Managing the health and safety of pregnant employees in the retail sector

Guidelines to positively manage and support pregnant employees in your retail organisation

Funded by the Equality Mainstreaming Unit which is jointly funded by the European Social Fund 2007-2013 and by the Equality Authority

Investing in your future
IBEC undertook a sectoral project and produced best practiced guidelines and a training module for managers. These guidelines detailed how to carry out a risk assessment and support and manage pregnant workers in the retail sector.

The funding for this project was provided by the Equality Mainstreaming Unit which is jointly funded by the European Social Fund 2007 – 2013 and by the Equality Authority.

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Section 1: Introduction to guidelines

In 2011 research was carried out by the ESRI and published by the Equality Authority and the HSE Crisis Pregnancy Programme on the experience of women in employment during pregnancy. The report, “Pregnancy at Work: A National Survey”, focussed on a group of 2,300 women who had given birth during the period July 2007 to July 2009. The survey found the majority of women felt their employer was supportive during pregnancy at work (71%) and most were satisfied with their treatment at work during pregnancy (63%). Nevertheless a minority of women in employment during pregnancy reported experiencing problems relating to their pregnancy at work.

Employers are mainly active and vigilant in terms of managing pregnant employees. Employers generally have policies and procedures in place and adhere to these. However, notwithstanding policies and procedures being in place, a small percentage of employees in the ESRI research reported negative experiences in the workplace during their pregnancy. Those negative experiences are unfortunate, especially given the robust legislation in place in Ireland for pregnant employees. Of the women who were working during their pregnancy, 13% reported their health was negatively affected by their job during pregnancy. Almost half of the women whose health had been affected (49%) mentioned the general demands of the job and 43% stated that the physical demands of the job had impacted on their health. The research reported unfair treatment as being most pronounced in the retail and wholesale sector, at 36%. Such unfair treatment included dismissal, loss of salary or bonus, denial of promotion, unsuitable work or workloads, unpleasant comments and discouragement from attending ante-natal appointments.

While many retail employers have good practices in place, there is scope for improvement. The opportunity to effect ‘best practice’ remains. There is a challenge to maintain best practice given the nature and characteristics of working in the retail sector, for example, long periods of standing, working on the shop floor, strong/bright lighting, long/unsocial hours of work, manual handling practices associated with lifting of stock.

IBEC undertook a study of in excess of 30 retail companies to inform the development of a best practice guideline and associated training module. As a result of this research, IBEC now present these guidelines on how to manage the health and safety of pregnant employees in the retail sector. The companies involved reflected a cross section of retailing activities in Ireland and are inclusive of indigenous retail companies, large multinational retailers as well as small local shops.

The guidelines have been produced to assist employers in proactively and positively managing the health and safety of pregnant employees. The focus is on the retail sector. For employers and management, this period of time can be a challenging one. Employers are concerned regarding what is and is not appropriate to discuss with a pregnant employee. There are also queries on how best to support her during her pregnancy and maternity leave period and how to help re-integrate her back into the workplace following her maternity leave. The guidelines address these key issues and assist employers, particularly line managers, who play a crucial role in this process, to make pregnancy a positive experience and allow working relationships flourish. There is detailed advice provided on how to carry out a comprehensive health and safety risk assessment for a pregnant employee. The
guidelines also address how best to secure an employee’s successful return to work. In the retail sector employee attrition post pregnancy has tended to be high.

Adopting and using these best practice guidelines and training module, will help companies to promote equality and assist retail employers to minimise the risk of unfair treatment and health and safety issues among pregnant employees. The guidelines have been designed to support a planned and systematic approach to minimising the risk of discrimination for pregnant employees in the Irish retail sector. They are centred on the completion of a detailed risk assessment process and they set down a road map for management to follow from the initial notification of pregnancy right through to securing the successful return to work of the individual employee.

The guidelines are based upon the various protections for employees established under existing Irish employment legislation. This includes the Employment Equality Acts 1998 to 2011, the Maternity Protection Acts 1994 to 2004 and the Safety, Health and Welfare at Work Act 2005 which places a general duty on all employers to ensure, insofar as is reasonably practicable the safety, health and welfare of all employees. Additionally, the Safety, Health and Welfare at Work (General Application) Regulations (SI No 299 of 2007) provides additional protection for employees during pregnancy and while breastfeeding. Employers are also encouraged to become familiar with the guides produced by IBEC (www.ibec.ie) and the Equality Authority on employment equality and protective leaves.

The retail sector has encountered specific difficulties with instances of pregnant employees reporting significant work related difficulties and problems around pregnancy. While this document has been informed by the experience and practices of the retail sector, the guidelines will be applicable across many different sectors and workplaces. It is hoped that these guidelines will enable employers to support pregnant employees successfully.

Guideline contents

Section 2 of these guidelines addresses current issues in managing pregnancy in the workplace and Section 3 summaries the relevant employment legislation with which employers must comply. Specifically for line managers, the day-to-day management of pregnant employees and on-going communication is addressed in Section 4, including how to carry out a health and safety pregnancy risk assessment. Health and safety leave and its appropriate use is the focus of Section 5. Supporting an employee to return from maternity leave is explained in Section 6 while Section 7 contains relevant resources. This includes the Pregnant employee risk assessment form and a Sample pregnancy and maternity protection policy.

A training module for line managers to enable them to positively manage and support pregnant employees is available as a separate document.
Section 2: Contemporary issues concerning pregnant employees

### Key elements

2.1 The business case for best practice

2.2 Key trends in best practice
   - Take up of protective leave
   - Positive workplace culture
   - Managerial buy in and line manager support
   - Employee responsibility
   - Return to work

2.3 How is the retail sector coping with the baby boom?

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### 2.1 The business case for best practice

Women make up 57.8% of the workforce in Ireland (CSO, 2009). They are represented at all levels of organisations, although in smaller numbers in top management positions. With the average age of women giving birth in Ireland being 31 years, many women and men in employment are parents. The Irish retail sector is one of particular dynamism and activity and attracts a wide female base. Female employees commence employment within the sector at an early age, sometimes as a part time job. There is flexibility within the sector owing to long opening hours and the availability of shift work and weekend work. There is a high percentage of female staff and employees who fall within the child-bearing age.

The increase in female workforce participation in Ireland has led to more dual career families than any preceding generation. Of respondents in the 2011 ESRI research, 71% reported that they were satisfied with their treatment at work during pregnancy. This is a very positive statistic in light of significantly increased female participation in the workforce. Employers are active in terms of applying the legislation and engaging female talent. While such progress is welcomed, pregnancy and maternity issues remain for a proportion of female employees.

Pregnancy is sometimes directly responsible for the exiting of employees from the workforce, eg, difficulties encountered during return to work, difficulties reconciling family and work priorities. There are also considerations around high childcare costs. There is an undisputed positive effect in workplaces which have family friendly work polices and flexible work practices. Such mechanisms have a very positive effect on employee retention post pregnancy and maternity leave. From consultation with a cross section of Irish retail employers, many identify the trend of employees not returning to work post a period of maternity leave as problematic. It was also noted that occasionally employees had problems reintegrating back into the workforce and that this was the reason some women were exiting from the workforce. Losing this talent from the workplace does not make good business sense. Alongside the investment that has been spent on recruitment, training and development, there is an additional social cost when a woman feels that she can no longer work and does not reintegrate back into her original role.
From an employer’s perspective, there is a clear business benefit to having a strategy in place in order to successfully manage and support a period of pregnancy in a woman’s career and to ensure that women reintegrate into the workforce and feel valued for their contribution.

