

## **NEW AND EXPECTANT MOTHERS PROCEDURE**

### **1. INTRODUCTION**

- 1.1 Pregnancy should not be regarded as ill health. It is part of everyday life and the health and safety implications can be adequately addressed by normal health and safety management procedures.
- 1.2 Many women work or study while they are pregnant and may return to work/study while they are still breastfeeding. Some hazards in the workplace may affect the health and safety of new and expectant mothers and their child(ren). Therefore, working/study conditions normally considered acceptable may no longer be so during pregnancy and whilst breastfeeding.
- 1.3 Pregnancy can go undetected, in many cases, for the first 4 to 6 weeks. It is important for employers to identify hazards and risks for all female employees/students of childbearing age. It should also be taken into account that some hazards can present more of a risk at different stages of the pregnancy.
- 1.4 This Procedure complements the Maternity Procedure which can be found on the University intranet.

### **2. SCOPE OF PROCEDURE**

- 2.1 This procedure applies to all University staff and students, including visitors to the University who are new or expectant mothers. The procedure applies on all Campuses of the University and where students and staff are carrying out fieldwork. Where staff and students are in workplaces outwith the control of the University, eg on work based learning placements, an equivalent standard of care is expected (Work Based Placement Learning is dealt with at section 4.4.10).

### **3 FOUNDATION IN POLICY**

- 3.1 The University recognises in its Health, Safety and Wellbeing Policy that it has a duty of care to ensure the health and safety of all of its staff, students and other persons and to manage the risks to which they may be exposed. It further recognises that there is a necessity to take additional steps to ensure the health and safety and to assess and manage the risks to new and expectant mothers and their children taking into account any additional risks caused by the University's operations.

### **4 PROCEDURE**

#### **4.1 Legal requirements**

- 4.1.1 The law requires employers to assess risks to their employees/students; including new and expectant mothers, and to do what is reasonably practicable to control the risks. Workplace Exposure Limits for hazardous substances and other agents are given in HSE Document EH40, which expands on the duties given in the COSHH regulations, and which are set at levels which should not put a pregnant or breastfeeding worker, or her child(ren) at risk. In some cases there are lower exposure levels for pregnant

workers or for women of childbearing age, than for others working within the same area. By controlling risks appropriately for all who could be exposed, the need for special action specifically for new and expectant mothers is reduced.

4.1.2 The Equality Act 2010:

This Act protects women from discrimination on the grounds of pregnancy and maternity. In employment a woman is protected from discrimination during the period of her pregnancy and during any period of compulsory or additional maternity leave. In non-work cases, including Higher Education, the provision of services, goods and facilities, and the provision of recreational or training facilities, a woman is protected from discrimination during the period of her pregnancy and the period of 26 weeks beginning with the day on which she gives birth.

The Act also protects a woman from direct discrimination because she is breast feeding or due to illness suffered as a result of pregnancy, for example a student should not be penalised if they miss coursework deadlines because of pregnancy related illness or appointments. The Act does not, however, cover indirect discrimination or harassment on the grounds of pregnancy and maternity.

4.1.3 The Breastfeeding etc. (Scotland) Act 2005:

This Act of the Scottish Parliament makes it an offence to prevent or stop a person in charge of a child who is otherwise permitted to be in a public place or licensed premises from feeding milk to that child in that place or on those premises; to make provision in relation to the promotion of breastfeeding; and for connected purposes.

4.1.4 The Management of Health and Safety at Work Regulations 1999:

Employers are required to assess risk to all employees and to do what is reasonably practicable to control those risks.

4.1.5 Employers are required to take into account the risks to new and expectant mothers when assessing risks at work. **If the risk cannot be avoided by other means, employers are specifically required to make changes to the working conditions or hours of a new or expectant mother; offer her suitable alternative work, or if that is not possible suspend her for as long as is necessary to protect her health and safety and that of her baby.**

4.1.6 The Employment Rights Act 1996:

Where an employee works at night and produces a certificate from a registered medical practitioner (including a registered midwife) showing that it is necessary for the woman's health and safety NOT to work nights, her employee should suspend her from that work for the period identified in the certificate. The Act requires that suitable alternative daytime work on the same terms and conditions should be offered before suspending the woman from work.

**4.1.7 Workplace (Health, Safety and Welfare) Regulations 1992:**

Requires that employers provide suitable facilities for workers who are pregnant or breastfeeding to rest; UWS have Parenting Rooms on each Campus which can be used by, staff, students and visitors:

- **Ayr** – Room 3:039 – the code can be obtained from main reception.
- **Dumfries** – (Dumfries and Galloway College) Room 1023 – anyone wishing to use this room should obtain access through Reception at the College.
- **Lanarkshire** – Room 1.0.12 – the room can be accessed via swipe card.
- **Paisley** – Room P102 – the access code can be obtained from main reception in the Brough building.

