Today’s baby... Tomorrow’s employee

A Guide for Pregnant Employees

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Introduction

Being pregnant or a new mother does not prevent you from working and further developing your career. Many women work while they are pregnant and return to work while they are breastfeeding. In some workplaces there are risks that may affect the safety and health of new and expectant mothers and that of their child. Pregnancy can bring many changes for you, these changes will vary depending on your individual circumstances and working conditions, and may or may not interfere with your ability to carry your role.

OSHAD recognizes that everyone has an equal right to protection from harm at work, including persons with certain conditions that may affect the hazards they face at work and the approach that needs to be taken to assess and control them. This is relevant for women at work if they fall pregnant or have recently delivered a child.

Do I need to notify my employer?

Yes – under the requirements of OSHAD-SF – CoP 9.1 – New and Expectant Mothers, you are required to inform your employer as early as possible that you are pregnant or have recently given birth or are breastfeeding.

You should notify your employer in writing and this should also be accompanied by a certificate from a medical practitioner.

Early notification to your employer will allow them to start making reasonable adjustments to your workplace and work routines to ensure that any hazards that may be present in the workplace which could affect the health of your unborn child and your own safety and health are identified and control measures put in place to reduce the risks.

Pregnancy and childbirth are a normal part of a woman’s life and should not be equated with ill health. Many women work while they are pregnant, and many return to work while they are still breastfeeding.

The purpose of this leaflet is to provide employees with guidance on what actions they should take, what they should expect from their employers in order to help provide a safe and healthy workplace for women when they become pregnant or indeed return to work following the birth of their child.

The requirements that are set within the OSHAD-SF are applicable to all workplaces and employees and must be implemented where relevant, however the guidance within this document is aimed specifically at new and expectant mothers.
What are the risks that could be in my workplace?

In general most workplaces will contain some form of risk, however your employer is required to undertake a specific risk assessment to identify any hazards that may be present in the workplace that could affect the safety and health of their employees, which must also include any females of childbearing age.

Some of the more common risks that may be present in your workplace could include:

- Manual Handling – carrying or lifting heavy loads
- Standing or sitting for long periods of time
- Work Related stress
- Exposure to chemicals or infectious diseases
- Long working hours
- Excessive noise
- Workstations and posture
- Travelling

What should my employer do?

Even before you notify your employer that you are pregnant, have recently given birth or are breastfeeding, your employer has a duty to protect your safety and health. They should have undertaken risk assessments that identify any hazards that are present in the workplace and from this implement control measures to reduce the risks. Following this assessment, they should then provide you with information and training on the risks and how these will be controlled.

In any entity that employs women of child-bearing age, the employer must consider any risks present in the workplace that may have an effect on a new or expectant mother or a breastfeeding mother, and ensure that they provide you with information and training on these specific issues.

Once you have notified your employer, they then have a duty to undertake a specific workplace assessment. The purpose of this assessment is to ensure that measures are put in place to control any risks that may affect your safety and health and that of your new or unborn child. The risk assessment should also consider any written advice from your medical practitioner.
Will I be involved in the risk assessment process?

Yes – it is vital that your employer consults with you at all stages during the assessment to ensure that all issues have been identified and any proposed control measures are practical and can be implemented.

It is also important that you tell your employer of any issues you have or advice received from a medical practitioner, e.g. high blood pressure or previous pregnancy related issues as this could affect the outcome of the assessment. Your employer will use this information to review their risk assessment and if necessary to adjust your working conditions accordingly.

You can ask to see the outcome of the risk assessment and your employer must show it to you.

What actions should my employer take?

Under the requirements of OSHAD-SF – CoP 9.1 - New and Expectant Mothers, employers have a duty to make reasonable adjustments to your working conditions or work routines to protect your safety and health and that of your new or unborn child.

If they are unable to remove any risks that may be present then there are three alternative actions that should be considered:

- Adjust the working conditions and/or hours for the new, expectant or breastfeeding mother;
- Identify alternative work (if available); or
- Assign alternative work outside the place of employment, at the same pay and benefits, that will remove the new, expectant, or breastfeeding mother from exposure to hazardous chemicals or work conditions.

The flowchart below outlines the process that employers should undertake following notification that you are expecting a child, have recently given birth or are breastfeeding.

Specific New and Expectant Mother Risk Assessment

- Undertake a specific person risk assessment
- Are there any identified risks?
- Yes
- Can the risk be removed?
- Yes
- Can the working hours or conditions be adjusted to reduce the risk
- No
- Adjust working hours/conditions
- Yes
- Can the working hours or conditions be adjusted to reduce the risk
- No
- Offer alternative duties
- Yes
- Can alternative duties be offered within the workplace
- No
- Offer alternative duties outside the workplace
- Yes
- Can alternative duties be offered outside of the workplace that will remove the risk
- No
- Remove employees from the workplace on same pay and benefits.
- Monitor and review the risk assessment at regular intervals
Is the risk assessment done only once?

No – as with all risk assessment, they need to be reviewed on a regular basis to ensure they are still valid. Under the requirements of OSHAD-SF – CoP 9.1 – New and Expectant Mothers, your employer must review the risk assessment at a minimum:

• When notified
• 24 weeks of pregnancy
• 34 weeks of pregnancy
• When returning to work after birth
• anytime there is a change to the new, expectant or breastfeeding mother’s health, medication and/or the workplaces.

As your pregnancy develops, your ability to undertake certain tasks or roles will change and this must be considered within the risk assessment process. Your employer should regularly monitor and review the risk assessment as circumstances may change, particularly at different stages of your pregnancy. If you think you are exposed to a risk at work or feel you are having difficulty performing tasks, you need to talk to your employer about it so they can review the risk assessment. Any written advice from a medical practitioner may help.

When can I return to Work?

The timing of your return to work is particularly important when the pregnancy and/or birth have been medically complicated, including birth by caesarean section. Generally, after a normal pregnancy and childbirth, there are no medical contraindications for a return to work after a period of six weeks. The date of return is usually dictated by regulations and laws pertaining to such issues.

Prior to your return to work, arrange a meeting with your employer to discuss the arrangements for returning, identify any issues that may affect your return to work, discuss any concerns you may have and agree on the best way to ensure a safe return to work. Your employer should also ensure that the risk assessments for your workplace are updated and consider any issues that may be related with your return to work.

Your employer may also need to offer some retraining, dependent on how long you have been away from the workplace.

Can I still breastfeed if I am returning to work?

If you are breastfeeding your new born child, you must ensure that you inform your employer prior to returning, as there may be hazards within the workplace that could affect your ability to breastfeed.

Your employer should provide suitable rest facilities for breastfeeding mothers that are private and have refrigerated storage facilities for expressed milk.