Employers are advised to ensure that an employee’s pregnancy, leave and return to work is organised and structured carefully and that the employee feels supported at all stages. Employers should carefully examine their systems, policies and procedures and how they are implemented to ensure that the pregnant worker remains protected at all times. The use of the risk assessment tool will undoubtedly assist in the protection of a pregnant employee in the workplace.

Organisations should focus on ensuring the instances of negative experiences of pregnant women in the workplace are removed. Given the robust Irish employment legislation instances of negative experiences should rarely occur. The provisions of the Employment Equality Acts specifically prohibit the discrimination of individuals on the basis of gender, family and civil status (as well as six other grounds). Additionally the Safety, Health and Welfare at Work Act 2005 places a general duty on all employers to ensure, so far as is reasonably practicable, the safety, health and welfare of all their employees. The Safety, Health and Welfare at Work (General Application) Regulations (S.I. No. 299 of 2007) provides additional protection for employees during pregnancy and while breastfeeding.

2.2 Key trends in best practice

Take up of protective leave

The ESRI report stated that 92% of women in active labour force availed of their paid maternity leave entitlement (statutory leave). However, only 41% took additional maternity leave which is unpaid. This may be related to the finding in the ESRI report that 49% of people experienced financial worries during pregnancy.

The IBEC survey Maternity Leave Conditions Survey 2011 found the majority of Irish businesses (79%) make maternity top-up payments during the period of maternity leave. However the research recorded the retail sector having the highest instance of employees only receiving social welfare payments during maternity leave (71%). Indeed, only 24% of retail employers reported paying top-up over and above the social welfare maternity payment. Of all sectors surveyed, the retail sector performed the lowest in this regard. The ESRI reported that less than half (48%) of companies provide top-up that is above the State allowance. In addition, 18% of employees took parental leave before returning to work. From our consultation with retail companies, it was found that the take up of parental leave could be linked to the ability to afford it. It was found that once a woman successfully returns to work, she is far less likely to wish to avail of the parental leave provision at that point in time and within the first 18 months back from her period of leave.

Positive workplace culture

Perception plays a very important role regarding pregnancy in the workplace. A positive attitude by the organisation towards pregnancy is very important. Management needs to lead by example. All communication concerning pregnancy needs to be done in a sensitive manner, reflecting the positive, good news aspects of pregnancy. Managers need to be seen
to be positive towards pregnancy beginning by saying ‘congratulations’ to a pregnant employee at the outset! A smart manager will be mindful of tensions a pregnancy announcement may cause amongst fellow employees and make a concentrated effort to enforce the positive message to other staff.

Pregnancy can be construed as a significant challenge with concern that the female employee could become a less effective member of the workforce, that she will no longer be in a position to carry her workload or that she will avail of more sick days. These perceptions can be very damaging to workplace relations, and indeed performance, and require management.

Performance issues may arise during an employee’s pregnancy. These difficulties may be overcome by simple amendments to work tasks and duties. Employers should ensure that workplace perceptions towards pregnancy are accounted for in any overall culture assessment. Employers should be mindful to keep the organisation’s focus completely centred towards best practice and stressing equality issues. It is imperative to strike a balance between the organisation’s requirements and the individual pregnant employee’s best interests. An organisation must ensure that there is a culture of inclusion, support and cohesion amongst fellow employees towards the pregnant employees and that pregnancy within the workplace is viewed and considered positively.

**Managerial buy in and line manager support**

Organisations who cope best with pregnancy tend to have management structures that actively promote equality in the workplace. They are focussed on initiatives around education of equality issues and promotion of diversity within the workplace. Such organisations are able to show equality buy-in from senior management. Examples of some of the positive actions in relation to pregnancy in the workplace that we came across included store vouchers to say congratulations to pregnant employees and granting an additional days annual leave to take in the year of the birth to celebrate the day.

Importantly, whilst senior management sets the tone for an inclusive culture, in practice it is usually the role of the line manager that is central to dealing with pregnancy and pregnancy related issues in the workplace. In practice, the line manager is frequently the first point of contact for a pregnant employee and tends to be the person to whom the pregnant employee will first inform about her pregnancy.

As such, the role and skills of the line manager cannot be overlooked or underestimated. The line manager must be equipped and briefed with how to deal with a pregnant employee. He or she must have access to all relevant information and documentation in order to best support the pregnant employee at this time of significant personal and work transition. He or she must, not only have this information to hand, but also must be kept up to date and abreast of any changes in the legislation and be aware of best practice in the area.

It is clear that there is a time commitment and cost associated with the correct processing of pregnancy and associated documentation. Allowances need to be made for this and the line manager must have senior management support in their role as the communication link between the pregnant employee and the organisation overall. Thus the best practice guidelines as set out in Section 4 are an invaluable tool for line managers as a clear guide on what to do when an employee is pregnant in workplace. The best practice guidelines detail how exactly to conduct a comprehensive health and safety risk assessment in any retail organisation.
**Employee responsibility**

From a health and safety perspective a pregnant employee has clear responsibilities in respect of her own pregnancy and managing it. She has particular responsibilities not to put herself or her unborn child at undue risk or danger. Pregnancy in the workplace is a personal experience and an employee should feel a certain degree of control over the overall experience. Active employee responsibility underpins the risk assessment process. Employers can reasonably expect that an employee will not place herself at risk or danger in the course of performance of her duties. When managing an employee’s pregnancy in the workplace, employers should promote and foster a culture of employee involvement in the overall process. Such a culture facilitates clear communication between employees and management and will highlight potential problems at an earlier stage.

From an equality perspective, employers should note that the measures required in facilitating a pregnant employee fall into the classification of reasonable accommodation. In practice, this means that employer does not extend further than making reasonable accommodation for the change in the employee’s personal circumstances. Hence, personal responsibility from an individual employee will greatly assist both sides during the pregnancy and help to ensure that a pregnant employee’s individual needs are met during her pregnancy.

**Return to work**

A further issue that arose for the retail industry was achieving the successful return to work post pregnancy and maternity leave. Employers are keen to protect against the possibility of the employee leaving employment immediately or soon after maternity leave. In addressing the issue of securing female employees successful return to work, it is crucial to be aware of the economic context of the retail industry presently is operating in Ireland. Since 2008 retail sales have declined by 30% and over 50,000 jobs have been lost in the sector. This level of job losses has presented significant operational challenges to the sector. Now, more than ever before, in the context of rising costs and falling revenues, it has become important to retain existing talent and not incur the additional costs associated with recruitment and training.

Organisations are simultaneously encouraging increased participation from women in the workforce and bolstering female staff retention figures. These two objectives require significant focus from a human resource management standpoint. Retention measures include doing as much as possible to facilitate the employee’s return to work, for example, frequent informal meetings aimed at supporting the return to work, ensuring her work area is adequately equipped and that the employee has access to the most up to date uniform/clothing in an appropriate size, a return to work bonus and Daddy vouchers.

Organisations now commonly review their own policies against the wider business community to ensure a competitive position and ensure that they retain the best people. The primary reasons cited in the ESRI report for remaining outside the labour market post childbirth include factors such as low earning potential in many retail roles, larger family size and the fact that many retail working arrangements are of a temporary or casual nature.
2.3 How is the retail sector coping with the baby boom?

Policy issues that the ESRI report identified include the following and employers should carefully note these in terms of their own organisation.

