



Pregnancy at Work



Introduction

This section seeks to give practical advice to employers on complying with the Pregnancy at Work Regulations, which form part of the Safety, Health and Welfare at Work (General Application) Regulations 2007.

By complying with the regulations, you ensure that the workplace does not pose a risk to the health of a pregnant employee or her developing child. The risk assessment is the basis for deciding if there are articles or substances in the workplace that could impact on both and the measures to be taken to avoid any injury or ill health.

When do these regulations apply?

The Pregnancy at Work Regulations apply from the time an employee informs you that she is pregnant, has recently given birth or is breastfeeding and provides an appropriate medical certificate. As the earliest stages of pregnancy are the most critical ones for the developing child, it is in the employee's best interest to let you know as soon as possible that she is pregnant and employers should encourage early notification for this reason.

What other legislation provides protection during this period?

The Maternity Protection Acts 1994 and 2004 give details on

- Entitlements to maternity leave.
- Entitlements to clinic visits.
- Maintenance of job security.
- Health and safety leave.

- Health and safety benefits.
- Provisions to encourage breastfeeding.

What should I do when I become aware that an employee is pregnant?

Please see Section 2 of this Toolkit on the five-step risk assessment process.

On becoming aware that an employee is pregnant, you must assess the specific risks from the employment to that employee and take action to ensure that she is not exposed to anything that would damage her health or that of her developing child.

What are the main hazards for a pregnant or breastfeeding employee?

General hazards include:

- Physical shocks, including direct blows to the abdomen.
- Vibration of the whole body; there are guidelines on vibration.
- Handling a load; there are guidelines on handling loads.
- Noise; there are guidelines on noise.
- Excessive heat or cold.
- Movement and postures that are abrupt or severe or give rise to excessive fatigue.
- Ionising radiation.
- Non-ionising radiation.
- Biological agents, including viruses, bacteria etc.
- Chemicals, including substances that cause cancer, mercury, anti-cancer drugs and carbon monoxide.
- Stress and/or bullying.



Pregnancy at Work

Unless the risk assessment indicates that there will be no injury to the employee or the developing child, pregnant employees must not work in or with:

- Pressurisation chambers.
- Rubella – unless adequately immunised.
- Toxoplasma.
- Lead and lead substances.
- Underground mine work.
- Certain physically demanding tasks, such as heavy lifting.

Can noise be a risk?

There are no specific risks from noise to new or expectant mothers or to the developing child but prolonged exposure to loud noise may lead to increased blood pressure and tiredness. There are no particular problems for women who have recently given birth or who are breastfeeding. Compliance with the Noise at Work Regulations should be sufficient to meet the needs of new or expectant mothers.

What are the risks from radioactive (ionising radiation) sources?

Significant exposure to ionising radiation is harmful to the developing child. If a pregnant or breastfeeding employee works with ionising radiation sources, these can cause exposure to the developing child through ingestion or via contamination of the mother's skin and transfer across the placenta or by breastfeeding to the baby. Work procedures should be designed to keep exposure as low as reasonably practicable and certainly below the statutory dose limit for a pregnant woman. Pregnant or breastfeeding women should not be employed in

work where the risk of such contamination is high.

For information on statutory dose limits, contact the Radiological Protection Institute of Ireland, which enforces legislation on ionising radiation.

What are the risks from non-ionising sources?

Pregnant or breastfeeding women are at no greater risk than other employees when working with optical radiation. Exposure when working with electromagnetic fields and waves within current recommendations is not known to cause harm to the mother or the developing child. However, extreme over-exposure to radio-frequency radiation can raise body temperature making the pregnant employee uncomfortable.

Can extremes of cold or heat affect pregnant employees?

When pregnant, women tolerate heat less well and may be liable to heat stress and faint easily. Breastfeeding may be impaired by heat dehydration. No specific problems arise from working in extreme cold but warm clothing should be provided. Pregnant employees should take great care when exposed to prolonged heat at work, for example when working near furnaces. Rest facilities and access to water would help.

What biological agents are harmful to pregnant employees?

It should be stated that in many workplaces there are no biological agents and therefore this will not be an issue.

Some biological agents are known to cause abortion of the foetus, or physical and neurological damage. These agents are included in hazard groups 2, 3 and 4 of the Biological Agents Regulations 1994 and 1998. Many biological agents within these three hazard groups can affect the developing child if the mother becomes infected during pregnancy. Examples of such agents are: rubella, hepatitis B, HIV, herpes, TB, syphilis, chickenpox and typhoid.

What are hazard groups 2, 3 and 4?

A 'group 2 biological agent' is one which can cause human disease, might be a hazard to employees although it is unlikely to spread to the community and in respect of these there is usually effective treatment available.

A 'group 3 biological agent' is one which can cause severe human disease, presents a serious hazard to employees and may present a risk of spreading to the community, although there is usually effective treatment available.

A 'group 4 biological agent' is one which causes severe human disease, is a serious hazard to employees, may present a high risk of spreading to the community and in respect of which there is usually no effective treatment available.

How can a pregnant employee avoid the risks associated with these hazard groups?

The risk assessment will take account of the nature of the agent, how likely contact is and what control measures are in place. Control measures may include physical containment, hygiene measures or the use of available vaccines if exposure justifies this. If there is a known risk of high exposure to a highly infectious agent, then the pregnant employee should avoid exposure altogether.

Am I responsible for carrying out a risk assessment of all biological agents?

Yes. It is the duty of an employer to assess any risk to the health and safety of employees resulting from any activity in the workplace likely to involve a risk of exposure of any employee to a biological agent. You must determine the nature, degree and duration of any employee's exposure to a biological agent and lay down the measures to be taken to ensure the safety and health of such employees.

