

RISK ASSESSMENT IN PREGNANCY

Pregnancy itself is not an illness, but it can affect the things you can do. Employers who employ women of childbearing age have a duty to do a “general” health and safety assessment to identify risks to pregnant women. As soon as your employer has been informed in writing that you are pregnant (this can include a sicknote for pregnancy related illness), and there is evidence of risk, a personal health and safety assessment must be done for you. As every pregnancy is different, the assessment should be done in conjunction with you. The risk assessment will look not at just the more obvious and dramatic risks, like heavy lifting, working on heavy machinery and working with chemicals. The assessment looks at all risk to your and your unborn baby’s health.

Once the risks have been identified, they must be eliminated if possible. For example, if you are at risk of back pain from standing for long periods, you should be offered a chair. You must be given information on the identified risk and what is going to be done about it. It may be that reducing your time at work would remove or reduce the risk; if so, your hours of work should be temporarily changed, if reasonable (if your hours are reduced, your pay should remain the same, i.e. you should be paid for your normal working hours). If no adjustment or change to working hours will help, then you should be offered a suitable alternative job on similar terms and conditions which is reasonable for you to do. Whether or not the alternative is reasonable for you to do depends on the type of work, the rate of pay, the hours and times of work and the location of the work. Of course the alternative job must be safe for you to do. If there is no reasonable alternative job, or no safe job, you must be suspended on full pay so long as the risk remains. This is not sick leave, and should not be counted as such.

Because what is safe may change during your pregnancy, your employer may be obliged to carry out another risk assessment later on, to check if any new risks have arisen and your job needs to be altered further. Note that special rules apply for pregnant night workers. Also note that the duty to carry out the risk assessment described above also applies to women who are breastfeeding or who gave birth less than 6 months ago

For further advice on this topic, please contact Joanna Robson at Babylaw™ at jo.robson@babylaw.co.uk or 08445 61 11 61.

This factsheet is intended to give general information about legal topics and is not intended to apply to specific circumstances. Its contents should not, therefore, be regarded as constituting legal advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific legal advice.

Babylaw is a trading name of Robsons Legal. Regulated by the Solicitors Regulation Authority.