- Improved information for women regarding their entitlements around protective leave and the return to work process.
- Track a women's transition back into employment and conduct comparisons of employment conditions before and after childbirth.
- Family-friendly workplaces - There is widespread recognition that there is a need to develop public policy to promote better reconciliation of work and family life. Flexible employment practices remain important to all women in retail sector.
- It was found that general knowledge around basic employment rights was of a reasonably high standard. However, certain aspects of maternity protection presented confusion to many companies. This particularly arises in the context of health and safety leave and the requirement to carry out a risk assessment for pregnant workers to put in place corrective measures where and if required.
- Health and safety regulations and health and safety risk assessments should be broadened to include more common health risks from pregnant workers such as fatigue relating to long working hours (long hours, shift work and night work), occupational stress and long periods of standing or sitting.
- It is important that returning to work remains an incentive for women. Disincentives to work should be reduced as much as possible.

The research also identified that further research was needed to increase the understanding of employer’s knowledge of and attitudes towards maternity protection legislation and health and safety regulations, and the difficulties that they face in implementing such legislation.

It was on this last point that it was decided to undertake this project to devise a set of best practice guidelines to specifically assist employers and employees alike, to provide relevant and accessible information and to exist as a starting point in the promotion of the health and safety of the female workforce. Interestingly, it was found that employers are generally very active in terms of having a proactive approach to dealing with pregnancy in the workplace. They have policies and procedures in place and actively refer to these documents. However, it was found that a knowledge gap does exist. The information contained in many of the policy and procedure documents that we reviewed had factual inaccuracies and errors contained therein. Hence, it is pertinent for all employers to ensure that their documentation is factually correct and up-to-date.
Section 3: Relevant employment legislation

Key elements

3.1 Employment protection
3.2 Maternity Protection Acts
3.3 Employment Equality Acts
3.4 Safety, Health and Welfare at Work (General Application) Regulations 2007

3.1 Employment protection

All retail employers must be familiar with the relevant legislation. Knowledge gaps need to be closed and all companies must act in line with legislation. The purpose of the law is to protect the unborn child and the mother during the course of her performance of work duties and tasks whilst pregnant. The legislation also is aimed at preventing discrimination in the workplace.

Employees’ statutory and contractual rights of employment, with the exception of remuneration, are protected under the Maternity Protection Acts 1994 and 2004. During any period of leave or time off under the Acts, an employee remains in the employment of the organisation.

Dismissal on grounds of pregnancy or for exercising her rights under these Acts is prohibited. The Acts give very wide protection against the imposition of certain disciplinary measures and against termination of employment during a period of statutory maternity leave or protective leave. An employee cannot be in receipt of a disciplinary suspension when she is on maternity leave or protective leave as defined by the Acts. Notices of termination of employment given during protective leave, to take effect during or after the end of the leave, are void. The normal obligation to have one year’s continuous employment in order to fall under the scope of the Unfair Dismissals Acts does not apply where it can be shown that dismissal was due to pregnancy, birth or breastfeeding, or related matters.

3.2 Maternity Protection Acts 1994 and 2004

The Maternity Protection Acts 1994 and 2004 provide protection for employees who are pregnant, who have recently given birth or who are breastfeeding, irrespective of their employment status or their length of service with their employer. The Acts confer a number of rights and entitlements on females in employment. This section provides guidance to employers in ensuring correct implementation of maternity entitlements within the workplace.

Scope: The legislation covers all female employees who:

- are pregnant;
- have recently given birth, i.e., within 14 weeks of giving birth;
• are breastfeeding within 26 weeks following the birth;
• are on protective leave; and
• have informed their employer of their condition.

Under maternity legislation, protective leave means:

• maternity leave;
• additional maternity leave;
• leave for fathers on death of mother;
• leave on health and safety grounds.

During protective leave, an employee’s continuity of employment in respect of any right (whether statutory, contractual or otherwise), with the exception of remuneration, is preserved, as if she were present at work.

Absence on maternity, additional maternity leave and health and safety leave counts as reckonable for the purpose of calculating annual leave. Employees retain an entitlement to public holidays occurring during maternity leave, additional maternity leave and leave for fathers. Employees on health and safety leave do not have such an entitlement.

Maternity leave

Pregnant employees are entitled to a minimum period of 26 weeks maternity leave. The leave period may be taken at the time the employee selects, provided that the leave commences at least two weeks before the end of the (medically certified) expected week of confinement. The employee may return to work at the end of the 26 weeks, provided it is not earlier than four weeks after the end of the expected week of confinement.

Additional maternity leave

An additional period of up to 16 weeks leave may be taken immediately following the maternity leave period. This is referred to as additional maternity leave. This entitlement is subject to the employee informing her employer, in writing, of her intention to take additional maternity leave. This notice can be given either at the same time as notice to take maternity leave is provided or at any time not later than four weeks before her maternity leave is due to expire.

Miscarriage

There is no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. Any confinement occurring after the 24th week, even if it does not result in a live birth, is covered by the Acts and the employee retains her full maternity leave entitlement.

Hospitalisation of the child

Subject to the employer’s agreement, a mother has the option of splitting, or postponing, the period of maternity leave/additional maternity leave in the event of the hospitalisation of the child. Maternity leave may only be postponed after the employee has taken at least 14 weeks maternity leave, four of which have been taken after the end of the week of confinement. The maximum period of postponement is six months.
Additional maternity leave and illness

Subject to the employer’s agreement, a mother has the right to terminate unpaid additional maternity leave in the event of becoming ill. The request for termination by the employee and acceptance of termination by the employer must be in writing. In this situation the employee forfeits the right to the remaining weeks of additional maternity leave and this needs to be clearly understood by the employee.

Natal care leave

An employee is entitled to such time off as is necessary from her normal working time, without loss of pay, to attend medical or related ante-natal or post-natal appointments. The employee should provide the organisation with sufficient notice of this appointment and should provide evidence of the appointment, eg, the appointment card.

Ante-natal classes

A pregnant employee will be entitled to time off from work without loss of pay to attend one set of ante-natal classes (other than the last three classes). A father will be entitled, on a once-off basis, to time off from work without loss of pay to attend the last two ante-natal classes before the birth.

Breastfeeding

A breastfeeding mother is entitled, at the option of her employer, to either a breastfeeding break of one hour per day where suitable facilities are provided in the workplace, or a reduction of working hours of one hour per day without loss of pay. This entitlement lasts for up to 26 weeks following the birth.

The one-hour break may be split into shorter periods in the form of;

- two breaks of 30 minutes each;
- three breaks of 20 minutes each;
- or in such other manner as to number and duration of breaks as may be agreed by her and her employer.

Where no facilities are provided, the employee is entitled to a reduction in working hours of one hour per day. All such breaks or time off are paid.


The implications of the Employment Equality Acts 1998 to 2011 are wide ranging. They have ramifications across a broad spectrum of activities including recruitment and selection, determination of pay and the composition of terms and conditions of employment. The Acts make it illegal to discriminate with regard to both pay and non pay issues on the basis of nine specific grounds: gender, civil status, family status, sexual orientation, religion, age, disability, race, and membership of the traveller community. Employers must consider all aspects of employment in their organisation to ensure that no discrimination occurs on any of the nine grounds.
Employers are prohibited under the Employment Equality Acts from discriminating against employees or prospective employees on the nine equality grounds. It is essential, therefore, that employers ensure that all practices and procedures are examined and managers and employees involved in the relevant areas are aware of and trained to recognise the ways in which the effects of their actions could be discriminatory.

To comply with the Acts it is essential that employers provide the same conditions of employment to all employees or potential employees in relation to terms of employment (except remuneration), working conditions, overtime, shift work, short-time, transfers or dismissals. The exceptions to this rule occur for:

- ‘red circled’ positions, for example, where a person holds a higher rate of pay at a lower grade, often a result of a restructuring;
- service-related payments;
- previous experience;
- grading structures;
- capacity or additional duties;
- actuarial factors.

