



Corporate Health and Safety Manual

3.10 New and Expectant Mothers

A guide for Managers and Employees

Introduction

1. The [Management of Health and Safety at Work Regulations 1999](#), places a responsibility on employers to manage risks to “New and Expectant Mothers”. South Tyneside Council recognises and accepts that pregnancy is not a sickness but a dynamic ever-changing condition with health and safety implications, which will be addressed on an individual basis.

The Council accepts its responsibility to employees identified as being a “New or Expectant Mother”, and will endeavour to ensure the health safety and welfare of any such employee.

Aims

2. The aims of this guidance are to detail responsibilities and identify arrangements for managing the health, safety and welfare of new and expectant mothers and should be read in conjunction with the human resources document [Maternity Leave Policy](#)

Definitions

3.

Childbirth - Having borne a living child or, after 24 weeks of pregnancy, a still born child.

Mat B1 Form - A certificate of pregnancy from a Medical Practitioner or Midwife.

Statutory Maternity/Paternity Leave - A period of leave of absence, currently of 26 weeks for a new or expectant mother and 2 weeks for a father.

Compulsory Maternity Leave - The two-week period after giving birth (four weeks for factory workers) in which an employee must refrain from work.

New or Expectant Mother - An employee who is pregnant, or who has given birth within the previous six months or who is breast-feeding.

Notification - Written or certified confirmation of pregnancy.

Risk Assessment – A careful structured evaluation of what could cause harm to a New or Expectant Mother and introduction of appropriate control measures. The assessment should be recorded on [APPENDIX F](#) of the South Tyneside Council Corporate Health and Safety Manual

The trigger to the following procedure lies with the employee notifying her manager that she is pregnant.

Achieving Compliance

4. Once an employee has given written notification to her manager that she is pregnant the following procedure must be followed See also [page 5](#) below:

- The manager will request a copy of the certificate (**Mat B1**) from the expectant mother's doctor or midwife to ascertain when the child is due to be born;
- On receipt of the certificate the manager must ensure that a copy is sent to South Tyneside Council HR Services, where a date for **Statutory Maternity Leave** will be agreed;
- The manager will ensure that a suitable and sufficient risk assessment is carried out and recorded on assessment form at [APPENDIX F](#) to Health and Safety Policy;
- The manager should remove the new or expectant mother from any shift/night work, which may affect her health, safety and wellbeing, if advised by the employee's GP or Midwife;
- The manager must allow for the employee to have paid leave to attend antenatal visits including parenting for further information see [HR policy](#)
- If adjustments to working conditions cannot be reasonably met, then the employee must be offered alternative work;
- The manager must regularly review the expectant mothers risk assessment and where necessary make any new adjustments. Support and advice from the occupational health department may be sought at any time;
- If appropriate adjustments or alternative work cannot be found then the employee must be suspended on full pay [Employment Rights Act 1996](#) until adjustments or alterations can be made or until the employee starts her statutory maternity leave;
- Ensure that South Tyneside Council HR Service, are notified when an employee actually commences her statutory maternity leave;

Statutory Maternity Leave

5. An employee may take up to 26 weeks of 'ordinary statutory maternity leave' refer to [HR Policy](#) for additional leave entitlement. The commencement and return to work is to be agreed between the employee, the manager and HR Services.

Automatic Statutory Maternity Leave

6. If an employee is absent from work for a **pregnancy-related illness** during the four weeks before their baby is due, maternity leave will start automatically, and will supercede any previous agreed dates for maternity leave.

Compulsory Maternity Leave

7. In some cases employees may not want to take any statutory maternity leave. If this is the case they are still required by law to take 'Compulsory Statutory Maternity Leave' which is the immediate two week period following the birth of child.

The Council recognises that after giving birth and on return to work, adjustments or alterations may still be required where dictated by a medical condition or if the new mother is breast-feeding.

Further information can be found in the section '[Maternity Leave](#)' in the [Human Resources Manual](#).

Procedures to Be Used In Respect to New Mothers

8. On returning to work, a return to work interview and assessment must be carried out. The following procedure is to be followed when an employee returns to work after childbirth see also [page 6](#) below.

- When a new mother returns to work the manager must ensure that a return to work assessment is carried out and controls implemented for any special requirements;
- Controls to allow for any special need must be agreed between the manager and the new mother;
- The needs of the new mother must be monitored by the manager, on a monthly basis for a period of six months after the birth of the child. Advice and support from the occupational health and safety team can be sought by the manager to assist in the process.

Summary of Responsibilities

9. Managers Must:

- Ensure that risk assessments are carried out for new and expectant mothers and reviewed regularly;
- Ensure that adjustments are made to ensure the health and safety of new and expectant mothers where necessary;
- Notify HR Services of pregnant employees;
- Keep all relevant records of new and expectant mothers.

Employees Responsibilities:

10 The law requires a woman to tell her employer that she is pregnant and will take maternity leave by the end of the 15th week before the expected week of birth. However it is important (for you and your child's health and safety protection) that you provide them with written notification as early as possible. Until your employer has received written notification from you, they are not obliged to take any action other than those resulting from the risk assessment for all their employees, therefore;

- Your employer can also ask for a certificate (**Mat B1**) from your GP or your midwife showing that you are pregnant; the MAT B1 will not be issued until around 20 weeks into the pregnancy
- You must follow any additional controls put into place by your manager;
- You must keep your manager informed of any changes to your needs during and after pregnancy.

Record Keeping

11. The following record must be kept by the manager in line with General Data Protection Regulations

- New and Expectant Mothers Risk Assessment Form;
- Individual risk assessment review records;
- Copies of **Mat B1**;
- A copy of this procedure.

Monitoring of Compliance with this Guidance

12. The monitoring of compliance to this policy guidance will be carried out periodically by the Occupational Health and Safety Team.

Review

13. The guidance will be reviewed biannually as a rule and when any changes in legislative requirement should occur.

The guidance will also be reviewed as a consequence of any restructuring of South Tyneside Council which will affect this policy.

Assessment of Risks to Expectant Mothers

[Back to Para 4](#)



