DERBYSHIRE County Council

Pregnancy and New Mothers – Health and Safety Guidance

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Document Control

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Purpose

This guidance provides information for employees and managers in relation to the health and safety risks to pregnant and new mothers.

It also provides guidance for employees who are breast feeding / expressing breast milk upon return to work and also provides information for line managers to feel competent in supporting the employee to continue to work and breast feed / express breast milk.

Scope

This guidance applies to all employees of Derbyshire County Council.

This guidance has been produced as part of the Council's health and safety arrangements. Whilst recognising that some departments / services will have specialist requirements over and above this guidance which necessitate additional specialist arrangements, it sets out the minimum health and safety requirements required across all departments to ensure the Council can implement the stated aims of its Safety Policy and comply with its Statutory Requirements. All managers and employees should therefore make themselves familiar with the requirements of this guidance and ensure they are followed.

Introduction

Pregnancy is a natural condition and should not be regarded as an illness.

However, there are certain health and safety issues which must be considered to protect both the employee and their child throughout the pregnancy and an employee's return to work after the birth.

- Consider pregnancy as part of general risk assessments.
- Undertake a pregnant worker risk assessment once you are aware an employee is pregnant
- Keep the assessment under review during the pregnancy and when the employee returns to work.

Derbyshire County Council recognises that transgender men may have the ability to become pregnant and breast feed. All the guidance detailed below is relevant to transgender men.

Roles and Responsibilities

Corporate Management Team (CMT)

- Will support this guidance and ensure that sufficient resources are provided to ensure compliance.

Departmental Senior Management Team (SMT)

- Will ensure that sufficient resources are provided to ensure compliance with this guidance, tailored to the specific requirements of their department.

Head of Service (HoS)

- Will ensure suitable and sufficient resources are provided to comply with the requirements of this guidance.

Line Manager

- Is responsible for ensuring their employees read, understand, and adhere to this guidance and related documents.
- For those employees unable to access this document electronically, print off a hard copy of this guidance and any relevant hyperlinks.
- Ensure you read and understand the pay policy in respect of allowances and enhancements to adjustments to working hours and conditions.
- See the Arrangements section for further responsibilities.

Employee

- It is important that you inform your line manager as soon as you are comfortable doing so once you know that you are pregnant so that an individual risk assessment can be undertaken at the earliest opportunity. You will be involved in the risk assessment process to ensure that any issues you or your doctor or midwife have about your pregnancy are adequately covered within the assessment. You may, if you wish, have your Trade Union Representative (if you have one) with you during the risk assessment process.

- Once complete, the findings of the assessment will be discussed with you, and it is important that you follow any control measures highlighted to protect both you and your child.
- If you return to work after the birth of your child, either within six months after the birth or longer if you are still breastfeeding, you will need to be re-assessed to ensure that the risk assessment is still relevant. Tell your line manager as part of the assessment process if you need facilities to enable you to express and store breast milk.
- Any changes to the assessment and any control measures that you may have to follow will be discussed with you.
- Employees should read through the Employee leave scheme policy for more information on ante-natal care and maternity leave entitlement.
- Read and understand the pay policy in respect of allowances and enhancements to adjustments to working hours and conditions.

Health, Safety and Wellbeing Function

- Will provide advice and assistance as requested.
- Occupational Health will provide advice and guidance on medical aspects.
- Seek assistance from specialist organisations when necessary.
- Monitor the effectiveness of this guidance.

Arrangements

Definitions

"**Pregnancy**", refers to having a child developing in the uterus.

"**Pregnant and New Mothers**" refers to employees who are pregnant, have given birth within the last six months or who are currently breastfeeding.

"**Given birth**" is defined as delivered a living or a still born child.

Breast feeding is used to cover both feeding an infant directly and / or expressing breast milk.

Breast milk "Breast milk is the ideal food for infants. It is safe, clean and contains antibodies which help protect against many common childhood illnesses. Breast milk provides all the energy and nutrients that the infant needs for the first months of life, and it continues to provide up to half or more of a child's nutritional needs during the second half of the first year, and up to one third during the second year of life" - World Health Organisation (WHO).