Most importantly further exceptions are made for pregnant employees in that the Employment Equality Acts 1998 to 2011 allows for more favourable treatment to be given to women with regards to pregnancy, maternity, breastfeeding and adoption. This can include allowing flexible working hours or changing work duties to ones that are less onerous.

3.4 Safety, Health and Welfare at Work (General Application) Regulations 2007

The Safety, Health and Welfare at Work Act 2005 places a general duty on all employers to ensure, so far as is reasonably practicable, the safety, health and welfare of all their employees. The Safety, Health and Welfare at Work (General Application) Regulations (S.I. No. 299 of 2007) provide additional protection for employees during pregnancy and while breastfeeding.

Under the Regulations, the employer is required to carry out a hazard assessment related to possible risks associated with pregnant employees, employees who are within the 14-week period after the birth, and employees who are breastfeeding within 26 weeks of having given birth. Once an employer has been informed by an employee covered by the Maternity Protection Acts of her condition, the employer is obliged to conduct a health and safety risk assessment, to identify any possible risks.

If a risk is identified and cannot be removed from the workplace process, then the employer must take the following steps to ensure that the employee is no longer exposed to the risk.

1. Temporarily adjust the employee’s working conditions or working hours, to the extent needed to avoid the relevant risk.
2. If step one is not technically or objectively feasible, or cannot reasonably be required on substantial grounds, then the employee must be transferred to other work, or, in the case of night-workers, to day work.
3. If that is not technically or objectively feasible, or cannot reasonably be required on substantiated grounds, then the employee must be given health and safety leave.
While on health and safety leave the employee is entitled to be paid by her employer for the first 21 calendar days of health and safety leave. Thereafter, a social welfare benefit may apply, depending on the employee’s PRSI contributions.

Any consideration of health and safety leave should only be considered following the completion of a detailed risk assessment process that is carried out in conjunction with the organisation’s overall safety statement. Once the risk ceases to present as a risk for the employee, she can return to the workplace. As the text shows health and safety leave is not related to the illness of the employee.
Section 4: Managing the pregnant employee

An IBEC training module is available as a separate document to enable managers to support pregnant employees and carry out a health and safety risk assessment.

Key elements

4.1 Role of the line manager and promotion of a positive environment
   4.1.1 Line manager role and training
   4.1.2 Policies, procedures and paper trail
   4.1.3 Promotion of a positive environment

4.2 Methodology to carry out a general workplace pregnancy health and safety risk assessment
   4.2.1 Notification procedure
   4.2.2 Conduct a risk assessment in line with the safety statement
   4.2.3 Resources to facilitate a pregnant employee
   4.2.4 Proactive communication with the pregnant employee

4.3 Day to day management of the pregnant employee
   4.3.1 Time off from the workplace
   4.3.2 Performance management
   4.3.3 Crisis pregnancy

4.4 Helpful hints and tips for line managers
   4.4.1 Keeping in touch
   4.4.2 Remuneration and benefits
   4.4.3 Planning cover and manpower provision
   4.4.4 Return to work

Pregnancy in the workplace poses challenges for organisations and managers. It requires ongoing attention to maintain a fair and equitable environment and to actively manage an employee’s pregnancy and maternity leave properly. Pregnancy in the workplace poses the challenges of conducting risk assessments and ensuring the employee is protected during the time she is physically present at work. There are also issues from a resourcing perspective that need to be addressed.

On learning of an employee’s pregnancy, an organisation is required by legislation to conduct a risk assessment in line with the company safety statement. In addition to the legislative requirement, it makes business sense to have a designated plan for dealing with pregnant employees. Employees are entitled to return to work in the same job, under the same contract, terms and conditions of employment after maternity leave (or in certain circumstances suitable alternative work under terms or conditions of employment that are not less favourable than prior to her going on leave). Employees are protected from dismissal or suspension when on maternity leave.
4.1 Role of the line manager and promotion of a positive environment

The role of the direct line manager or supervisor cannot be underestimated in the overall experience of the pregnant employee. While the human resources function is in a position to advise and assist the employee and line manager regarding the processes and entitlements surrounding maternity, the line manager should own the management of the process with the employee and be fully conversant in the organisation’s policies.

4.1.1 Line manager role and training

Key to successfully managing the pregnancy and maternity leave period of an employee and making the process a positive one is the line manager. Through positive actions and understanding, the line manager can ensure that the employee is supported throughout pregnancy, goes on maternity leave feeling valued and supported.

Oftentimes, managers are unclear about what they can address with their pregnant employees. They are concerned about saying the wrong thing or inadvertently acting in a discriminatory manner. Sometimes managers may see only a pregnant woman rather than a competent professional and try to protect her during the nine months. It is important to equip managers with the tools to professionally and with confidence, engage with pregnant employees, plan for employees maternity leave, ensure the role is covered and a proper handover is carried out, deal with any performance issues during the pregnancy and reintegrate the employee back successfully following the leave.

4.1.2 Policies, procedures and paper trail

It is good practice to put in place and apply employee policies and procedures on maternity, adoption, parental leave and flexible working. It is particularly important for organisations to have in place a maternity policy which clearly outlines an employee’s statutory and contractual obligations, rights and entitlements. Within these policies the employer should articulate the legal rights and entitlements available to the employee, including any additional organisation specific provisions.

It is crucial that a clear paper trail exists documenting the employee’s pregnancy. A strong, comprehensive paper trail is evidence of procedures being followed and can be relied upon as a reference point for employer and employee alike. Such a paper trail also removes ambiguity and can assist in clarifying points of conflict should a dispute ever arise. These documents must stand up to scrutiny if examined externally. Important documents include the following:

1. company safety statement;
2. health and safety risk assessment;
3. suite of pregnancy and maternity policies.

4.1.3 The promotion of a positive environment

As elaborated in Section 2 retail companies must foster an environment and culture that encourages the full support and protection of pregnant employees. Retail companies should demonstrate and operate a positive environment that is non discriminatory and offers comprehensive support systems to pregnant employees. An employee on becoming pregnant should feel and believe that her pregnancy will not pose any difficulty to her
employment with the organisation. She must be given reassurances that her pregnancy will not affect her tenure of employment, that her opportunities vis-à-vis training, further education and development and promotion opportunities are unhindered. The role of line managers in connection with positive environmental considerations cannot be overlooked. In general, the line manager’s role in shaping and influencing the working environment has changed. Line managers have become facilitators of cultural change, often required to deliver real, tangible shifts in culture.

From our research, it was reported that individual employees are looking at the world of work to deliver in ways which were not as commonly sought previously. Companies must be aware of these cultural shifts. It was found that employees desired job security and stability more than anything else during pregnancy. Pregnant employees, while recognising that they are chiefly responsible for ensuring their long-term financial and physical health and well-being, as well as their career progression and performance, frequently express serious doubts over how pregnancy may affect their career goals and progression.

Thus there is an opportunity for companies to promote, foster and support an environment and culture that supports pregnancy in the workplace. Pregnant employees perform to the best of their abilities when their condition is embraced and supported by the organisation. Line managers are the first point of contact in this system. They need to strongly support and protection of the pregnant employee.

4.2 Methodology to carry out a workplace pregnancy health and safety risk assessment.

The recommended methodology for line managers to adopt and follow when utilising a best practice approach to dealing with pregnancy in the workplace is outlined below. See Section 7, Resources for a template risk assessment form.

4.2.1 Notification procedure

An organisation’s duties towards an employee’s pregnancy arise once it has received notification of her pregnancy. Once such notification has been received, the organisation and management are deemed to be ‘on-notice’ of the pregnancy.

