

CONTROL OF RISKS AT WORK TO EXPECTANT PERSONS AND NEW MOTHERS POLICY

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The latest approved version of this document is online.
If the review date has passed, please contact the Author for advice.

Version Control

Version	Summary of Changes/Amendments	Issue Date
1	Initial Issue	1999
2	Updated Review of Existing Policy	May 2004
3	Updated Review of Existing Policy	June 2009
4	Significant Review of Existing Policy	June 2015
5	Updated Review of Existing Policy	Sept 2020
6	Move to Environment Directorate and roles and responsibilities.	March 2022
7	Reflect changes to Directorate and roles and responsibilities.	April 2023
8	3 yearly policy review – update of roles and responsibilities section and to change the policy to reflect gender neutrality.	Oct 2023
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12		

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ENGAGEMENT & CONSULTATION

Key Individuals/Groups Involved in Developing this Document.

Role / Designation
Senior Health & Safety Officer
Occupational Health & Wellbeing Manager

Circulated to the following for Consultation.

Date	Role / Designation
April 2018	Corporate Health & Safety Group
Sept 2020	Corporate Health & Safety Group
Sept 2020	Executive Team
Oct 2023	Health and Safety Group

Evidence Base

Please list any National Guidelines, Legislation or Health and Care Standards relating to this subject area?

Fully detailed within the Reference Section 6 of this document.

IMPACT ASSESSMENTS

Equality Impact Assessment Summary					
	No impact	Adverse	Differential	Positive	Statement
Age	x				An impact assessment has been undertaken with appropriate groups. The impacts noted in the columns on the left have been identified.
Disability	x				
Gender reassignment				x	
Pregnancy and Maternity				x	
Race	x				
Religion or Belief	x				
Sex				x	
Sexual Orientation				x	
Marriage and Civil Partnership	x				
Welsh Language	x				
Risk Assessment Summary					
<p>Have you identified any risks arising from the implementation of this policy / procedure / written control document?</p> <p>No risks identified</p>					
<p>Have you identified any Information Governance issues arising from the implementation of this policy / procedure / written control document?</p> <p>No risks identified</p>					
<p>Have you identified any training and / or resource implications as a result of implementing this?</p> <p>No</p>					

1 Policy Statement / Introduction

This policy applies to all expectant persons and new mothers. It's important for employers to support them all equally. The legal protections outlined also apply to some transgender men, non-binary people, and people with variations in sex characteristics, or who are intersex.

Powys Teaching Health Board's (PTHB) commitment to the health, safety and welfare of employees is laid down in the general Health and Safety Policy Statement within the Corporate Health & Safety Policy. This policy and procedure should be read and used in conjunction with other relevant health & safety policies and procedures including the following:

- PTHB / HSP 001 Corporate Health & Safety Policy

2 Objective

To introduce procedures to safeguard new and expectant mothers employed by PTHB from workplace hazards, ensure compliance with the statutory regulations and ensure early and regular risk assessment:

- Management of Health and Safety at Work Regulations 1999 (MHSW). Regulation 3 of MHSW places a legal duty on all employers to assess the health and safety risks that their employees are exposed to whilst at work. Once the risks have been assessed, the employer is then required to put in place the appropriate health and safety measures to control those identified risks. In addition to the requirements of Regulation 3 MHSW, Regulation 16 of MHSW also requires that the risk assessment should include any specific risks to persons of childbearing age who could become pregnant, and any risks to the expectant person and new mother. These risks can be from any process, working conditions, or physical, biological or chemical agents.
- Workplace (Health, Safety and Welfare) Regulations 1992 (the Workplace Regulations). The Workplace Regulations require employers to provide suitable rest facilities for workers who are pregnant or breastfeeding. The facilities should be suitably located (e.g. near to toilets) and where necessary should provide appropriate facilities for the new or expectant person to lie down.
- Equality Act 2010- A breach of MHSW may in addition be unlawful discrimination under the Equality Act, depending on the circumstances. There is no length of service qualification, and the Act gives protective rights to a broad range of employees including contract (or agency) workers and apprentices. A breach of the Equality Act could give rise to civil liability.
- To ensure managers and heads of departments identify and assess the specific occupational health risks to the expectant persons and new mother and take the necessary measures to minimise and control them.