Information regarding babychanging facilities on each campus may be obtained from the same sources as for breastfeeding.

4.1.8 The requirements outlined should be followed on notification in writing that an employee is pregnant, has given birth in the previous six months, or is breastfeeding. Employers may request, in writing, a certificate from a registered medical practitioner or registered midwife confirming the pregnancy.

**4.2 Definitions**

4.2.1 The phrase “new or expectant mother” refers to an employee or student, who is pregnant, who has given birth within the previous six months or who is breast feeding.

4.2.2 “Given birth” is defined in the Management of Health and Safety at Work Regulations as “delivered of a living child, or after 24 weeks of pregnancy, a stillborn child”.

**4.3 Provisions which have been put in place by UWS for New and Expectant Mothers**

4.3.1 The University must assess and monitor the ability of pregnant women to perform their work safely and without exposure to significant risks to their health, throughout the declared term of pregnancy and the post-natal period and, where necessary, make appropriate changes to the control measures arising out of previous risk assessments.

4.3.2 All female employees have a responsibility to inform the Department of People & Organisational Development of their pregnancy as soon as possible after it has been confirmed. It is advisable that the New/Expectant Mother, if an employee notifies the Head of their Department/School in writing at that time. Students must notify their Programme Leader. This will allow the University to implement this procedure as appropriate. If they are not informed then they will be unable to make allowances for the employee’s/student’s pregnancy.

4.3.3 For information on

- maternity leave and pay
- implications for your pension
- keeping in touch days
- returning to work after maternity leave

You should refer to the People and Organisational Development website at: or contact your assigned School/Department HR Business Partner.

- 4.3.4 This procedure sets out the most important risks that have been identified within UWS. The University's New and Expectant Mothers Procedure places the responsibility on the Heads of Department/Schools to carry out risk assessments of the workplace and work/teaching activities. Each pregnancy must be individually and continually assessed for potential risks to the mother's health and the health of the unborn child, and following the birth, the nursing mother and baby.
- 4.3.5 The New/Expectant Mother and her line manager or other person nominated by the Head of Department/School should carry out the risk assessments. A copy of this should be given to the Head of Department/School or their nominee for auditing and appropriate action. If required, Resilience and Safety can provide further advice and support. A copy of the risk assessment should be retained by the New and Expectant Mother, her line manager and the Head of Department/School, and updated as required throughout the pregnancy.
- 4.3.6 This document can be used as a source of guidance when identifying risks. Compliance with this Procedure should help ensure the health and safety of pregnant workers, and of those who have recently given birth, and nursing mothers.

#### **4.4 Hazards**

The physical, biological and chemical agents, processes and working conditions which may affect the health and safety of new or expectant mothers include:

##### 4.4.1 Physical Risks:

- Movement and postures
- Manual handling
- Shocks and vibrations
- Noise
- Radiation (ionising and non-ionising)
- Compressed air

##### 4.4.2 Biological Agents:

- Infectious diseases

##### 4.4.3 Chemical agents, including:

- Toxic chemicals
- Mercury
- Antimiotic (cytotoxic) drugs
- Pesticides
- Carbon monoxide
- Lead

##### 4.4.4 Working conditions:

- Facilities (including rest rooms)
- Mental and physical fatigue and working hours
- Stress (including post-natal depression)
- Temperature
- Working with visual display units (VDUs)

