

HEALTH AND SAFETY

This sheet gives you **FACTS** about your rights regarding your health and safety when you are pregnant or a new mother, and **TIPS** on how to ensure these rights are respected.

FACT - You must notify your employer in writing (e.g. via letter or email) when you become a 'new or expectant mother'.

TIPS:

- ➔ Being a 'new or expectant mother' means you:
 - ➔ are pregnant; or
 - ➔ have given birth in the last six months (including a stillbirth after 24 weeks of pregnancy); and/or
 - ➔ are breastfeeding.
- ➔ If your employer requests proof of your pregnancy, you must provide a certificate of pregnancy from your doctor or midwife. This is known as a form MATB1.

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FACT: Your employer must carry out an individual risk assessment (including talking to you) and adjust your working conditions to ensure your (and your baby's) health and safety

TIPS:

- ➔ If your employer doesn't complete an individual risk assessment or doesn't know what to include, give your employer this link, which takes them, step by step, through what they ought to be doing: <https://www.hse.gov.uk/mothers/employer/risk-assessment.htm>
- ➔ As part of the individual risk assessment carried out by your employer, they must consider (and act upon) any medical advice that you provide from your doctor or midwife.
- ➔ Risks which could be included in your individual risk assessment are things like (but are not limited to):
 - ➔ Manual handling i.e. lifting and moving objects
 - ➔ Noise
 - ➔ Temperature
 - ➔ Stress (including post-natal depression)
 - ➔ Hazardous chemicals
 - ➔ Flying (relevant to pilots and cabin crew, and to women who travel on business)

FACT: Your employer must make changes where they identify a risk to you and/or your baby

TIPS:

- ➔ Your employer must take the following steps to avoid an identified risk:
 - ➔ Change your working conditions or your hours (e.g. allowing extra breaks or allowing you to change from night shifts to day shifts).
 - ➔ If changes cannot be made, offer you alternative suitable work.
 - ➔ If alternative work is not available, suspend you from work on paid leave for as long as it is necessary for the risk to be avoided.
- ➔ The alternative work you are offered should be on similar terms and conditions to your regular position: it should not be on substantially less favourable conditions.
- ➔ You will be entitled to more frequent rest breaks as a 'new or expectant mother' - your employer should agree the timing and frequency of these with you.

FACT: Your employer must continue to review your individual risk assessment as your pregnancy progresses, and if your work or workplace changes.

TIPS:

- ➔ This should be done at regular intervals.
- ➔ You should have regular discussions with your employer.
- ➔ If you have a concern regarding your health and safety, you should take this to your employer, and they must assess it.

FACT: Your employer is legally obliged to offer you a place to rest when you are pregnant and breastfeeding

TIPS:

- ➔ This should be in a suitable place (i.e. somewhere clean and private) and should provide appropriate facilities for you to lie down if you need to.
- ➔ See our separate sheet on Returning To Work for more details on your rights when breastfeeding.

FACT: Your maternity leave will automatically start if you are off sick within the last four weeks prior to your due date because of a pregnancy-related illness or due to health and safety concerns.

TIPS:

➔ To work out the four weeks before you are expected to give birth, find the Sunday at the start of your expected week of childbirth (found on the MATB1 form) and count back four Sundays. This is the start of the fourth week before your baby is due.

FACT: The law requires you to take a minimum of two weeks of maternity leave (four weeks if you work in a factory) after you have given birth.

TIPS:

➔ This is non-negotiable. Even if you wanted to return to work during this period your employer is not allowed to allow you to do so.

Produced for Pregnant Then Screwed by law students at the University of Chester



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Chester Community Law Project

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