



# What's so dangerous about having a baby (and being at work)?

Pregnant women are not invalids and are not necessarily sick. In fact, pregnancy is a sign of health. However, some precautions are needed to protect the mother and baby during pregnancy, and after the birth of the child. Occasionally, there may be complications in a pregnancy which means that an employee needs additional modifications.

## What does the law say?

The Management of Health and Safety at Work regulations require you to carry out risk assessments of all work activities which could cause harm to any workers. There is a specific requirement (regulation 16) that where any women of child-bearing age are employed these assessments consider whether the work activities could harm an expectant or new mother or her unborn or recently born child. Where risks are identified the regulations make it clear that an employer must adjust the working conditions of expectant or new mothers to avoid such risks, or where this is not possible, suspend the mother from work to avoid the risk. A spreadsheet on the HSE website outlines this process [hse.gov.uk/mothers/flowchart.pdf](https://www.hse.gov.uk/mothers/flowchart.pdf)

The Employment Rights Act 1996 (Part VII, section 68<sup>1</sup>) requires that where employers do need to suspend pregnant or feeding mothers their terms and conditions should be maintained. The Employment Relations Act 1999 (Part VIII<sup>2</sup>) explains the duties of the employer with regards to providing maternity leave, and of the employee to notify the employer of her pregnancy and her intended absence from work.

Regulation 25 (4)<sup>3</sup> of the Workplace (Health, Safety and Welfare) Regulations 1992 require employers to provide suitable rest facilities for workers who are pregnant or breastfeeding.

A breach of any health and safety legislation in relation to an expectant or new mother could be considered sex discrimination under the Sex Discrimination Act<sup>4</sup>(1976).

## What should I do now?

Even if you do not know that any woman in your employment is pregnant, you should consider whether any tasks carried out could be dangerous to an expectant

mother, a new mother, or to a mother who is still nursing a baby. Employees do not have to inform you of their pregnancy until 15 weeks before the baby is due. You should therefore let all women know what the risks are so they can make an informed decision about when they need to notify their pregnancy in order for precautions to be put in place.



## What should I do when an employee tells me she is pregnant?

After you have congratulated her, provide information about any additional risks she may face in the workplace and how these should be avoided. Remind the employee of the information you will need from her and explain what support is available from the organisation.

Some tasks become more difficult because of pregnancy, and some risks become greater because of the risk to the unborn child. Hazards to consider include:

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**Computer-based work:** the position of chair, desk, keyboard and computer will need to be reassessed throughout pregnancy as the woman's shape and weight changes. In some cases a different chair may be required, or a foot rest provided. Sitting for too long can cause back ache so more frequent breaks from the computer may be needed.

**Manual handling:** correct manual handling is based on being able to hold objects close to the centre of gravity, and being able to bend correctly. This may become more difficult as pregnancy progresses.

**Slips, trips and falls:** these may not become any more likely during pregnancy (although balance is affected in some women) but the consequences of a fall are much greater. Reduce the need to work at height and take extra care around the workplace to prevent slip and trip hazards.

**Chemicals:** check that any chemicals a pregnant woman (or new mother) is exposed to at work are safe. In particular, look out for "mutagens" and "reproductive toxins".

**Working environment:** some women may find standing for long periods during pregnancy causes backache or varicose veins. They may be more sensitive to heat or to certain smells. Pregnant women may need more frequent access to the toilet particularly towards the end of the pregnancy.

**Working hours:** Some women may need to adjust their working hours to work around morning sickness and they may prefer more frequent meal breaks to allow for more, smaller meals. Reasonable time off should be provided for ante-natal appointments. Long hours, stress, too much time driving and irregular meals should all be avoided during pregnancy.

**Protective clothing:** If protective clothing is provided this may need to be replaced as the pregnancy progresses.

**What should I do whilst an employee is on maternity leave?**

**Keep in touch:** For example, send out company newsletters. Some companies pair up a woman about to go on maternity leave with someone who has recently returned to work and ask them to keep in touch. Let them know what company benefits are available, for example childcare vouchers, childcare finding services. By agreement, ten "keeping in touch days" can be worked by an employee without losing maternity benefits.

**Be flexible:** Discuss flexible return to work patterns, for example a phased return, part-time work or homeworking.

**What should I do when she returns to work?**

**Review:** Check existing risk assessments to ensure they cover new mothers. Assess whether the job the woman is returning to is appropriate, or whether extra safeguards are needed. Whilst a mother is feeding her baby there is still a risk that harm from work (for example, work with radiation or contact with infectious diseases) could be passed onto the baby via the milk.

Remember that a woman could be feeding a baby before or after work for as long as two years (occasionally longer).

**Training:** Ensure relevant managers and supervisors are trained to understand the needs of a new mother. Assess whether the mother needs any return-to-work training, for example as a refresher, or if work activities have changed whilst she has been on maternity leave.

New parents (mums *and* dads) may have broken nights for some time. Discuss with new parents whether they need any reasonable adjustments to prevent tiredness resulting in accidents.

<sup>1</sup> [www.opsi.gov.uk/acts/acts1996/ukpga\\_19960018\\_en\\_8](http://www.opsi.gov.uk/acts/acts1996/ukpga_19960018_en_8)

<sup>2</sup> [www.opsi.gov.uk/acts/acts1999/ukpga\\_19990026\\_en\\_13](http://www.opsi.gov.uk/acts/acts1999/ukpga_19990026_en_13)

<sup>3</sup> [www.opsi.gov.uk/si/si1992/Uksi\\_19923004\\_en\\_2.htm#mdiv25](http://www.opsi.gov.uk/si/si1992/Uksi_19923004_en_2.htm#mdiv25)

<sup>4</sup> [www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1975/cukpga\\_19750065\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1975/cukpga_19750065_en_1)

#### Note:

Whilst this fact sheet gives general guidance on the law relating to this topic at the time of drafting, it is not intended to be a comprehensive guide to this area of law. You are advised to seek specific advice in relation to any particular issues that need to be addressed in relation to this topic by a competent person.