This notification procedure should be in the form of a standardised template form. This form may be accompanied by written confirmation from the employee’s medical practitioner confirming the pregnancy and indicating the expected date of confinement (due date) if known at the time of notification. The notification procedure should be clearly communicated to all employees at the commencement of their employment. It should be accessible to employees and contained in the company handbook. Essentially it should be available to employees without having to ask directly for a copy. Sometimes confidentiality issues arise at the earlier stages of pregnancy whereby an employee may wish to keep her pregnancy private and only inform her line manager. Thus, the notification form should be available in a place whereby the employee can access it directly without having to request it.

In certain circumstances where a known organisation risk has been identified, employees may be required to inform the organisation immediately on learning of their pregnancy. This practice should be reinforced in induction as well as in employee policies.
First communication of the pregnancy

The first communication a manager has with a pregnant employee occurs upon finding out she is pregnant. If an employee verbally informs her line manager about her pregnancy, she should be congratulated and then furnished with the notification form and asked to complete it. It is important that all expectant employees have a completed notification form on their personnel file. Having open and on-going communication is important to the successful management of the pregnancy and maternity leave period.

Informing others

It should be discussed with the pregnant employee as to when and how she wishes to share her news with her colleagues as she may wish to keep it confidential for a certain period. Depending on the culture of the organisation, the announcement of a pregnancy can raise questions among other employees as to their levels of work and the implications or opportunities an employee’s maternity leave may offer. It is important that the manager sets the tone for the organisation by welcoming this news as a positive event and that pertinent issues like cover etc. will be planned and successfully managed.

4.2.2 Conduct a risk assessment in line with the company safety statement

On receipt of the notification of pregnancy from an employee, an employer must complete a comprehensive pregnancy risk assessment. All risk assessment practices and procedures should commence with a direct conversation with the individual employee. The assessment should be conducted with the pregnant employee individually and should be done in respect of each pregnant employee.

A risk assessment is required by Section 19 of the Safety, Health and Welfare at Work Act 2005. It is envisaged that it is modelled on a conversation that is supported by paperwork. We have included a sample pregnancy risk assessment form in Section 7 Resources. Under the Act, employers must:

a. identify hazards in the workplace,
b. assess the risks presented by these hazards.

The risk assessment process should include a statement of care from the organisation towards the employee. The risk assessment documentation is an opportunity for the organisation to demonstrate the duty of care they extend to pregnant employees in the workplace.

A hazard is defined as something with the potential to cause harm. A risk is best understood as a measurement based on (1) the likelihood of that harm occurring, (2) the potential severity of that harm and (3) the number of people who may be exposed to the harm. Managers should be aware of the difference between the two. When conducting a risk assessment, line managers must remember that in identifying and assessing risks, they should only consider those risks which pertain to work activities. General risks and hazards that may be present but which are unrelated to work do not require consideration and documentation by the line manager.

The risk assessment need not be a huge undertaking, an informal discussion that comprehensively addresses the issues can suffice. What is important is that the risk
assessment as prepared remains relevant to the stage of the employee’s individual pregnancy. Generalised stages in pregnancy and associated risks are:

- 1st trimester: 0 - 3 months, eg, morning sickness and tiredness,
- 2nd trimester: 3 - 6 months, eg, best period physically – time of least difficulty,
- 3rd trimester: 6 - 9 months, eg, back pain, tiredness, and mobility issues.

A copy of the risk assessment should be given to the individual employee. She should consult with her medical practitioner to ensure that the risk assessment is right for her. It is important that the employee, upon completion of the risk assessment signs it and a copy is placed on her personnel file.

Factors to consider when completing a risk assessment

The dangers and risks that an employer needs to consider and be mindful of are those that arise during the course of the performance of a pregnant employee’s work activities. Such risk can arise in relation to her physical workplace or her specific work tasks. By way of illustration, workplace risk that commonly exist in the retail sector include boxes in store rooms, bright lighting, lifting of stock, carrying, long periods of standing and time spent on feet, chemicals used in cleaning, perfumes used in certain stores causing nausea. From line manager’s perspective, amendments to work practices may need to be taken to reduce the risks posed. The resultant safety system as devised must be risk based, and the required safety measures involved must be proportionate to the risks involved. In essence, the safety measures must be adequate so as to eliminate, control and/or significantly minimise the risk of injury occurring to either the unborn child or the mother while at work, or carrying out work related duties.

Examples of risks

<table>
<thead>
<tr>
<th>Common employee risks and issues</th>
<th>Working conditions</th>
<th>Physical agents</th>
<th>Chemical agents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiredness</td>
<td>Facilities (rest rooms)</td>
<td>Movements and posture</td>
<td>Toxic chemicals</td>
</tr>
<tr>
<td>Back pain</td>
<td>Mental and physical fatigue, working hours</td>
<td>Manual handling</td>
<td>Carbon monoxide</td>
</tr>
<tr>
<td>Gestational diabetes</td>
<td>Stress (including post-natal depression)</td>
<td>Shocks and vibrations</td>
<td>Lead</td>
</tr>
<tr>
<td>Toilet breaks</td>
<td>Passive smoking</td>
<td>Noise</td>
<td></td>
</tr>
<tr>
<td>Normal illnesses</td>
<td>Temperature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seating, need to move more and have space</td>
<td>Working with visual display units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical appointments</td>
<td>Working alone</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The workplace risk assessment should consider any risks to female employees of childbearing age and, in particular, risks to new and expectant mothers (for example, from working conditions, or the use of physical, chemical or biological agents). Any risks identified must be included and managed as part of the general workplace risk assessment. If a manager is on notice that an employee is pregnant, breastfeeding or has given birth, should check the employee’s workplace risk assessment to see if any new risks have arisen. If risks are identified during the pregnancy, in the first six months after birth or while the employee is still breastfeeding, the manager must take appropriate, sensible action to reduce, remove or control them.

It is important to note that under the legislation an employer is not required to conduct multiple risk assessments during the course of an employee’s pregnancy in the workplace. An employer has a legal duty to check and, if necessary, update the general risk assessment for any employee if they suspect it is no longer valid, or there have been significant changes to anything it relates to.

As part of that process, an employer should regularly monitor and review the assessment in the workplace, taking into account possible risks that may occur at different stages of pregnancy. This is important because the risk of damage to the unborn child may rise at different stages of a pregnancy from any process, working condition or physical, biological or chemical agent. For example, dexterity, agility, co-ordination, speed of movement and reach may be impaired because of increased size as the pregnancy progresses and generally requires a new risk assessment.

Vigilance is required by managers to ensure that pregnant employees are well supported and know where to go if they have a difficulty. For example, pregnant employees can be accidentally omitted from key decisions or meetings through individuals making arrangements in the “best interests” of the pregnant employee or perceiving that the employee will be on leave without checking. This can frustrate and upset the pregnant employee and could be seen as discriminatory treatment.

At all times, the pregnant employee should be consulted before decisions that concern her responsibilities are made on her behalf. Similarly, attention on them solely regarding their pregnancy rather than their work can be uncomfortable for employees. If these situations are not dealt with appropriately, the cumulative outcome could lead to stress, health issues, discrimination or even an inability to work.
GENERAL RISK ASSESSMENT
Assess the risks to the health and safety of your employees, including females of child-bearing age and new and expectant mothers

Are risks present?

YES
Assess risks and reduce or remove, if possible

NO
inform your employees (either directly or through a safety representative) that no significant risks have been identified. However, it is still important that they inform you that they are pregnant, given birth in the last six months or breastfeeding, as early as possible.