- To ensure risk management systems implemented are regularly reviewed and revised as required.
- To ensure that pregnancy is not seen as ill health, but as part of life where usual health and safety arrangements can be applied. The main aim is to keep the employee in her workplace for as long as possible without presenting any risk to her or her child.
- To support the outcome of a fit, healthy working mother nursing a healthy baby.

3 Definitions

- **PTHB** – Powys teaching Health Board
- **HSE** - Health & Safety Executive
- **Expectant person or new mother** means a worker who is pregnant, who has given birth within the previous 6 months, or who is breastfeeding. “Given birth” is defined in the Management of Health and Safety at Work Regulations as “delivered a living child or, after 24 weeks pregnancy, a stillborn child”.

4 Responsibilities

4.1 Chief Executive

The Chief Executive is responsible to the Board of PTHB, for the arrangements and procedures required to implement this policy for expectant persons and new mothers within PTHB. Also, for ensuring compliance with health and safety legislative requirements. These are outlined in more detail within the organisations Health and Safety Policy – PTHB / HSP 001

4.2 Executive Directors

Executive Directors reporting to the Chief Executive and Board of PTHB, are responsible for ensuring within their areas of responsibility, that sufficient competent resource is available to ensure all risks to expectant persons and new mothers working for PTHB are identified through suitable and sufficient risk assessment. Along with ensuring suitable control measures are implemented as required, to control the risks to expectant persons and new mothers and for ensuring sufficient resource is available for continued monitoring and supervision.

4.3 Executive Director of Therapies & Health Sciences

In addition to the responsibilities outlined in 5.2, the Executive Director of Therapies & Health Sciences will take lead responsibility for the corporate management of health & safety within the organisation and is accountable for this to the Board of PTHB. These responsibilities also include ensuring that the

organisation receives competent advice and guidance regarding expectant persons and new mothers.

4.4 Senior Managers

For example: Assistant Directors/Business Managers/Heads of Services and those responsible for service delivery.

Senior Managers for each locality/directorate have responsibility for the day-to-day management and monitoring of health and safety within their area of responsibility.

They are directly accountable to their management for ensuring full compliance with health & safety legislation, which includes compliance with the Management of Health and Safety at Work Regulations 1999 and Workplace (Health, Safety and Welfare) Regulations 1992. They are also responsible for ensuring adequate control measures and where required Safe Systems of Work (SSoW) are implemented and are being adhered to at all times.

Senior Managers will ensure that systems are in place to achieve the following:

- To make arrangements to bring this policy, arrangements and any revision to the notice of all employees within their area of responsibility or others who may be affected.
- To identify the resources required to implement this policy and ensure financial requirements are included in budget bids.
- Ensure there is a process in place to identify work activities that pose a risk to expectant persons and new mothers and ensure these are suitable risk assessed and reviewed on a regular basis.
- Ensure control measures or SSoW identified during the risk assessment process are implemented to prevent expectant persons and new mothers being exposed to risks.
- Ensure reasonable adjustments are made to facilitate new and expectant mothers and prevent them being exposure to risks identified during the risk assessment process.
- Ensure Line Managers and Supervisors receive sufficient training to undertake their role.
- In liaison with occupational health ensure expectant persons and new mothers, managers and supervisors receive suitable information and advice.

4.5 Line Managers' Responsibilities

- Line managers must review existing risk assessments when informed that an employee is pregnant. The new risk assessment must take account of the particular hazards that could affect pregnancy. Any new hazards identified must be managed actively.
- Ensure employees of child-bearing age are given information about the risks that the work may present, and which may affect pregnancy and health.
- To assess the risk to the expectant person and new mother using the risk assessment form in Appendix 2 of this document. This is available in "Word" format from the forms section on the H&S intranet site – link below.

