

A guide for new and expectant mothers who work



This is a web-friendly version of leaflet INDG373

This guide helps answer some of the questions you may have about continuing to work while pregnant or about returning to work after giving birth. In particular, it sets out what action you need to take and what action your employer should take to protect your health and safety and that of your child.

Being pregnant or a new mother does not prevent you from working and developing your career. Many women work while they are pregnant and return to work while they are breastfeeding.

In many workplaces there are risks which may affect the health and safety of new and expectant mothers and that of their child. Working conditions generally considered acceptable may no longer be so during pregnancy and while breastfeeding. There are specific laws which require employers to protect the health and safety of new and expectant mothers.

What are the specific regulations that protect the health and safety of new and expectant mothers?

The Management of Health and Safety at Work Regulations 1999 (MHSW) include regulations that protect the health and safety of new and expectant mothers who work. Under the Sex Discrimination Act 1975, if an employer fails to protect the health and safety of their pregnant workers, it is automatically considered sex discrimination.

Who do the regulations cover?

The regulations cover female employees who are, or in the future could be, a new or expectant mother. In other words, women of childbearing age who are or in the future could be pregnant, have given birth within the previous six months, or are breastfeeding.

Do I have to be pregnant before my employer takes action to protect my health and safety?

No. Your employer is required to conduct a risk assessment for his/her employees, which should also include any specific risks to females of childbearing age who could become pregnant and any risks to new and expectant mothers.

What involvement do I have in this risk assessment process?

If any risks are identified, your employer must inform you and your colleagues directly or through your safety representative. This should include involvement in what is being proposed to reduce, remove or control the risks.

Do I have to tell my employer that I am pregnant or that I am a new mother?

While you do not have to inform your employer that you are pregnant or breastfeeding, it is important (for you and your child's health and safety protection) that you provide them with written notification as early as possible. Until your employer has received written notification from you, they are not obliged to take any action other than those resulting from the risk assessment for all their employees. Your employer can also ask for a certificate from your GP or your midwife showing that you are pregnant.

What action should I expect my employer to take?

Your employer should take action to ensure that you are not exposed to any significant risk. The flowchart provides an outline of the action your employer must take to do this.

What sort of risks might I be exposed to?

You may be at risk from different physical, biological, and chemical agents, working conditions and processes. These risks will vary depending on your health, and at different stages of your pregnancy.

Your employer will be doing a specific risk assessment. You will be asked to help with this and it is important that any advice you have received from your doctor or midwife, that could impact on the assessment, is passed on to your employer. Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for long lengths of time;
- exposure to infectious diseases;
- exposure to lead;
- work-related stress;
- workstations and posture;
- exposure to radioactive material;
- other people's smoke in the workplace;
- threat of violence in the workplace;
- long working hours;
- excessively noisy workplaces.

HSE's *New and expectant mothers at work: A guide for employers* provides more detail on these risks and what employers must do to avoid them. You can ask to see the outcome of the risk assessment and your employer must make it available to you.

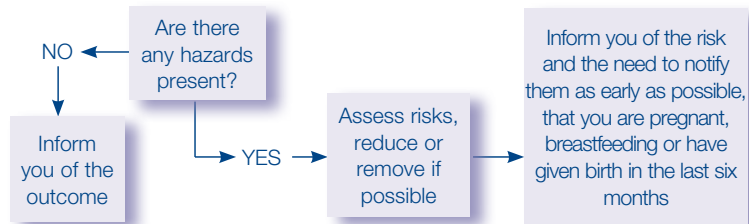
I have pregnancy-related medical conditions (eg high blood pressure, history of miscarriages etc). How does this affect the risk assessment my employer has to carry out?

Your employer must take into account, during your specific risk assessment, any medical advice from your GP or midwife about your health and adjust your working conditions accordingly.

