervisor Checklist



Checklist of the considerations required when managing the health and safety aspects associated with new and expectant mothers. It is not intended to be exhaustive but will serve to give initial focus to the risk management process. Each individual case will be different.

Employee:

	Action	Action By	Action Date
1	Written notification received about the pregnancy/breast feeding to include any medical advice about the work activity		
2	Risk assessment undertaken (See HSF34)		
3	Rest area identified and made known to employee		
4	Rest breaks and work patterns discussed and agreed		
5	Facilities to expressing milk & storage considered		
6	Drinking water readily available from marked source		
7	Night work options have been considered within the terms of medical advice		
8	Maternity issues have been discussed with HR Section		
9	Review date for risk assessment(s) set		
10	Monitoring of agreed control measures included in supervisors safety monitoring schedule		
11	All aspects of controls discussed with the employee concerned and HR/ Occupational Health/ Health and Safety Officers		

Employee Information Sheet

New and Expectant Mothers

Being pregnant or a new mother does not generally prevent a woman from working. That said it is important that, in conjunction with their employer, they help to consider the risks that may exist in some workplaces that could affect the health and safety of the woman and/or her child. This information sheet aims to provide you with specific information about the steps that will be taken to help look after your health, safety and welfare during and immediately after a pregnancy.

It is important that expectant mothers inform their managers of their pregnancy at an early stage. This notification will trigger a review of the risk assessments associated with your particular work activities and may result in a specific individual risk assessment being undertaken. It is important that any special measures identified as a result of the risk assessment process are adhered to.

If you have notified your line manager of your intention to return to work within six months of the birth of the baby, or that you are still breastfeeding then the original assessment(s) will need to be reviewed again.

Every pregnancy is different and personal so it is not possible to outline specific risks in an information sheet such as this, however the following offers a generic list of the factors that would be considered within a maternity risk assessment. The level of risk could well vary depending on the stage of pregnancy.

Some of the more common factors might be:

- lifting/carrying heavy loads;
- standing or sitting still for long lengths of time;
- exposure to infectious;
- 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.



As a result of the risk assessment (and taking into account any health information provided by your GP) it is possible that there may be some temporary changes to your working arrangements. Such changes can include:

- adjustments to your hours of work;
- alternative work locations or perhaps;
- alternative work activities.

Other considerations

Health and Safety Executive guidance encourages employers to implement a number of support mechanisms to help expectant and new mothers. In conversation with your line manager there can be discussions around the following topics:

- **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 can also be a very tiring time. With this in mind there may be a need to agree timing and flexibility of rest and toilet breaks with your line manager. If your work involves being away from the office on a regular basis there may be a need to identify/arrange specific toilet access.
- **Work at nights** – If you are involved in night shift work then, in the main, there is no reason why this cannot continue but if your GP or midwife has provided a medical certificate stating that you should not continue to work nights, then your line manager will discuss alternative work arrangements with you.
- **Breastfeeding** – If it is your decision to continue to breastfeed when you return to work then you need to discuss this with your line manager. The Council will endeavour to support your desire and will discuss with you arrangements that will permit you to do this. This may involve a change in your work pattern to allow this to take place. Ideally you should provide your manager with written notification before you return that you are breastfeeding, so that early discussion and suitable arrangements can be made. The risk assessment review prompted by this discussion will look for any specific risks such as working with organic mercury, working with radioactive materials or exposure to lead.
- **Expressing Breast Milk** – If circumstances are such that you are likely to want to express milk then you should discuss this with your line manager. Every effort will be made to provide suitable private, healthy and safe facilities for nursing mothers to express and store milk. It is to be noted that toilets are not suitable for this purpose.

Impact Assessments

Document Title: Health and Safety Policy - Arrangement Section 36, Health and Safety During and After Pregnancy

Date: April 2017

Review Date: As circumstances dictate

Environmental Impact Assessment: This document has been assessed for significant environmental impact; no significant detrimental impact has been identified.

Equality Impact Assessment: This document has been assessed for significant equality implications; no significant issues have been identified.

General Comments: This document is the arrangement section, relating to the health and safety issues of new and expectant mothers within workplaces across the council. This is associated with the Council's health and safety policy as required by the Health and Safety at Work Act 1974. The general aim of the council is to ensure a healthy and safe working environment for all persons working for or make use of Council Services. Nothing in the document serves to have any negative impact on the above issues and indeed, in general, associated documents will encourage positive consideration of the factors to ensure all members of the workforce and community are afforded access to the same safe and healthy workplace.