You have been notified that an employee is pregnant, given birth in the last 6 months or is breastfeeding. Revisit your general risk assessment as completed in Stage one, above.

Has a risk been identified?

YES

NO
No immediate risk has been identified. You must monitor and review this assessment regularly as circumstances may change.

Remove risk

Can the risk be removed?

YES

NO

Adjust conditions hours

Can the new or expectant mother’s working conditions/hours of work be adjusted?

YES

NO

Give suitable alternative work on same terms and conditions

Action 1
Can the new or expectant mother’s working conditions/hours of work be adjusted?

YES

Action 2
Can she be given suitable alternative work?

YES

Action 3
Suspend her on paid leave for as long as necessary to protect her health and safety, or that of her child

NO

NO
## 4.2.3 Resources to facilitate a pregnant employee in the workplace

A manager should be aware of the various resources that are available to facilitate a pregnant employee in the workplace and particularly in a retail environment. A sample of the types of resources are outlined below and other resources may be helpful to deal with individual situations.

### Uniform

The constant belly growth during pregnancy can make it necessary to buy new clothes frequently, and although maternity clothing has become more fashionable and mainstream over the years, it can still be challenging to find maternity shirts that are flattering and work appropriate for a reasonable price. Employers are encouraged to have uniforms that are more generous fitting and appropriate for pregnancy available.

### Rest and relaxation room

Regulation 24 of the Safety, Health and Welfare at Work (General Application) Regulations, 2007 states “an employer shall ensure that pregnant, post natal and breastfeeding employees are able to lie down to rest in appropriate conditions”. This room should provide comfortable seating and be a location of respite from the activities of the store environment.

### Night-work

An employee covered by the Regulations who works at night, and who has medical certification that she should not do night-work because of the risks, should be transferred to day-work. If this is not technically or objectively feasible, she should be given health and safety leave. In this situation, night-work is defined as working at least three hours between 11.00pm and 6.00am or 25% of monthly working hours between 11.00pm and 6.00am.

It should be noted that an employee transferred to day-work does not have an entitlement to retain her night-shift premium.

### Noise

In the retail sector, there is often background noise or music playing in stores. Sometimes this music can be quite loud or with a pronounced bass tone. There have been situations where pregnant women have reported this noise as being irritating and too loud. Employers need to factor ‘noise’ and ‘noise pollution’ into consideration for any risk assessment. There are no specific risks to new or expectant mothers or to the foetus 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.

### Temperatures

Employers in the retail sector ought to consider that many retail workplaces contain a lot of bright lighting and showcase lighting. These lights generate significant heat. Additionally many shops have large entrances and doorways which in colder winter weather may give rise to draughts in store.
Retail employers must remember that when pregnant, women tolerate heat less well and may be liable to heat stress and faint easily. Breast-feeding may be impaired by heat dehydration. No specific problems arise from working in extreme cold but warm clothing should be provided. Pregnant workers should take great care when exposed to prolonged heat at work. Rest facilities and access to water help.

**Chairs**

In the retail sector, given the amount of time that many employees spend sitting and working from a check out/ cashier desk, it is imperative that appropriate and suitable chairs and seating be provided for pregnant employees. Employees may require chairs that can be easily adjusted in terms of height and posture positions. Such seating is readily available on the market.

4.2.4 Proactive communication with the pregnant employee

One of the most important aspects in dealing with pregnancy in the workplace is to ensure that active communication exists at all stages of the pregnancy.

**On-going meetings throughout the pregnancy**

It is best practice to schedule regular meetings throughout the pregnancy. This is essential to encourage open and constructive communication and set the tone for any discussions that may arise during the period, as well as to provide regular opportunities to identify any health and safety issues that may arise. Employees who feel supported throughout their pregnancy and maternity leave are likely to be more productive during their pregnancy and to return to work positively.

Such meetings might begin with discussions of the time lines in the employee’s pregnancy (i.e. due date and when she plans to go on leave), her entitlements during pregnancy and the notification requirements e.g., it is useful for an employee to know the amount of time she can take off to attend antenatal appointments (advance written notice is required). She should be provided with copies of any policies relevant to maternity leave, flexible working arrangements etc. Similarly such meetings can be used to discuss options regarding the length of maternity leave, the employee’s return to work, the scheduling of annual leave and, where policy provides, whether flexible working arrangements are available. While the employee does not have to make any decisions at an early stage it can be helpful to explore the areas and get a sense of her thinking on the topics.

There are issues and situations that will arise in the course of the employee’s pregnancy in the workplace. The line manager must be aware of these and equipped to comprehensively deal with them when they do occur. Such issues may range from minor issues which can be speedily and easily resolved to issues which are of a more serious nature, which may require additional support, for example from the Human Resource department.

4.3 Day to-day management of the pregnant employee

4.3.1 Time off from the workplace

Clear and on-going communication is required as the employee will need to frequently consult her employer about appointments. There are various appointments, classes and
dates that need to be discussed. The earlier such communications occur, the easier it is from
the organisation’s perspective to cope with the pregnancy. Such communications will also
lend to creating a situation whereby the risk of any adverse impact of an employee’s
pregnancy on her work performance and duties is significantly reduced.

The employee is entitled to paid time off for antenatal care and a set of antenatal classes.
Antenatal care essentially refers to medical appointments, doctor appointments and hospital
visits. Adequate written notice must be provided, two weeks before the appointment except
for the first appointment.

An employee’s right to attend antenatal classes is subject to the employee giving you notice
in writing of the dates and times of the classes, or class, at least two weeks before the first
class, or class concerned. If requested the employee must produce appropriate
documentation indicating the dates and times of the classes. This entitlement covers one set
of classes, except for the last three classes.

Open communication will allow an organisation to identify how the workload will be
managed in her absence on maternity leave and allow time for shadowing or handover
where applicable. If the position is being backfilled ensure enough time has been allowed for
recruitment.

4.3.2 Performance management

As at any stage in the employment relationship, there can be occasions when an individual’s
performance is called into question. An employer who manages performance effectively as
normal practice is less likely to face difficulties in managing performance during pregnancy.

In line with normal practice it is acceptable to address any performance issues as they arise,
during pregnancy. There should not be an assumption that poor performance issues are
pregnancy-related. Any practical problems which might be affecting the employee’s ability
to do her job effectively should be addressed to assist her in performing optimally. While a
thorough risk assessment for a pregnant employee should assist the manager to identify
what practical supports the employee needs to assist her to do her job as effectively as
possible, as the pregnancy progresses circumstances may change and the performance
management process may highlight a further need.

It is against the law for an employer to subject an employee to a disadvantage or dismiss her
for a reason relating to her pregnancy. As a general rule, when taking disciplinary action in
relation to an employee, the employer must not take into account or consider absence due to
pregnancy-related illness or properly authorised antenatal care. It is important that the
employer is satisfied as to whether absence or poor performance is pregnancy-related e.g.
lateness due to morning sickness during the early stages of the pregnancy. Where absence is
pregnancy-related, it should not be taken into account for disciplinary purposes.

Most organisations undertake performance appraisals or reviews at a particular time each
year. It is best practice to carry out a performance appraisal or review prior to the employee
going on maternity leave as otherwise the review may be based on recall or a generalised
average. Objective and goal setting can be left until the employee returns from maternity
leave.
Absence management of a pregnant employee should be conducted in the same manner as general absence management. However, some understanding should be demonstrated by the organisation towards the pregnancy-related aspects of any period of absence.