On written notification to the Council of pregnancy, birth or breastfeeding:

The line manager should notify the Human Resources Advice and Guidance Team on CST.HRManagerAdviceandSupport@derbyshire.gov.uk

Risk Assessment for Pregnancy and New Mothers

Where work activities may pose a risk to employees of childbearing age, such as exposure to physical, chemical, or biological hazards, employers must ensure that risk assessments account for the possibility that an employee may be pregnant, even if this is not yet known. Appropriate control measures should be in place to mitigate any potential harm.

The line manager must also carry out an individual Pregnancy and New Mothers Risk Assessment Template that covers an employee's needs when they have been informed in writing that they are either:-

- Pregnant
- Have given birth in the last 6 months; or
- Are currently breastfeeding

If notified verbally, the line manager should request written confirmation as soon as possible so that the risk assessment can be caried out to ensure protection of the employee and their baby. If the employee indicates they would prefer the assessment to be undertaken by a female, then wherever possible suitable arrangements should be put in place to facilitate the request. You can contact the Health, Safety and Wellbeing Function on healthandsafety.enquiries@derbyshire.gov.uk, who can help with the assessment where there are any medical issues.

Completing an individual risk assessment for the employee

- Review the existing general risk assessment and controls for pregnancy and new mothers.
- Talk to the employee to see if there are any conditions or circumstances with their pregnancy that could affect their work.
- Discuss any concerns they have about how their work could affect their pregnancy.

- Take into account any medical recommendations provided by their doctor or midwife

Here are some risks that pregnant employees can be exposed to:-

Physical Risks

- Prolonged standing / static postures
- Prolonged sitting
- Excessive twisting / bending / reaching
- Working in a restricted space or with workstations that do not adjust to take account of increased abdominal size
- Manual handling of loads or people
- Excessive carrying distances
- Changes in floor levels (i.e., carrying items up / downstairs etc.)
- Exposure to shocks / vibration / noise
- Exposure to ionising and non-ionising radiation

Biological Agents / Chemical Agents

- Exposure to infections / diseases
- Exposure to chemicals

Working Conditions

- Lack of suitable facilities – rest facilities, sanitary facilities, breast milk storage facilities.
- Mental / physical fatigue
- Working patterns / shift work
- Temperature extremes (hot / cold)
- Working with display screen equipment (DSE) – consider rest breaks / DSE re-assessments where required.
- Workstations and posture.
- Lone working / working outside normal “office hours”
- Work at height (ladders / step ladders etc)
- Travelling / driving for work purposes

- Long working hours
- Excessively noisy workplaces
- Work related violence
- Unsuitable personal protective equipment (ill-fitting / cumbersome etc)
- Work-related stress

In most circumstances employees can be protected from exposure to unacceptable risks by altering their work activity (i.e., remove certain aspects of the job). However, in exceptional cases this may not be sufficient, so consideration needs to be given to the introduction of a hierarchy of measures to protect the employee.

- Adjusting an employee's working conditions / hours of work;
- Providing alternative work on the same terms and conditions. Please refer to the current overtime and allowances section of the Working for us booklet (page 7).

Where this is not possible;

- Suspend the employee from work on paid leave for as long as is necessary to protect the employee's health and safety and that of their child.
- Contact the CST.HRManagerAdviceandSupport@derbyshire.gov.uk for further advice.

Night Shift Working

Employees are still able to work nights provided the work involved presents no risk to the health and safety of them or their child. However, the employee should be offered suitable alternative day work on the same terms and conditions when:

- The employees individual risk assessment has identified a risk from night work
- If the employee's doctor or midwife has provided a medical certificate stating that they must not work nights

If it is not possible to provide alternative day work, the employee must be suspended from work on paid leave for as long as necessary. This is to protect their health and safety and that of their child.

Communication with pregnant or new mothers

Ensure good communication links are maintained between the line manager and any employees who are pregnant or new mothers to enable you to:

- Identify further hazards as they arise.
- Notify the employee in writing of any control measures put into place to protect them and their child.

Here are some risks that breastfeeding employees can be exposed to:-

- Swollen painful breasts, reduced milk supply and risk of mastitis if suitable expressing facilities and breaks aren't provided.
- A negative impact on maternal mental health if a mother isn't supported to meet her breastfeeding goals.
- Stress and anxiety about having discussions about breastfeeding/expressing breast milk with a male manager.
- Anxiety about being given a suitable space to express in and a lockable place to safely store milk in whilst at work.

