

# **PREGNANT WORKERS**

## **Maternity Provision**

### **Health & Safety Implications**

Both you and the Council have a responsibility to ensure no risks are taken during pregnancy and upon your return to work if you are breast-feeding. This is one of the main reasons why you should inform your Service early into your pregnancy. The following guidance outlines conditions that could present risks to pregnant workers or new mothers. Further details are given to delegates attending the Council's Risk Assessor Training Course.

### **Summary of Changes to Existing Legislation**

The European Union "Pregnant Workers Directive" has been implemented in the UK by amending existing employment law. Health & Safety requirements of the Directive have resulted in changes to the Management of Health & Safety at Work Regulations.

The Directive, and subsequent changes in UK law, applies to three categories of women at work:

- Those who are pregnant.
- Those who have recently given birth.
- Those who are breast-feeding.

### **Risk Assessment**

Risk assessment is already a requirement of existing Health & Safety Law. In particular the Management of Health & Safety at Work Regulations require suitable and sufficient assessment of risks to the health and safety of:

- Employees.
- Others who may be affected by employers' undertakings.

These Regulations require the significant findings of assessments and any group of employees identified as being especially at risk to be recorded and brought to the attention of those who may be affected by them.

The Director has modified these Regulations to require that where:

- The employees include women of child bearing age.
- The work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any substances, processes or working conditions.

The assessment required shall include an assessment of such risk.

Employers are required to ensure that workers are not exposed to risks identified by the risk assessment, which would present a danger to their health and safety. Employers are also required to take whatever preventative action is reasonable if a risk remains, by changing the employee's hours or conditions of work, offering alternative work or if neither is possible by giving her paid leave from work for as long as is necessary to protect her health and safety.

Where a new or expectant mother performs night work; and a medical certificate shows that it is necessary for her health or safety that she should not do so, her employer shall, subject to Section 46 of the Employment Protection (Consolidation) Act 1978, suspend her from work.

With the exception of risk assessment, nothing in the above paragraphs shall require the employer to taken any action in relation to an employee until she has notified the employer in writing that she is pregnant, has recently given birth or miscarried, or is breast-feeding.

Nothing in the provisions referred to above shall require an employer to suspend an employee from work while she is absent from work during her maternity leave.

## APPENDIX 1

### NON EXHAUSTIVE LIST OF AGENTS, PROCESSES AND WORKING CONDITIONS LIKELY TO PRESENT RISKS TO PREGNANT WORKERS

#### Agents

Physical Agents causing foetal lesions and/or likely to disrupt placental attachment and in particular:

- Shocks, vibration or movement.
- Handling of loads entailing risks, particularly of a dorsolumbar nature.
- Noise.
- Ionising radiation.
- Non-ionising radiation.
- Extremes of cold or heat.
- Movements and postures, travelling – either inside or outside the establishment – mental and physical fatigue and other physical burdens connected with the activity of the worker within the meaning of Article 2 of the Directive ie work in hyperbaric atmosphere, eg pressurised enclosures and underwater diving.

Biological Agents in so far as it is known that these Agents or the therapeutic measures necessitated by such Agents endanger the health of pregnant women and the unborn child and in particular the following Biological Agents:- toxoplasma and rubella virus, unless the pregnant workers are proved to be adequately protected against such Agents by immunisation.

The following Chemical Agents in so far as it is known that they endanger the health of pregnant women and unborn child:-

- Substances labelled R40, R45, R46 and R47.
- Chemical Agents listed in Annex 1 to Directive 90/394/EEC.
- Mercury and mercury derivatives.
- Antimitotic drugs.
- Carbon monoxide.
- Chemical Agents of known and dangerous percutaneous absorption.
- Lead and lead derivatives in so far as these Agents are capable of being absorbed by the human organism.

#### Processes

Industrial processes listed in Annex 1 to Directive 90/394/EEC.

## OCCUPATIONAL FACTORS THAT MAY AFFECT PREGNANCY

<b>Problems of Pregnancy</b>	<b>Factors in Work</b>	<b>Typical Jobs</b>
Morning Sickness	Early Shift Work. Exposure to nauseating smells.	Office cleaning. Food processing. Nursing/hospital work. Farm work.
Back Ache	Standing, lifting, posture.	Work at conveyor belts. Supermarket shelf-filler, checkout. Work in cafes, restaurants, bars. Secretarial/clerical work. Teaching. Nursing/hospital work. Hairdressing. Farm work.
Varicose Veins	Standing/sitting.	Work at conveyor belts.
Haemorrhoids	Working in hot conditions.	Work in cafes, restaurants, bars. Hairdressing. Food manufacturing. Secretarial work.
Frequency of Micturition	Difficulty in leaving job/site of work.	Work at conveyor belt. Telephonist. Nursing/hospital work. Driving.
Expanding Girth	Use of protective clothing. Work in confined areas.	Food processing. Cleaning. Nursing/hospital work. Supermarket cashiers.
Tiredness	Overtime evening work.	Work in restaurants, bars.
Possible Miscarriage	Exposure to infection – human or animal.	Lab assistant. Nursing/hospital work. Agricultural/farm work.
Other Considerations	Work from home.	Out workers may well experience similar problems to women who go out to work – may use machinery or may handle chemicals.