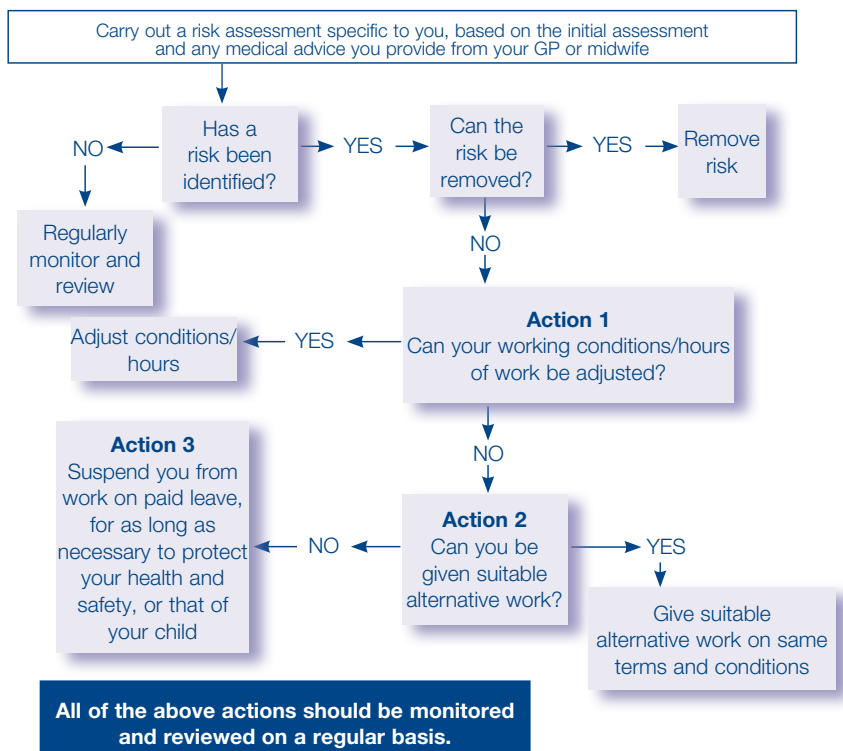
Does the risk assessment get repeated as my pregnancy progresses?

Yes. Your employer should regularly monitor and review any assessment made to take into account possible risks that may occur at different stages of your pregnancy.

Stage One: Initial health and safety assessment including new and expectant mothers



Stage Two: After you have provided written notification that you are pregnant, have given birth in the last six months or that you are breastfeeding



Can I rearrange my hours to decrease my stress levels?

If, as a result of your specific risk assessment, stress has been identified as a possible risk then your employer should, where possible, remove the risk. If that is not possible your working conditions or hours of work should be adjusted. This could include changing your hours of work so that you do not have to travel during rush hour.

Am I entitled to more frequent rest breaks?

Yes. You will need to agree timing and frequency of rest breaks with your employer as part of your specific risk assessment process. 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.

I have told my GP I think my health problems are due to risks I have been exposed to at work. I am pregnant, so should she or he sign me off sick?

Signing you off sick from work may not resolve the cause of your ill health. In some circumstances this could have some affect on your maternity benefits.

Your employer should have conducted, on receiving written notification from you that you are pregnant, a risk assessment specific to your job. If a risk was identified, your employer should have taken the following action:

Action One: temporarily adjusted your working conditions and/or hours of work; or if it was not reasonable to do so, or would not avoid the risk then

Action Two: offered you suitable alternative work (at the same rate of pay) if available; or if that was not feasible, your employer must have

Action Three: suspended you from work on paid leave for as long as necessary to protect your health and safety, and/or that of your child.

As outlined in the flowchart, the risk assessment should be monitored and reviewed on a regular basis. If you think you have been exposed to a risk at work, you need to discuss it with your employer, so the risk assessment can be reviewed. You may also wish to talk to your safety representatives.

A note from your GP to your employer may help.

Can I still work nights?

Yes. Unless there is a specific work risk and your GP or midwife has provided a medical certificate stating that you must not work nights. If this is the case then your employer must offer you suitable alternative day work on the same terms and conditions and if that is not possible, then suspend you from work on paid leave for as long as necessary to protect your health and safety and/or that of your child.

What are my maternity rights?

Your maternity rights fall into four categories:

- time off work for antenatal care with pay;
- maternity leave;
- maternity pay; and
- protection against unfair treatment or dismissal.

There are two maternity benefits available to you:

- Statutory Maternity Pay, paid by employers; and
- Maternity Allowance, paid by the Department for Work and Pensions.

You can find more information on BERR's website: www.berr.gov.uk, or on the following websites:

- www.direct.gov.uk;
- www.hmrc.gov.uk;
- www.dwp.gov.uk.

How much time can I take off to go to antenatal appointments?

There is no set limit to how much time you can take off. You are entitled to time off with pay to keep appointments for antenatal care made on the advice of your GP, midwife or health visitor. Apart from your first appointment you must provide, if requested, an appointment card or some other document showing that an appointment has been made.

More information on this can be found in BERR's advice on maternity rights (see 'Further reading', towards the end of the leaflet).

When can I return to work?