Reviewing the Risk Assessment

Review the individual risk assessment at regular intervals; taking into account the changing needs of the employee as the pregnancy progresses. Obtain advice from the Health, Safety and Wellbeing Function as required.

Returning to Work

Employees are required to take compulsory maternity leave for the first two weeks following childbirth. At what time the employee's return to work after compulsory maternity leave is for the employee to decide in discussion with the line manager.

Upon notification in writing that the employee is returning to work after the birth of their child, the line manager must ensure that the existing risk assessment is reviewed if the employee returns within six months after the birth, or later if they are still breastfeeding (the risk assessment must cover the employee until they cease breastfeeding or expressing breast milk – how long an employee breastfeeds depends upon individual choice). The line

manager should share the findings of the risk assessment with the employee, it is important to explain how you will keep them safe.

Perinatal Mental Health

Perinatal mental health is the term used to describe the mental health of parents during pregnancy and up to two years after the birth of a child. This critical period, often referred to as the antenatal (before birth) and postnatal (after birth) stages, brings significant physical, emotional, and psychological changes. For many, this transition to parenthood is a time of profound emotional upheaval, involving both joyful and overwhelming experiences as parents adjust to new roles and responsibilities.

Returning to work can be a particularly challenging time where additional support may be required. Keep in regular contact with the new mother. Ensure that regular 1:1 conversations take place and ask the new mother how they are coping being back at work and adjusting to the challenges this brings. Some new mothers maybe suffering from poor mental health, hormone imbalance or postnatal depression or PTSD (as a result of traumatic birth).

Employees can access wellbeing support through the Council's Complete wellbeing offer - Our Derbyshire.

Additional perinatal self-help resources can be found here - Perinatal & Postnatal Support Guide and support organisations here - Derby & Derbyshire - Emotional Health & Wellbeing

World Health Organisation (WHO) Recommendations

WHO Recommendations state that "Infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods, while continuing to breastfeed for up to two years or beyond."

Derbyshire County Council recognises the value of breastfeeding to individuals, population health and society. We support the right of all parents to make informed choices about infant feeding.

Rest Facilities

Managers need to ensure that pregnant and new mothers have suitable facilities to rest, preferably within easy reach of toilet and hand washing facilities.

Employees who are still breastfeeding on their return to work may need to express breast milk at work (to ensure continued breast milk production and avoid engorgement and any associated discomfort). They should be provided with a clean, safe environment to express breast milk, in privacy, and store breast milk. (Suitable facilities may include an office which is fitted with locks and is clean and warm, with a comfortable chair and hand washing facilities). The Council understands that not every establishment will have a dedicated room available for breastfeeding or expressing milk, in which case the employee should discuss this with the line manager and the relevant facilities manager.

Expressed breast milk may be stored in a fridge in a suitably labelled container or in a cool bag where a fridge is not available). Always wash your hands before expressing and handling breast milk. Further information can be found here: Expressing and storing breast milk - NHS

Please see images of what good practice looks like in terms of a staff expressing and feeding room equipped with comfortable chair, fridge, hand washing facilities and lockable door:-

Toilets are never a suitable place for parents to express milk or feed their infant

Breastfeeding and employment law

Under the Equality Act 2010, “Employers should try to accommodate workers who wish to [breastfeed]”, while breastfeeding mothers at work are also protected by “The right not to suffer direct or indirect discrimination, or harassment, because of sex”.

Sources of help

Your first point of contact for further advice and assistance would be the Health, Safety and Wellbeing Function.
Email: healthandsafety.enquiries@derbyshire.gov.uk

Advice on medical aspects may be obtained from the Occupational Health Unit, County Hall, Matlock.
Email: Occupational.Health@derbyshire.gov.uk

