



# Pregnant Employees

FAST FACT Ref: FF030:00, November 2022

National Health & Safety Function (NHSF)



Pregnancy is a part of normal everyday life with many employees working during pregnancy and returning to work while they are breastfeeding. As there are some hazards in the workplace which may affect either the health of the employee or their developing child, an employer has specific responsibilities to ensure their protection.

**What is the legislation & who does it apply to?** The specific legislation that applies to pregnant employees when at work is the *Safety, Health & Welfare at Work (General Application) Regulations, 2007, Chapter 2, Part 6, Protection of Pregnant, Post Natal and Breast Feeding Employees* (from now on referred to as Pregnancy Regulations).

**The legislation applies to** an employee who is currently pregnant, has recently given birth (14 weeks immediately after giving birth) and an employee who is breast feeding (during the 26 weeks immediately after giving birth).

**Notification to Employer:** It is in the best interests of the employee to notify their employer/manager of their condition as soon as practicable. On receiving notification that an employee is pregnant, the manager must assess specific risks to the employee and their developing child. The employee must continue to inform their manager throughout their pregnancy of any advice they receive from their doctor/midwife that might impact on the risk assessment. Where necessary the manager will seek assistance from Occupational Health in relation to any such medical information received so that it can be taken account of and the appropriate action taken. Please note **Table 1** below for a list of **potential aspects of pregnancy that may affect work**. The employee must be made aware of the provisions of Pregnant Employee Regulations at local induction.

**Risk Assessment Process:** The existing workplace risk assessment will have already identified any hazards present in the work area. Therefore the Pregnancy Risk Assessment is a re-appraisal of these hazards in conjunction with the completion of the *Pregnancy, Post-natal and Breastfeeding Risk Assessment Form*. This is completed by the line manager with the employee. If the Pregnancy Risk Assessment identifies any additional risks the manager must assess if there are any practical ways the risks can be avoided/controlled by following these actions:

Action 1: Adjust the working conditions and/or hours of work - if this does not remove the risk then

Action 2: Provide suitable alternative work – if this is not possible then

Action 3: Grant the employee safety and health leave under Section 18 of the Maternity Protection Act, 1994.