[Expectant Persons & New Mothers Risk Assessment Form \(2020\).docx \(sharepoint.com\)](#)

- The assessment must consider any potential adverse effects on the unborn child or the breast-feeding child - not just upon the mother themselves.
- To review existing risk assessments, e.g. Manual Handling, COSHH in line with the policy guidance. Information to assist the risk assessment process is provided in Appendix 1 (the HSE flow chart) and Appendix 3.
- If a risk is identified the member of staff should be informed about the potential risk and the measures to be taken to prevent exposure to the risks. If previous risk assessments have identified a risk to employees, then adequate measures should be in place.
- If, after safety measures have been implemented, there is still a **significant risk** to the expectant persons and new mothers, which goes beyond the level of risk expected outside the workplace, then the following steps should be followed in conjunction with Occupational Health & Wellbeing Service and/or Workforce and OD:
 - **Action 1 – Adjust the working conditions or hours to avoid the risk.**
If that is not possible:
 - **Action 2 – Give them suitable alternative work.**
The Employment Rights Act 1996 states that suitable alternative work should be offered, where appropriate, before any suspension from work. This must be suitable and appropriate for the pregnant worker or new mother, and on the same terms and conditions, including pay.
If that is not possible:

	<ul style="list-style-type: none"> • Action 3 – Suspend your worker on paid leave (to be listed as medical suspension – “other” on ESR) for as long as necessary to protect their health and safety and that of their child. ➤ These actions may only be necessary if there is still a significant risk. Further advice should be obtained from the Occupational Health Service. ➤ Review the risk to expectant persons and new mothers regularly as this could change with time. This involves doing repeated risk assessments. ➤ Mothers who are breastfeeding must not be exposed to risks that could damage their health and safety for as long as they breastfeed. ➤ Expectant persons and new mothers undertaking night work must be given special consideration. If a General Practitioner or a registered midwife issues a medical certificate stating that night work could affect their health and safety, you should consider the following options: <ul style="list-style-type: none"> • Step 1 - Offer them suitable daytime work if available. If that is not reasonable: • Step 2 - Suspend them from work (i.e. give them paid leave - to be listed as medical suspension – “other” on ESR) for as long as necessary to protect their safety or health or that of their child. ➤ Further advice can be obtained from the Occupational Health & Wellbeing Service. ➤ Suitable facilities for rest should be provided for pregnant or breastfeeding employees (Workplace Regulations 1992). In addition, it is good practice to include a private and safe place for a breastfeeding mother to express and store milk. This could be in the same place as the resting facilities. See HR063 Supporting Staff Members to Continue Breastfeeding When they Return to Work Policy - Policies & Written Control Documents - HR 063 - Supporting Staff Members to Continue Breastfeeding When They Return to Work.pdf - All Documents (sharepoint.com) ➤ Pregnant employees are entitled to time off work paid at their normal rate of pay for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care.
<p>4.6</p>	<p>Employee Responsibilities</p> <ul style="list-style-type: none"> ➤ To notify their manager in writing as soon as possible when they are a new expectant person and new mother. Until PTHB has received written notification it is not obliged to take any action other than those resulting from the risk assessment for all PTHB employees.