Useful Legislation and other information

Protect the health and safety of pregnant workers and new mothers - HSE

Protecting pregnant workers and new mothers - HSE

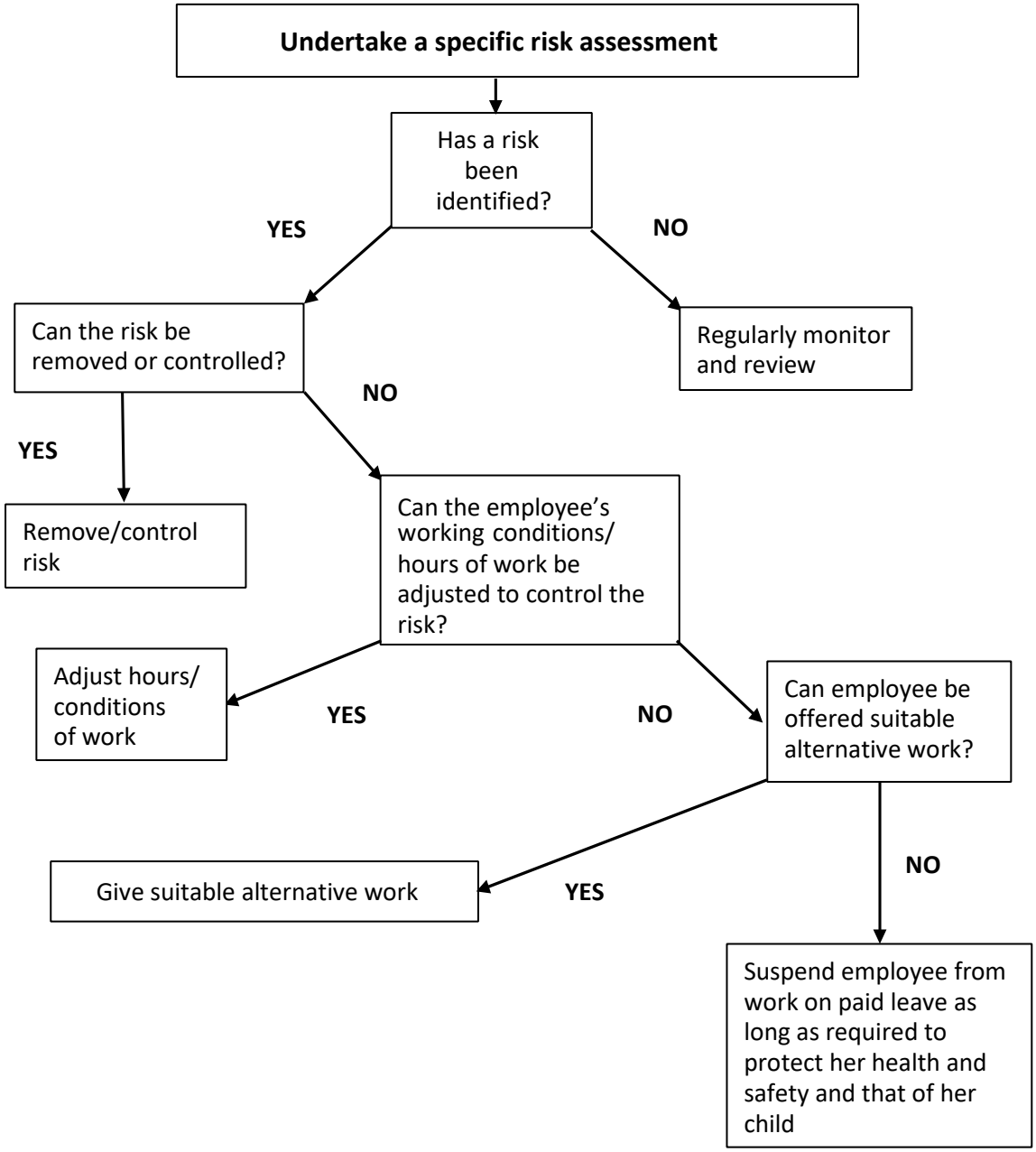
The Breastfeeding Welcome Here Award - Derbyshire County Council

Breastfeeding your baby

Appendix 1

Risk Assessment - Flowchart

On notification to the Council of Pregnancy / Birth or Breastfeeding



All of the above actions must be monitored and reviewed on a regular basis and there should be regular discussions with pregnant and new mothers to identify any issues.

Appendix 2

The Pregnant and New Mothers / Breastfeeding Mothers Risk Assessment Template can be found on this link:

Pregnancy and New Mothers Risk Assessment Template