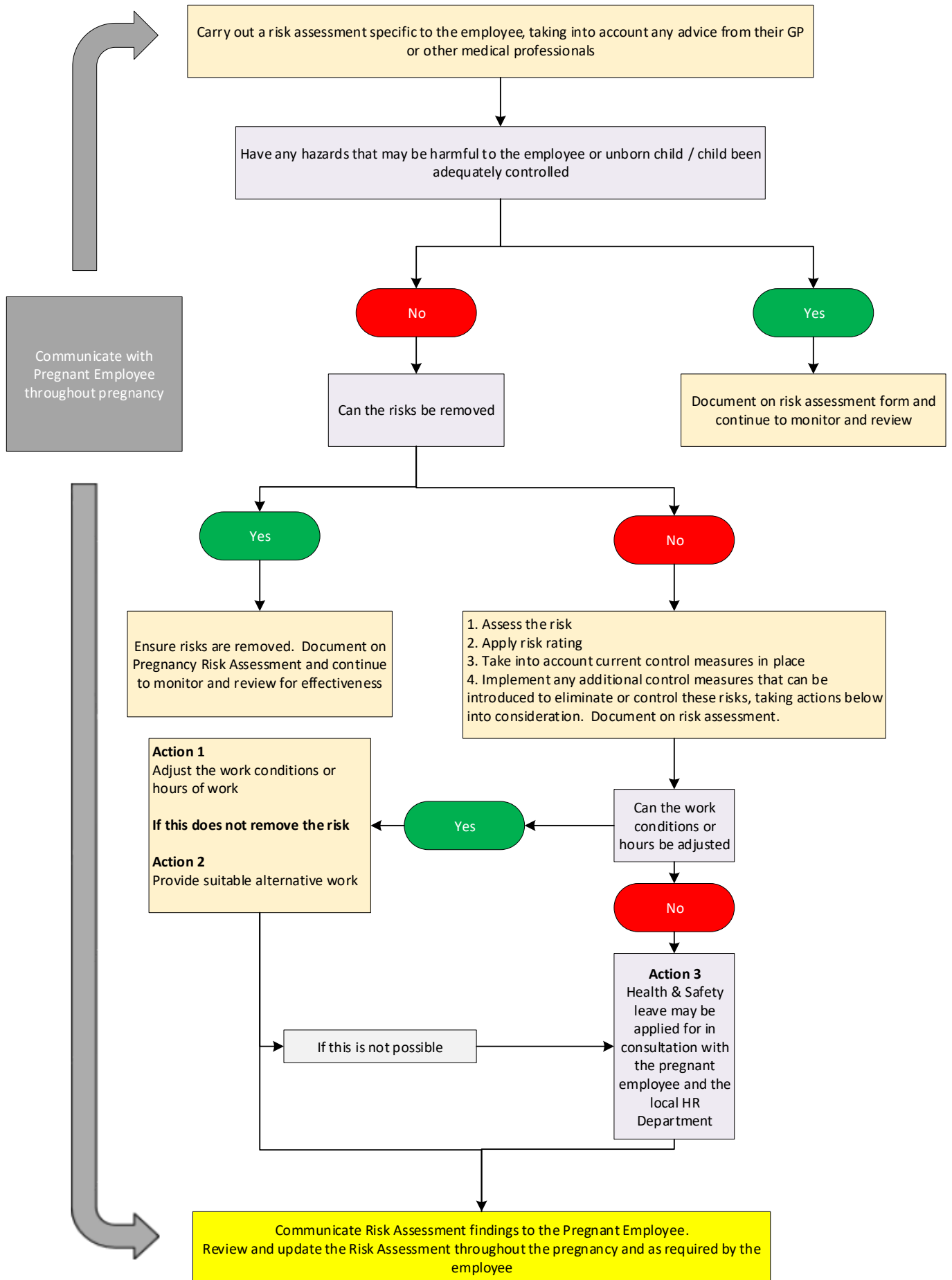
It should be noted that action 3 applies where the employer, having undertaken the risk assessment, identifies occupational risks which arise for pregnant employees which cannot be reasonably controlled using actions 1 or 2. The employer must inform the employee of these risks and the control measures to be put in place to ensure that the employees and developing child do not suffer any adverse effects. Please refer to **Figure 1** which outlines the Risk Assessment Process for Pregnant Employees.

**Aspects of pregnancy that may affect work:**

Where an employee is affected, the impact of these factors may vary during the course of the pregnancy. A Manager will have to review the risk assessment regularly throughout pregnancy as the agility, shape, size of the expectant employee changes. (Reference: from the Health & Safety Authority website “A Guide to the Safety, Health & Welfare At Work (General Applications) Regulations 2007”; Chapter 2 of Part 6 Protection of Pregnant postnatal and Breastfeeding Employees).

Aspects of Pregnancy	Factors in Work
Morning sickness	Early shift patterns, exposure to nauseating smells
Backache	Standing/manual handling/ posture
Varicose veins	Standing/ sitting
Frequent visits to the bathroom	Difficulty in leaving job/site of work
Increasing size	Use of protective clothing, work in confined spaces, manual handling
Tiredness	Overtime, evening and night shift, shift work
Balance	Problems of working on slippery, wet surfaces
Comfort	Problems of working in tightly fitting work-spaces
Dexterity, agility, co-ordination, speed of movement and reach may be impaired because of increasing size	Problems of working in tightly fitting work-spaces

**Figure 1: Risk Assessment Process for Pregnant Employees**



**Information:** To access the Pregnancy, Post-natal and Breastfeeding Risk Assessment Form and further guidance on potential hazards see <https://healthservice.hse.ie/staff/health-and-safety/pregnant-post-natal-and-breastfeeding-employees/>