

New and Expectant Mothers at Work Guidance

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1. Purpose

The University of Sussex is committed to ensuring all employees who are new or expectant mothers undergo a risk assessment as soon as the employer is notified, and that all reasonable and practical measures are taken to avoid or reduce hazards to the new or expectant mother.

This document outlines the health and safety responsibilities for managers with staff who are pregnant, new mothers, including those that are breast-feeding infants and the role that a new or expectant mother are to play in ensuring their own Health and Safety.

The guidance contains information on:

- the main health and safety issues associated with staff pregnancy.
- A risk assessment action flowchart on actions to take once notified of a pregnancy.
- The hazards associated with work that may be relevant to a new or expectant mother and the controls to reduce the risks.
- The provision of rest facilities.

2. Definition

The following terms are written into government regulations and are therefore used in this document. The definitions below are provided to ensure the guidance is inclusive to all who would benefit from it.

A 'new or expectant mother' is someone who is pregnant, has given birth within the last six months or is breastfeeding. The word 'mother' is inclusive of a diverse range of people including women and those who are gender-queer/non-binary individuals assigned female at birth or trans men.

A 'woman of Childbearing age' is a person who has the potential to become pregnant. The Word 'women' is inclusive of a diverse range of people including biological women, those who are gender-queer/non-binary individuals assigned female at birth or trans men.

'Breastfeeding' is the act of feeding breast milk to infants and/or child(ren), whether directly or expressed and fed from a bottle, by anyone who has nipples and is able to produce milk (chestfeeding or bodyfeeding). This may include transgender men, non-binary individuals, and cisgender women.

3. Legal Requirements

The law requires employers, such as the University, to assess the risks to their employees, including those that are new and expectant mothers and/or breastfeeding. Helpful guidance has been published by the Health and Safety Executive, "and the relevant legislation is outlined in Appendix 1.

To comply with the Regulations, the University, and therefore the School or Department, must ensure the following measures are implemented:

- a) A suitable and sufficient risk assessment be undertaken which should examine risks from any process or working conditions, including physical, Mental, biological, or chemical agents, which

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may affect the health and safety of new and expectant mothers, breastfeeding mothers, and that of their child. All risk assessments should include any specific risk to women of childbearing age who could become pregnant (for instance where the use of a material or chemical may impact the development of a foetus before pregnancy is known).

b) Steps are taken to ensure that those in the above groups are not exposed to risks which would endanger their health and safety or that of their child.

c) In the case of an individual employee, whose circumstances are such that compliance with relevant statutory requirements would not avoid risk to health and safety, the University must take the following actions (listed in the order the action should be attempted):

1) Temporarily adjust the employee working conditions and or hours of work.

If that is not possible:

2) The employee should be offered suitable alternative work (at the same rate of pay) if available.

If that is not possible:

3) The employee should be suspended from work on paid leave for as long as necessary, to protect their health and safety, and that of the baby.

Working conditions generally considered acceptable may no longer be so during pregnancy and while breastfeeding. These risks will vary depending on the individual's health and different stages of pregnancy.

4. Responsibilities

New or Expectant Mothers, Breastfeeding Mothers

As a new or expectant mother, you do not legally have to inform your employer that you are pregnant or breastfeeding until the 15th week before your baby is due (around 25 weeks pregnant). However, In the interests of yours and your child's health and safety, we ask staff to notify their line manager (or where confidentiality is required, perhaps during the first few weeks of pregnancy, the Health and Safety Coordinator) as soon as they are aware that they are pregnant.

Your responsibilities:

- Inform your line manager you are pregnant by the 15th week before your baby is due

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- Tell your line manager the maternity certificate (MATB1 form) which your midwife will give to you from the 21st week of pregnancy.
- Participate in a new and expectant mother risk assessment and work with your line manager to resolve any issues arising from the Assessment.
- If you have any queries about health and safety during or after your pregnancy, please contact your manager or your local health and safety adviser.
- Breastfeeding should be considered within the risk assessment process. Mothers that are extending their period of breastfeeding beyond infancy should consider informing their line manager if their work exposes them to chemicals or materials where there is a potential risk that their milk production or the milk itself may be effected.