4.3.3 Crisis pregnancy

While typically pregnancy is a happy and welcome event, for some, depending on personal, relationship or financial circumstances, it may not be a positive situation. Such individuals can be quite distressed as they try to understand what their options are. This reaction to the situation may impact performance or wellbeing and may require a response from their manager. Essential to dealing with the situation is to listen and offer as much non-judgemental support and understanding as possible. Individuals can be referred to any of a number of crisis pregnancy bodies for expert advice and assistance, or if the organisation has an employee assistance programme the employee may be referred to it.

Miscarriage

Another difficult situation is managing an employee who has suffered a miscarriage. Along with the grief and loss of a baby there can be feelings of isolation and despair felt by both parents. As miscarriage can occur at various stages in a pregnancy, an employer may need to be flexible in how they deal with an employee in this situation. If the miscarriage occurs after the 24th week the employee is entitled to their statutory maternity leave. Regardless, a great deal of sensitivity will be required. It is important to remember that this is bereavement.

Different employees will react differently to the situation and this requires the employer to be supportive and understanding. The employee may need professional support at this time. If the organisation has an employee assistance programme, the employee should be offered access to it at this time. Different options used by employers to support their employee through this difficult time include, offering authorised leave of absence, offering a period of compassionate leave and deciding the duration on a case by case basis at the employer’s discretion. An employee may be certified as unfit to work by their medical practitioner following a miscarriage and this can be managed in the usual manner. Support may also be required by employees regarding if and how they inform their colleagues. Similarly, performance may need to be reviewed as individual employees may struggle and this needs to be carefully managed. There are specific bodies who deal with miscarriage who can offer advice and guidance for the employee as well as the employer.

4.4 Helpful hints and tips for line managers

4.4.1 Keeping in touch

The employee and her line manager should agree a communication plan before the employee goes on her maternity leave. It is advisable to raise the topic of return to work arrangements and remind the employee of the need for notifying the employer of their date of return at least four weeks in advance. In advance of returning to work, employers should encourage employees to:

- contact the organisation to inform them of the birth of baby;
- contact health insurance company to add child to policy;
• conduct stay in touch calls as planned, which can be used to discuss any queries an employee may have regarding return to work;
• discuss her role with manager at least four weeks in advance of return to work;
• notify her manager if she intends to breastfeed on return to work;
• depending on the organisation’s policy, flexible working arrangements may be offered and should be outlined at this stage.

Communication following the birth of the child

1. Send congratulations to your employee on the birth of her baby.
2. Ensure agreed communication is carried out as scheduled.
3. You should send a letter approximately six weeks before the end of the statutory maternity leave to remind the employee of the notification requirement they must send to the organisation four weeks in advance of returning to work.
4. In addition to the four weeks written notice of intention to take additional maternity leave, the employee must also give four weeks written notice of intention to return to work.
5. Prior to her return (four to six weeks in advance) meet/call her to discuss her role upon return.

Communication when returning from maternity leave

1. Ensure that arrangements are in place for the employee to return to the same job that she did before she went on maternity leave (or in certain circumstances suitable alternative work as per the Maternity Protection Acts 1994 to 2004).
2. Ensure her place of work is ready for her return and that her team know she is returning.
3. It is a good idea to hold a “mini-induction” on the employee’s first day back to update her on changes which have occurred while she was away. This is also an opportunity to discuss with her any queries or concerns she has.
4. Working parents are entitled to request parental leave – 14 weeks per child prior to the child’s 8th birthday.

4.4.2 Remuneration and benefits

Under Irish legislation, there is no obligation for an employer to continue to pay an employee’s remuneration for the duration of their maternity or additional maternity leave. If an employee has the adequate PRSI contributions she will receive maternity benefit from the Department of Social Protection for the first 26 weeks of maternity leave. This benefit is not paid for the duration of additional maternity leave.

Though less common in the retail sector, many employees top-up State payments or pay return to work bonus. Relevant qualifying conditions and procedures need to be clarified with the employee. Organisation policy decisions need to be made in advance regarding remuneration and benefits around maternity to avoid one-off decisions setting precedents.

4.4.3 Planning cover and manpower provision

A handover plan should be worked out that includes when and who will take on each part of the role. This will also enable the person(s) picking up the role to prepare and to have a suitable amount of time for shadowing if necessary.
How cover is provided can depend on things such as:

- the size of the business;
- the employee’s job;
- the length of maternity leave;
- other people’s responsibilities, skills and abilities;
- the demands of the workplace;
- the size and resources of the organisation.

Common options for maternity cover are;

- replacement with an internal employee;
- sharing of responsibilities throughout the remaining team;
- replacement with a fixed-term, temporary or agency worker.

The use of an internal employee may involve a secondment from another part of the organisation which helps build knowledge across the organisation. Employers may wish to rotate a number of employees through the pregnant employee’s position. At a senior level a person can be seconded into the role, allowing a less senior member of the team to gain valuable experience. This may particularly suit a high potential employee, given the level of practical learning and development, the exposure to aspects of management, and the increased accountability to be gained.

The sharing of tasks and responsibilities throughout a team is another useful option. If the organisation has a policy on part-time work, breaking a role down like this can be particularly useful if the employee requests to return on a part-time basis. This may be an opportunity for another member or a few members of the team to take on major parts of their colleague’s role for their own learning and development.

Internal recruitment or redistribution of tasks can have a positive effect. It may present development opportunities to more junior employees or broaden the skill base of other employees. However, failure to backfill a position and possibly overworking colleagues can cause resentment and dissatisfaction across the team where they are already working to full capacity so care needs to be taken.

Taking on agency staff can be a flexible option. Employers can take on an individual on a short-term basis, adjusting to the needs of the business at any given time, and depending on the contract may be able to easily end the arrangement if the permanent staff member decides to end their maternity leave early. If necessary a temporary worker can be employed to take on some of the team’s work that is less specialised, if the role has been shared amongst them. A specified purpose contract can be best to tailor the end date to the employee’s return from maternity leave.

4.4.4 Return to work

The employee is entitled to return to her normal job following her maternity leave. Before the employee goes on maternity leave, it is advisable to raise the topic of return to work arrangements and remind the employee of the need for notifying the employer of her date of return. Discuss what sort of communication the employee would like to have with you while she is on maternity leave. Plan a number of calls (2/3) during her leave to keep her
up-to-date with what is happening in the organisation and to discuss her role when she returns.

Upon return from maternity leave, an open conversation should be had to discuss the expectations and commitments required of her role. Employees who return from maternity leave should not be measured in terms of the anticipation that they may go on maternity or parental leave again. The employer should presume that the woman is returning to employment fully committed to continue her career and plan accordingly. If there is a problem that is not simply settling in the first few weeks, the employer should address it immediately.

Summary

*Plan, plan, plan!*

Planning needs to occur from the beginning so individuals know how the leave period will work, what is required by employer and employee and within reason, the expected timeframe. However, no one size fits all solution exists and so the solution needs to be tailored to the organisation and the specific situation in a cohesive and consistent manner.
Section 5: Health and safety leave

Key features

5.1 The appropriate use of health and safety leave
- Temporarily adjust working conditions and / or working hours
- Offer suitable alternative work if available
- Suspensions from work on health and safety leave

The issue of health and safety risk assessment is a necessary one for all employers to address but raises specific issues for the retail sector particularly. Traditionally there has been a lot of confusion around health and safety leave. It has been incorrectly relied upon by employers and employees alike, many times in circumstances to which it was not necessarily best suited.