You are required to take compulsory maternity leave for the first two weeks following childbirth. At what time you return to work after compulsory maternity leave is for you to decide in discussion with your employer. More information about maternity leave can be found in DTI's guidance on maternity rights.

I am returning to work. Can I still breastfeed?

Yes. It is for you to decide how long you wish to breastfeed and returning to work does not mean you have to stop.

On returning to work you should provide your employer with written notification that you are breastfeeding and if possible ideally let your employer know before you return. She or he must then conduct a specific risk assessment – as outlined in Stage Two of the flowchart.

Your employer is required to provide somewhere for pregnant and breastfeeding mothers to rest. HSE recommends to employers that it is good practice to provide a private, healthy and safe environment for nursing mothers to express and store milk (but this is not a legal requirement). It is not suitable to use toilets for this purpose.

Are there any specific workplace risks associated with breastfeeding?

There may be risks, other than those associated with pregnancy, to consider if you plan to continue breastfeeding once you have returned to work. These depend on your working conditions and could include:

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

You should inform your employer, in writing, as early as possible that you plan to continue breastfeeding when you return to work. Your employer should then take the same action as when you provided notification of pregnancy (see the flowchart).

I'm still concerned that my employer has failed to take appropriate action. What should I do?

There are a number of people or places you can contact or go to, to get advice. You can talk to your safety representative, your union (if you belong to one), your occupational health service (if your employer provides one), or contact HSE for advice. At the end of this booklet there is a list of useful organisations that will be able to give you some advice on what to do.

Where can I get further information?

If you have any further queries please contact the HSE Infoline or look on the HSE website at: www.hse.gov.uk/mothers/index.htm. There is also a list of useful addresses at the end of this leaflet where you can obtain more information.

Further reading

Management of health and safety at work. Management of Health and Safety at Work Regulations 1999. Approved Code of Practice and guidance L21 (Second edition) HSE Books 2000 ISBN 978 0 7176 2488 1

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice L24 HSE Books 1992 ISBN 978 0 7176 0413 5

Five steps to risk assessment Leaflet INDG163(rev2) HSE Books 2006 (single copy free or priced packs of 10 ISBN 978 0 7176 6189 3 www.hse.gov.uk/pubns/indg163.pdf)

New and expectant mothers at work: A guide for employers HSG122 (Second edition) HSE Books 2002 ISBN 978 0 7176 2583 3

New and expectant mothers at work: A guide for health professionals available at www.hse.gov.uk/pubns/indg373hp.pdf

Guidance giving information on rights for pregnant women available at www.berr.gov.uk

Working safely with ionising radiation: Guidance for expectant or breastfeeding mothers Leaflet INDG334 HSE Books 2001 (single copy free) www.hse.gov.uk/pubns/indg334.pdf

Infection risks to new and expectant mothers in the workplace: A guide for employers Guidance booklet HSE Books 1997 ISBN 978 0 7176 1360 1

Sex Discrimination Act 1975 The Stationery Office 1975 ISBN 978 0 1054 6575 1

The Stationery Office publications are available from The Stationery Office, PO Box 29, Norwich NR3 1GN Tel: 0870 600 5522 Fax: 0870 600 5533 email: customer.services@tso.co.uk Website: www.tsoshop.co.uk/ (They are also available from bookshops.) Statutory Instruments can be viewed free of charge at www.legislation.gov.uk/.

Sources of help

Department for Work and Pensions
Website: www.dwp.gov.uk

Department for Business Enterprise and Regulatory Reform
Enquiry Unit: 020 7215 5000
Fax: 020 7215 0105
Textphone: 020 7215 6740
Website: www.berr.gov.uk

Equality and Human Rights Commission
Helplines: 0845 604 6610 (England) 0845 604 5510 (Scotland)
0845 604 8810 (Wales)
Website: www.equalityhumanrights.com

Maternity Action
The Grayston Centre
28 Charles Square
London N1 6HT
Tel: 020 7324 4740
Website: www.maternityaction.org.uk

Tommy's, the Baby Charity
Nicholas House
3 Laurence Pountney Hill
London
EC4R 0BB
Tel: 0870 777 7676
Fax: 0870 770 7075
e-mail: mailbox@tommys.org
Website: www.tommys.org

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This leaflet is available in priced packs of 10 from HSE Books, ISBN 978 0 7176 2614 4. Single copies are free and a web version can be found at www.hse.gov.uk/pubns/indg373.pdf.

© *Crown copyright* If you wish to reuse this information visit www.hse.gov.uk/copyright.htm for details. First published 03/03.