Line Managers

Line managers are responsible for undertaking a new and expectant mother risk assessment, and if necessary, discuss with staff any steps needed to minimise risk. It is the responsibility of line managers to ensure that:

- Activities carried out within their area of control that may pose a significant risk to people of childbearing age are identified and that action is taken to minimise the potential for harm from these activities where appropriate.
- Information is provided to staff about the preventative and protective control measures implemented to reduce, remove, or control risk, and to follow the hierarchy of controls outlined in section 2, paragraph c above
- Assessments are completed and any necessary control measures to work are put in place and monitored.
- The [‘Display screen equipment \(DSE\) workstation checklist’](#) has been completed to highlight any significant risks that may be present at the new or expectant mothers’ DSE workstation and to ensure it is as comfortable as possible.
- The New and Expectant Mothers Risk Assessment is reviewed at regular intervals (frequency to be agreed between the member of staff and line manager) and on the mother’s return to work.
- Copies of the assessment are retained by the line manager following university record management and GDPR requirements.

Occupational Health

[Occupational Health](#) can advise managers on individual cases or give confidential advice to members of staff. Occupational Health must be informed if a risk has been identified for appropriate medical advice, support and monitoring and any further recommendations regarding fitness and suitability for work.

Central or Science Faculty Health and Safety Team

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The central [Health and Safety Team or Science Health and Safety Team](#) can provide advice to line managers on the risk assessment process, potential control measures that could be introduced and advise on any outstanding issues arising from the risk assessment.

Human Resources

HR Business Partners should be contacted for any advice on maternity entitlements and provisions and to ensure all appropriate documentation is completed in relation to the pregnancy. Human Resources staff will also maintain the confidentiality of personal and or medical information unless explicit written consent is given by the individual. For further information on Maternity Leave and Pay employees should seek advice from the [Human Resources website](#).

5. Risk Assessment Process

In general, the health and safety implications of pregnancy are adequately addressed by normal health and safety management procedures. There are, however, specific health and safety regulations which protect staff while they are pregnant, when they have recently given birth, and while breastfeeding. These relate largely to exposure to chemical and biological substances, and to certain extreme physical conditions.

Other specific risk assessments such as Display Screen Equipment (DSE), Control of Substances Hazardous to Health (COSHH) and Manual Handling may have to be reviewed if potential risks are identified in the 'new and expectant mother risk assessment'.

New and Expectant Mothers Flowchart

When a member of staff has provided notice that they are pregnant or breastfeeding, they should follow the flowchart in **Appendix 2**. A suitable and sufficient risk assessment must be made of the work carried out by that person to ensure that they are not put at risk during and immediately after their pregnancy or whilst breastfeeding. Monitor all controls in place and safety arrangements are being followed to ensure any risks associated with these are adequately controlled.

New and Expectant Mothers Risk Assessment

The Guidance on hazards and control measures, **Appendix 3** should be used in conjunction for completing the New and Expectant Mothers at Work Risk Assessment form.

Where necessary to ensure safety, outcomes of the risk assessment should be communicated to those concerned and/or involved in ensuring the measures are in place and are effective. The outcome of the risk assessment may indicate an adjustment in work activities to remove the hazard for the period of being a new or expectant mother. Personal information about the individual's condition or medical status should not be shared with others without their express and documented permission to do so.

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6. Records and Review

The completed risk assessment must be stored locally within the employee’s school or department in line with record management and GDPR requirements and reviewed at suitable intervals during the pregnancy or period of breastfeeding, and any adjustments made as necessary.

This assessment should be regarded as an ongoing process throughout the course of the pregnancy as the capabilities of the person involved may be significantly reduced as the pregnancy progresses (e.g., manual handling). The nature of the tasks they are required to do should be temporarily modified accordingly.

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7. Further Guidance

- [HSE New and expectant mothers web page](#)
- [Pregnant workers and new mothers: your health and safety](#)
- [Working safely with ionising radiation: Guidance for expectant or breastfeeding mothers Leaflet](#)

The [Health and Safety web site](#) provides guidance on the hazards associated with the new and expectant mothers risk assessment.

Legislation to protect the health and safety of new and expectant mothers at work, includes:

- Infections at work [Advisory Committee on Dangerous Pathogens - Infection risks to new and expectant mothers in the workplace - A guide for employers](#)
- Control of Substances Hazardous to Health (COSHH) 2002
- Ionising Radiation Regulations 1999
- Control of Lead at Work (CLAW) Regulations 2002
- Workplace (Health, Safety and Welfare) Regulations 1992

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