



Nicky Ackerley BA(Hons)

Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

Risk assessments for Pregnant and breast-feeding mums

Nicky Ackerley BA(Hons)

It has been the case for some time that a practice should have risk assessments for both pregnant mums and new mums returning to work. The expectant mum or new mum should ideally be involved in this process and contribute to it, after all every person is different. The risk assessment should be reviewed regularly and if things change.

There has been a recent important court case. A new breast-feeding mum in Spain was working in a hospital and requested that her working conditions be modified as they had the potential to adversely affect her milk. She raised concerns of stress, ionising radiation, shift patterns, and healthcare associated infections.

The requirements in Spain are almost identical to those in the UK, they are both based on a European Directive. The Managing of Health and Safety at Work Regulations 1999 says that employers are required to assess risks to new and expectant mothers in the workplace.

This lady's case went through the Spanish national security agency, to court and eventually to the European Court of Justice and it was agreed that the risk assessment was not adequate and therefore amounted to sex discrimination.

Your practice should have existing risk assessments for pregnant and new mums. These will need to be reviewed and possibly amended to fit the individual circumstances of the woman. They may also need to be reviewed as the pregnancy progresses and if there are any changes at the practice.

The risk assessment should address the risks of the control of substances hazardous to health (COSHH), lead, infections at work, radiation, anaesthetic gases, stress, noise, manual handling, any chemical agents (cytotoxic drugs in particular), facilities available at work (rest rooms), working alone, travelling, personal protective equipment (PPE). This list is not exhaustive.

Some of the risks to breast-feeding mothers include: working with organic

mercury, working with radioactive material, exposure to lead.

An employer should not wait until an employee is pregnant to conduct a risk assessment. If your practice employs women of child bearing age there should be a risk assessment in place. It is discriminatory on the grounds of sex if this is not in place.

Your employer must take into account any medical advice from your GP or midwife about a mother's health and adjust working conditions accordingly. An expectant or new mother can work nights if no risks have been identified, but if the mother's midwife or GP advises she should not work nights the employer will need to make this adjustment.

Any risk identified in a risk assessment should be managed, the risk must be removed or minimised to a safe level. The Health and Safety Executive (HSE) describe a 'hierarchy of risks':

1. Elimination - redesign the job or substitute a substance so that the hazard is removed or eliminated.
2. Substitution - replace the material or process with a less hazardous one.
3. Engineering controls - using equipment or machinery to control risks.
4. Administrative controls - these are all about identifying and implementing the procedures you need to work safely.
5. Personal protective clothing and equipment - only after all the previous measures have been tried and found ineffective in controlling risks to a reasonably practicable level, PPE must be used.

Having an up-to-date risk assessment is good practice and helps to protect the health of new mothers and their babies. It is also a legal requirement.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email nickyackerley@hrsupportconsultancy.co.uk.