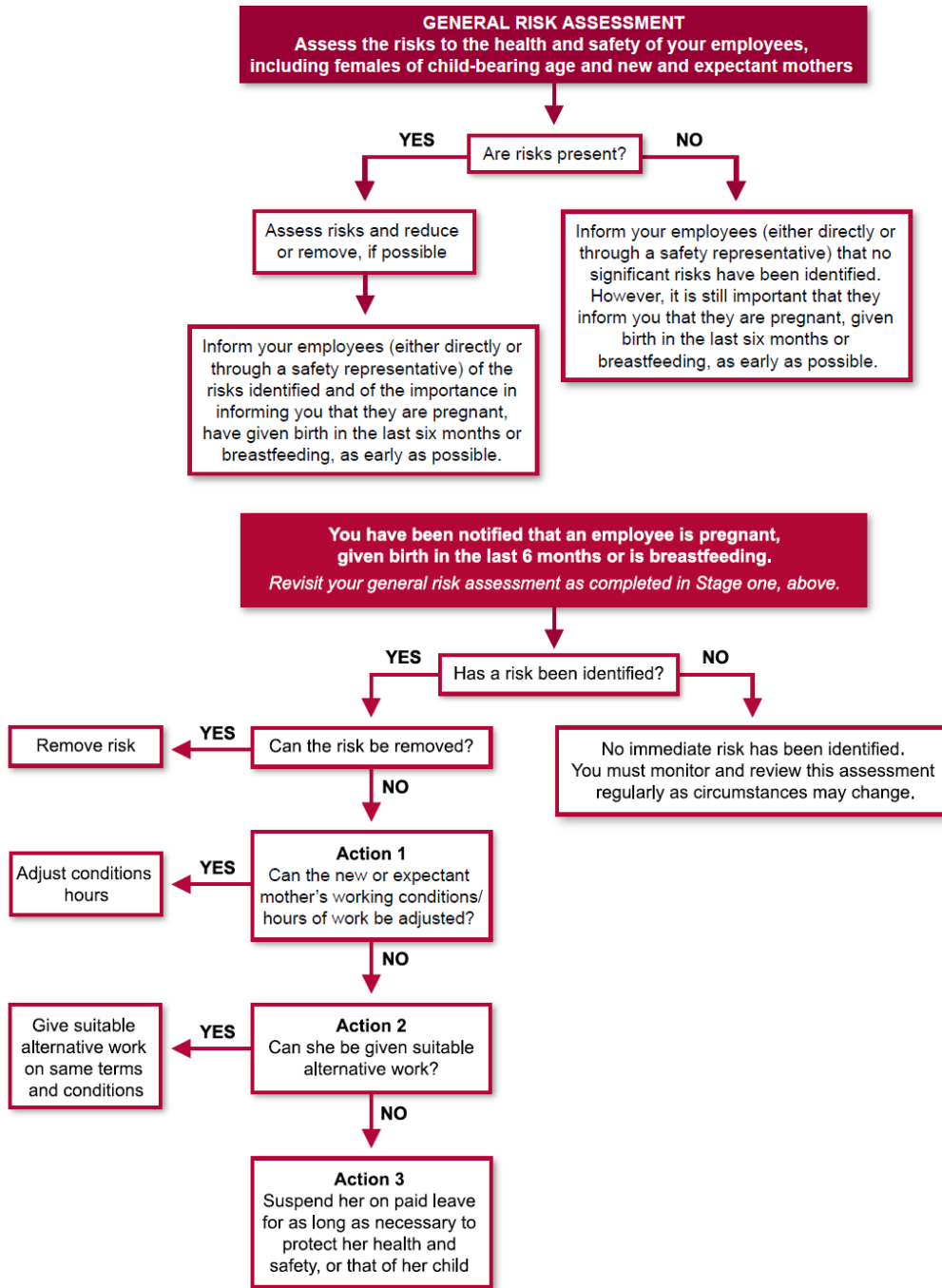
	<ul style="list-style-type: none"> ➤ To comply with the risk assessment/s undertaken and follow advice given. ➤ Not to expose themselves to any known hazard or potential risk. ➤ Under the Health & Safety at Work etc Act 1974, pregnant persons and nursing mothers have a personal duty of care to ensure their own health and safety at work and also that of their unborn or newly born child. A new employee should notify the Occupational Health & Wellbeing Service of her pregnancy, or that they have given birth within the previous 6 months and/or is nursing a baby.
4.7	<p>Occupational Health & Wellbeing Service Responsibilities</p> <ul style="list-style-type: none"> ➤ To provide advice to expectant persons and new mothers as appropriate regarding their health and their occupational hazards and risks. This may include pre-conceptual advice. ➤ To offer advice to managers as required. ➤ To review and follow up new mothers on return to work following the birth if requested.
4.8	<p>Workforce and OD Responsibilities</p> <p>To produce and keep up to date guidelines to help managers and staff to understand and apply the maternity provisions and regulations of the Agenda for Change, PTHB Terms and Conditions and the Statutory Maternity Pay Scheme.</p> <ul style="list-style-type: none"> ➤ To offer advice to managers if expectant persons and new mothers need to be removed from an identified risk or from night work as follows: <ul style="list-style-type: none"> • To assist managers if working conditions and/or hours of work have to be temporarily adjusted. • To assist managers in looking for suitable alternative work. • If currently working nights and this could affect health and safety, to offer advice on finding suitable alternative daytime work. • To advise on implications of suspending expectant persons and new mothers from work for as long as is necessary to protect their health and safety or that of the child. Any suspension must be listed as medical suspension – “other” on ESR.
<p>5 Monitoring Compliance, Audit & Review</p> <p>For the purpose of this policy monitoring and reviewing should include:</p> <ul style="list-style-type: none"> ➤ Review of risk assessments when necessary. ➤ Investigations following accidents that involve expectant persons and new mothers. 	

This document will be reviewed every three years or earlier should audit results or changes to legislation / practice within PTHB indicate otherwise.