- Working alone
  - Working at heights
  - Travelling
  - Violence within the workplace
  - Working with personal protective equipment (PPE)
  - Nutrition
- 4.4.5 All of the hazards listed above are included in the European Directive on the health and safety of pregnant workers (92/85/EEC) and the European Commission's guidelines. Many of these hazards are covered by specific health and safety regulations; Control of Substances Hazardous to Health Regulations (COSHH) 2002, for example.
- 4.4.6 Each situation should be individually assessed for potential risks. A written risk assessment must be completed as soon as possible following notification to the Head of Department/School of the pregnancy. This requirement applies to members of staff and students who are pregnant, who have recently given birth or in anticipation of a new mother returning to work. The University document "Carrying out of Risk Assessment: Procedure and Guidance" contains guidance on risk assessment. The University's pro-forma for recording risk assessment in pregnancy is given in Appendix 2, below .
- 4.4.7 A student who is pregnant or who has recently given birth is strongly advised to notify her Programme Leader or academic supervisor as soon as possible in order to determine if they are exposed to any hazards and allow them to carry out a risk assessment.
- 4.4.8 In either case (staff or student) it is the responsibility of the Dean of the School to ensure that a suitable and sufficient risk assessment is carried out and any controls are identified and put in place.
- 4.4.9 Female contractors or visitors to UWS should be notified of any hazards prior to entering any high risk areas. It is the responsibility of the Head of Department/School bringing in the contactor or visitor into UWS to ensure that the correct advice is given.
- 4.4.10 Risk assessments for new and expectant mothers need to be kept under review. Although hazards are unlikely to change, the risk of damage to the unborn child as a result of a hazard will vary at different stages of the pregnancy. Dexterity, agility, co-ordination, speed of movement and reach may also be impaired in the expectant mother because of increasing size as the pregnancy progresses.
- 4.4.11 While it is difficult to define a frequency for review of the risk assessment as every pregnancy is different, review should be carried out if it is suspected that the risk assessment is no longer valid, if there have been significant changes to anything it relates to or if requested by the expectant mother. As part of that process, the risk assessment should take into account possible risks that may occur at different stages of your pregnancy.
- 4.4.12 Students, while on placement for Work Based Placement Learning, are regarded as employees of the organisation providing the the placement opportunity. This is made clear in the Health and Safety (Training for Employment) Regulations 1990. It is therefore the legal responsibility of the placement provider to ensure that a suitable and sufficient risk assessment is

carried out for a student who informs them of their pregnancy while on Work Based Placement Learning.

#### 4.5 Breastfeeding

- 4.5.1 UWS is keen to support those Mothers who wish to continue breastfeeding when they return to work/study. Each Campus has a room for nursing mothers to express and store milk. This is the same room which is available for expectant mothers to rest (this is a legal requirement).
- 4.5.2 These rooms have a lockable door for privacy, a comfortable chair, a fridge, kettle, microwave, washbasin and baby changing facilities. The rooms remain locked when not in use. It should be noted that the University is not responsible for the loss of personal equipment left in these rooms.
- 4.5.3 Breastfeeding mothers are responsible for providing their own containers, breast pumps etc. They must also label their milk as there may be more than one person utilising the facilities.
- 4.5.4 If employees/students continue to breastfeed for many months after return to work, risks have to continue to be reassessed regularly. Where risks are identified, the actions, as outlined earlier, need to be followed in order to avoid exposure for as long as it threatens the health and safety of the mother and her child.
- 4.5.5 UWS needs to ensure on receiving written notification of a new mother breastfeeding, that she is not exposed to risks that could damage her health and safety and that of her child for as long as she continues to breastfeed. The regulations do not put a time limit on breastfeeding; this is for the woman to decide, depending on circumstances and her choice.
- 4.5.6 Where risks are being controlled in line with the regulations it is unlikely that women who continue to breastfeed will be exposed to risks which give rise to the need for them to be offered alternative work or given paid leave. If the department/school has any doubt they can contact Resilience and Safety or Occupational Health for advice.

#### 4.6 Further guidance and information for New and Expectant Mothers

- 4.6.1 The University is committed to protecting the health and safety of all employees including new and expectant mothers. Notifying the University of your pregnancy will provide you with protection from:
- Any health and safety risks to you or your baby
  - Dismissal and unfair treatment on grounds of pregnancy .
- 4.6.2 **It is your responsibility, and to your benefit to complete with your line manager a new and expectant mothers risk assessment form, this is available on the intranet pages.** This risk assessment will look at work activities in particular and the environment in which you work to ensure that you are not exposed to any potential harm. If any issues around the health of the mother or baby are highlighted, please contact Occupational Health. All matters will be treated in confidence.
- 4.6.3 **If you believe there is a risk to your health and safety, or to that of your baby, that has not been considered by the risk assessment, you should**

**immediately bring this to the attention of your Line Manager, your HR Business Partner, Resilience and Safety or Occupational Health.**

**5 Knowledge and skills**

No additional knowledge and skills should be required to implement this procedure. The procedure is written to be easily understandable to users.