It should be noted that in many workplaces there will be no biological agents present.

What chemical agents are known to endanger the health of pregnant employees?

There are about eight hundred substances labelled with risk phrases i.e. R40, R45, R46, R61, R63, R64 (see question below for meaning of individual risk phrases). The risk assessment will determine the presence of a particular substance in the workplace. If the exposure is below

the level set down in the Chemical Agents Regulations and Carcinogen Regulations, there may be no risk in practice to a pregnant employee or her developing child. It is your responsibility to assess the health risks to employees arising from working with hazardous substances.

What do the risk phrases mean?

The risk phrases mean:

R40: possible risk of irreversible effects.

R45: may cause cancer.

R46: may cause heritable genetic damage.

R61: may cause harm to the unborn child.

R63: possible risk of harm to the unborn child.

R64: may cause harm to breastfed babies.

Do pregnant employees need to stop working at a display screen?

Pregnant women do not need to stop working with display screen equipment (DSE).

Is working in pressurised enclosures a risk to pregnant employees?

Pregnant employees should not work in compressed air. People who work in compressed air are at risk of developing compression illness due to free bubbles of gas entering into the blood circulation system. It is not clear whether pregnant women are more at risk than any other employee engaged in this work but such gas bubbles could seriously harm the developing child. For those who have recently given birth there is a small increase in this risk. There is no physiological

reason why a breastfeeding mother should not work in compressed air.

What about diving while pregnant?

Pregnant employees are advised not to dive at all during pregnancy due to the possible effects of exposure to a hyperbaric environment on the developing child. Pregnancy is viewed as a medical reason not to dive.

What happens if a risk cannot be removed?

- If the risk assessment reveals a risk to the pregnant employee, the developing or breastfeeding child, and it is not practical to ensure the safety or health of the employee through protective or preventive measures, you must adjust the employee's working conditions or hours of work or both.
- If this is not possible, you must provide suitable alternative work.
- If you cannot provide suitable work, you should facilitate granting the employee health and safety leave under Section 18 of the Maternity Protection Act 1994 (see over).

Are there restrictions on night work for pregnant employees?

If an employee during pregnancy and the fourteen weeks immediately following childbirth is regularly involved in night work for a period of at least three hours between 11.00 p.m. and 6.00 a.m. or at least 25 per cent of her monthly working time is performed in that period, and she has a medical certificate stating that this may damage her health, she must be found alternative daytime work. If this

Pregnancy at Work

is not possible you must grant the employee leave including health and safety leave (see below) or extend the period of maternity leave.

What are the requirements in relation to breastfeeding employees in the workplace?

The Maternity Protection (Amendment) Act 2004 provides that breastfeeding mothers will be entitled to paid time off for the purposes of breastfeeding or expressing milk in the workplace, where you have provided facilities, or a reduction in working hours (on full pay) to facilitate breastfeeding where you have not provided facilities. You will be required to provide facilities where this does not give rise to more than a nominal cost. These are measures to encourage breastfeeding and not health and safety provisions.

Should I provide a rest room?

You are required to ensure that pregnant, post-natal and breastfeeding employees are able to lie down to rest in appropriate conditions.

What is health and safety leave?

Health and safety leave arises where the risk to the pregnant employee or developing child cannot be eliminated and the employee cannot be provided with suitable alternative employment. In such circumstances the employee must be granted health and safety leave in accordance with Section 18 of the Maternity Protection Act 1994.

During health and safety leave, you must pay the employee her normal

wages for the first three weeks, after which health and safety benefit will be paid by the Department of Social and Family Affairs.

Where can I get information on maternity leave?

Maternity leave information can be obtained from the National Employment Rights Authority and the Equality Authority.

Where can I get information on maternity benefit payments?

Enquiries regarding maternity benefit payments should be made to the Maternity Benefit Section of the Department of Social and Family Affairs.

What is the HSA's role when dealing with pregnancy at work?

The HSA is responsible for enforcement of the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007. Employers are advised that, in producing their safety statement, they should consider the possibility of pregnancy among employees.

The HSA also provides information on safety, health and welfare protection for employees who are pregnant, have recently given birth or are breastfeeding while working. Lo-call: 1890 289389.

The HSA may take complaints from employees if an employer has not undertaken a risk assessment or provided a safety statement. The HSA

may intervene by advising the employer of the guidelines on implementing the Pregnancy at Work Regulations or by an inspection visit, verbal or written advice or the issuing of an enforcement notice on the employer.

Contacts/References

See the HSA's website (www.hsa.ie) for copies of:

- **Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007.**
- **Safety Toolkit and Short Guide to General Application Regulations 2007, Small Business Edition.** Further information is available from:
 - **National Employment Rights Authority.** Lo-call: 1890 808090. Website: www.employmentrights.ie
 - **Equality Authority, Clonmel Street, Dublin 2.** Telephone: 01 417 3333 or Lo-call: 1890 245545. Website: www.equality.ie.
 - **Maternity Benefit Section, Department of Social and Family Affairs.** Lo-call: 1890 690690. Email: maternityben@welfare.ie.
 - **Health and Safety Benefit is paid by the Department of Social and Family Affairs.** Telephone: 01 704 3478.
 - **The HSE contact for breast feeding in the workplace is:** Siobhan Hourigan, HSE National Breast-feeding Coordinator Telephone: 057 8697524.
- **The Radiological Protection Institute of Ireland, 3 Clonskeagh Square, Dublin 14.** Telephone: 01 269 7766. Website: www.rpii.ie.