7 References

- H.M. Government, 1999: The Management of Health & Safety at Work Regulations 1999 (SI 1999 No: 3242). H.M. Stationary Office, London. Accessed at: <http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>
- H.M. Government, 1992: *Workplace (Health, Safety and Welfare) Regulations 1992 (the Workplace Regulations)* (SI 1992 No: 3004). H.M. Stationary Office, London - Accessed at: <http://www.legislation.gov.uk/ukxi/1992/3004/made>
- Health & Safety Executive 2015: New & Expectant Mothers: Home page and Associated Guidance - Accessed at: <http://www.hse.gov.uk/mothers/>
- PTHB/ HSP 001 Corporate Health & Safety Policy. Accessed at: [Policies & Written Control Documents - HSP 001 Health and Safety Policy.pdf - All Documents \(sharepoint.com\)](#)

HSE Flowchart for Risk Assessment



CONFIDENTIAL

Risk Assessment Form
Employees Expectant Persons and New Mothers Risk Assessment
 (Management of Health and Safety Regulations 1999)

Previous Assessments	If this is a review / updating of an existing assessment, please record the date of the previous assessment	
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Persons' Details			
Name:			
Staff Number:		DOB	
Site:		Department	

General	Yes	No
Has the employees' GP /medical staff etc specified any particular guidance/restrictions?		
Is there a medical condition, which may affect the pregnancy?		
If a yes box is ticked – describe		

Working Arrangements					
Identify of any work-related risks that may affect the health of the expectant person and new mother, or the child if being breastfed (tick relevant boxes)					
Chemical hazards		Microbiological Hazards		Ionising Radiation	
Manual Handling		Violence and Aggression		Posture/Workstations	
Work of a repetitive nature		Availability of toilets, rest facilities etc		Other	
If a box is ticked describe risk(s)					
Risk:	Will it be necessary to control the risks to the employee? If yes complete Risk Control section on the next page.			Yes	No

Risk Control				
How will the risks be controlled? (Tick relevant boxes)				
Eliminate hazard	<input type="checkbox"/>	Alter work tasks	<input type="checkbox"/>	Avoid certain work tasks
Avoid certain work areas	<input type="checkbox"/>	Adjust hours of duty	<input type="checkbox"/>	Change of work location
Medical Suspension (*)	<input type="checkbox"/>	No night work (*)	<input type="checkbox"/>	Other
If a box is ticked describe control measures				

Risk Review	Yes	No
Will it be necessary to review this risk assessment?	<input type="checkbox"/>	<input type="checkbox"/>
If yes – when, why etc?		

Managers/Assessor's Details	
Name of Manager/Assessor:	
Signature:	
Date of Assessment:	

Persons Confirmation and Signature	
I confirm that I understand the assessment and my responsibilities concerning the information given to me.	
Signature:	
Date:	

NOTE:
This form is confidential to be used for individual employees who are pregnant, have recently given birth or who are breastfeeding.

Notes for Completing Risk Assessments for Expectant Persons and New Mothers

Note 1

One of the requirements of the Management of Health and Safety Regulations 1999 requires the Trust to assess the risks to employees who are:

- Pregnant.
- Have recently given birth in the last six months.
- Are breastfeeding.
- Of childbearing age (see note 2)

Note 2

The regulations also apply to persons of child-bearing age. As an employee may, particularly in the early stages, not be aware of their pregnancy, the general risk assessment process must identify any factors in the workplace that could put an unborn child or the mother at risk. The principal finding of the assessment must be made known to all employees of childbearing age.

Note 3

Risk Assessment form (Appendix 2) must be used to consider the individual needs of a pregnant employee. This form is confidential to the employee and should be kept with their personal record. The findings from the department task-based risk assessment/s must be used but there may be a need to expand on the assessment for issues specific to the pregnant employee.

Note 4

(*) Prohibition of night work or medical suspension will only apply where alternative tasks, adjustments to hours of duty, work etc. does not adequately control the risk and/or is a formal requirement of the employee's GP or Occupational Health & Wellbeing Service.

Note 5

Individual risk assessments may need to be reviewed during the pregnancy or after the child is born.

Risk assessment may need to be reviewed if there are changes to risks (e.g. changes to tasks, areas worked and so forth).