Procedure Author – Resilience and Safety	Procedure Owner – Resilience and Safety
Parent Policy Statement - Health, Safety and Wellbeing Policy	Public Access or Staff Only Access - Staff
Version 2 – December 2018 (Interim update with full review scheduled for 2019)	Changes and Reason for Changes – Policy Review

**Appendix 2 Risk Assessment Form  
– New and Expectant Mothers**



<b>Name of New/Expectant Mother</b>	<b>School/Department</b>	<b>Unit</b>	<b>Laboratory</b>
<b>Is there any advice provided by the woman's health professional? (remember the need for confidentiality)</b>			

<b>Identified Hazards</b>	<b>Applies Yes/No</b>	<b>Information about controls</b>	<b>Action to be taken/by whom/date</b>	<b>Date for review/review by (initials)</b>
Manual handling		<ul style="list-style-type: none"> <li>▪ Reduce the amount of physical work or provide aids to reduce the risk.</li> <li>▪ List the manual handling operations which should be avoided.</li> <li>▪ Alter the nature of the task to reduce risks from manual handling mothers.</li> </ul>		



Movements and postures		<ul style="list-style-type: none"> <li>▪ Avoid spending long periods handling loads, or standing/sitting without regular exercise/movement to maintain circulation.</li> <li>▪ Provide the opportunity to alternate between standing and sitting. If this is not possible, you should provide for breaks.</li> </ul>		
Working with display screen equipment		<ul style="list-style-type: none"> <li>• Ensure working posture is appropriate, that a risk assessment has been done and that adequate work breaks can be taken.</li> </ul>		
Working alone		<ul style="list-style-type: none"> <li>▪ Review and revise access to communications with others.</li> <li>▪ Consider levels of supervision involved</li> </ul>		
Stress		<ul style="list-style-type: none"> <li>▪ Adjust working conditions and hours</li> <li>▪ Ensure that necessary understanding, support and recognition is available (consider the return to work).</li> </ul> <p>Take account of known organisational stress factors (shift patterns, job insecurity, workloads etc) and the particular medical and personal factors affecting the individual.</p>		
Travelling either inside or outside workplace		See the hazards column for specific information on fatigue, vibrations, stress, static postures etc.		
Work and personal protective equipment		<ul style="list-style-type: none"> <li>▪ Wherever possible, the risk should be avoided by adaptations or substitution, e.g. providing suitable alternative equipment to allow the work to be conducted safely and without risk to health.</li> </ul>		

Mental and physical fatigue and working hours		<ul style="list-style-type: none"> <li>▪ Adjust working hours temporarily, as well as other working conditions, including the timing and frequency of rest breaks.</li> <li>▪ The need for physical rest may increase. As appropriate, allow access to somewhere to sit or lie down comfortably in private and without disturbance.</li> </ul>		
Work related violence		<ul style="list-style-type: none"> <li>• Change the design of the job i.e., avoiding lone working, reducing use of cash, maintaining contact with workers away from the base.</li> <li>• Improve the design or layout of the workplace</li> <li>• Provide adequate training and information.</li> </ul>		
Hazardous substances		Carry out a COSHH assessment for women who are pregnant, have recently given birth or who are breastfeeding.		
Infectious Diseases Biological agents of hazard groups 2, 3 and 4, for example, infections which are transmitted from animals and birds to humans through activities at work, hepatitis B.		Carry out a COSHH assessment for women who are pregnant, have recently given birth or who are breastfeeding.		

Chickenpox / shingles		Pregnant women who have been in contact with chickenpox or shingles and have no history of chickenpox must contact their GP promptly for advice.		
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<p>If you identify any further hazards or if any of the following apply to the work carried out please contact health and safety services: Work at height, work related violence, shocks and vibration, ionising and non-ionising electromagnetic radiation, confined spaces, mercury and mercury derivatives, lead and lead derivatives, carbon monoxide. Further hazards should be detailed below as applicable:</p>		
Hazard	Controls	Review Date

<p>Other aspects of the pregnancy which may be affected by work e.g. exposure to smells affecting nausea, breast discomfort due to increased size and sensitivity (The impact will vary during the course of the pregnancy and you will want to keep their effects under review)</p>		Yes / No
Aspect/work issue	Controls	Review Date

<i>The persons below should sign to show that the assessment is a correct and reasonable reflection of the hazards and of the control measures and actions required.</i>		
<b><i>New/Expectant Mother's name (please print):</i></b>	<b><i>New/Expectant Mother's signature:</i></b>	<b><i>Date:</i></b>
<b><i>Line Manager's/Course Leader's name (please print):</i></b>	<b><i>Line Manager's/Course Leader's signature:</i></b>	<b><i>Date:</i></b>
<b><i>Line Manager's/Course Leader's name (please print):</i></b>	<b><i>New/Expectant Mother's signature:</i></b>	<b><i>Date:</i></b>

Please note. Where a significant risk still remains, i.e. if the task cannot be avoided/carried out by someone else or further controls cannot be implemented, you **must** liaise with your line manager, Resilience and Safety, Occupational Health, and your Human Resources Business Partner.

This risk assessment will be held in the employee's confidential medical notes. The employee and her line manager should be issued with a copy for their own files.