5.1 The appropriate use of health and safety leave

Where, following the conducting of a comprehensive risk assessment, a significant health and safety risk is identified for an expectant mother, which goes beyond the normal level of risk found outside the workplace, employers must take the following actions:

- **Action 1:** Temporarily adjust her working conditions and / or working hours; or if that is not possible
- **Action 2:** Offer her suitable alternative work (at the same rate of pay) if available; or if that is not possible
- **Action 3:** Suspend her from work on health and safety leave for as long as necessary to protect her health and safety, and that of her child

Actions 1 and 2: Employers must assess whether temporary or minor adjustments to the employees working conditions, working hours, general duties and work tasks would render the pregnant employee in a position to remain at work and performing her tasks. If minor tweaks or adjustments can be easily made and these would not place the organisation at any undue disadvantage, they should be done. Alternatively, if an organisation can offer the employee alternative employment/work that would allow her to remain at work, this should also be done. However, there will be instances where neither of these courses of action are possible.

Action 3: Health and safety leave is essentially leave from the workplace when, owing to health and safety considerations, it is no longer safe or appropriate for a pregnant employee to remain in the workplace. Health and safety leave is not an indefinite measure. It can be cancelled/ terminated on the cessation of a particular risk. If she become aware that she is no longer vulnerable to the risk for which she has been granted health and safety leave, she is obliged to inform the organisation in writing of the fact, as early as reasonably practicable.

An employee will remain on health and safety leave until:
a. the employee becomes entitled to maternity leave; or
b. 14 weeks after the date of the birth, for women who have recently given birth and are at risk; or
c. 26 weeks following the date of the birth, in the case of breastfeeding mothers who are at risk; or
d. the date on which a fixed-term contract expires; or
e. the risk no longer exists; or
f. the employee is no longer vulnerable to the risk; or
g. suitable alternative work becomes available.

The employee should provide written notification as soon as possible to her employer when her condition is no longer vulnerable to the risk that gave rise to this leave. Once the employer is satisfied that the risk no longer applies reasonable steps should be taken to enable the employee to resume work in the job she held immediately before the leave was granted, or to transfer to suitable alternative. The employer is required to notify the employee accordingly and the leave granted will end seven days after such notification or as soon as the employee returns to work, whichever is earlier.

An employee should be offered the option of availing of suitable alternative work if it is available. If an employee is granted health and safety leave by an employer but the employer has alternative work available for a portion of the week then the employee can apply for health & safety benefit for the remainder of the week for which there is no alternative work available. The employer would just need to attach a letter to the application form confirming which days of the week the employee will be working and where they are entitled to health and safety benefit it will be paid for the remainder of the week.

**Benefit**

The employee is entitled to be paid by her employer for the first 21 calendar days of health and safety leave. Thereafter, a social welfare benefit may apply, depending on the employee’s PRSI contributions.

**Certification**

An employee on health and safety leave is entitled to have the relevant certificate from the Department of Social Protection completed by the employer. This certificate must be completed by the employer to enable the employee to claim social welfare benefit. The employer must certify:

a. that the employee has notified the employer of her condition as a pregnant employee;
b. if she is employed on a fixed-term contract, the date of expiry of the contract;
c. that either a workplace or a medically certified night-work risk exists;
d. why it is not possible to eliminate the workplace risk(s);
e. the name of the medical practitioner certifying the night-work risk;
f. the non-feasibility of other work and the grounds on which it is not feasible;
g. the date of commencement of health and safety leave;
h. the expected date of the employee’s confinement;
i. the date of the last day of the 21-day period during which the employer must pay.
The organisation will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply. The decision to place an employee on health and safety leave should be an option of last resort and should only arise when all other avenues and options have been thoroughly explored and exhausted. Full and frank discussion with the employee should inform the decision and a thorough risk assessment and appraisal must be carried out before a decision concerning health and safety leave is reached.
Section 6: Managing the return to the workplace

According to ESRI research, 71% of women return to work post pregnancy - usually they return to the same employer. A further 22% intended to return to work within 2 years of giving birth. The primary reasons cited for remaining outside the labour market post childbirth include factors such as low earning potential in many retail roles, larger family sizes and the fact that many retail working arrangements are of a temporary/casual nature.

Returning from maternity leave can be a difficult time for parents. A new mother returning to the workplace can experience a loss in confidence, a feeling of isolation as well as uncertainty regarding any changes that may have occurred in her absence. Childcare arrangements may now require them to be available for pick up and drop off at particular times. However, careful planning and support from the employer can assist in smoothing this transition back into the workplace yielding swift return to productivity and engagement.

It makes business sense to encourage the return of your employees to the workplace post their period of leave. Recruiting and training costs for replacement staff members are high so it makes sense to protect and value the company’s most valuable resource- its people.

Employers should encouraged and support employees in preparing for her maternity leave and return to work before she commences leave if possible. From the evidence we gathered, it is helpful if both the organisation and the pregnant employee has a system in place for those taking over in her absence.

6.1 Returning to the workplace

There is a right to return to work for employees who have been on protective leave with the same employer (or a new employer, if a change of ownership has taken place), in the same job, under the same contract of employment (or an identical one, in the case of a new employer), or under terms or conditions not less favourable than those that would have been applicable if there had been no absence from work. Where an employee had been doing alternative work during pregnancy, she is entitled to return to her usual job.

During maternity leave and additional maternity leave, an employee will be deemed to be in employment and her employment rights, with the exception of remuneration, are preserved as if she were present at work. During maternity leave, employees who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Social Protection. It is recommended that she apply at least six weeks before the start date of her
maternity leave. Claims should be made on MB10 forms, which are available from any hospital, doctor or social welfare office. The organisation will complete the relevant part of the form once it has been appropriately completed by the employee and by her doctor (not earlier than 16 weeks before the baby is due).

**Employment protection**

An employee who is absent on maternity leave will be treated as if she had not been absent. At the end of her maternity leave, she will be entitled to return to her original job under terms and conditions no less favourable than those that would have applied if she had not been absent. However, she must give at least four weeks written notice of the return to work date.

For the purposes of the Maternity Protection Acts, job is defined in terms of “the nature of the work which she is employed to do in accordance with her contract of employment and the capacity and place in which she is so employed”.

If there is an interruption or cessation of work in the employment (eg, an industrial dispute or a lay-off) that makes it unreasonable to expect the employee to return to work on the day specified, she may return when, or as soon as reasonably practicable after, work resumes.

**Annual leave and public holiday benefit**

While on maternity leave and additional maternity leave, an employee will retain her full entitlement to annual leave and public holiday benefit. She should be notified of the number of public holidays for which she is entitled to benefit, and agree with her manager when these paid days will be taken.

**Proactive management of leave**

Any request for annual leave must be made as per the organisation’s annual leave policy. Such requests are treated in the same way as an annual leave application from any other employee, taking account of business and resourcing issues. It is common for an employee to take annual leave prior to their return from maternity leave as otherwise there can be excessive build up of annual leave entitlement.

**6.2 Provision of alternative work**

Employers should be aware that the provisions in relation to an employee’s right to return to work in the same job as normally held are very strong under the Maternity Protection Acts 1994 and 2004. This is despite the existence of the provision for movement to alternative work, which is appropriate, and under terms or conditions that are ‘not less favourable’.

The right to return to work is qualified. If it is not reasonably practicable for the employer (or successor) to permit an employee to return to the same job (i.e. if that post no longer exists) under the same, or a similar, contract, suitable alternative work under a new contract may be offered. The Acts do not define ‘suitable alternative work’ but specify that the terms and conditions of the new contract must not be less favourable (please note that the word “substantially” has been removed) than those previously in place. They also specify that the
work must be ‘appropriate’ for the employee. Managers must ensure that the employees original role is the one she returns to and that the employee is not just slotted into available work that may present at the time.

6.3 On return to work

If possible, it is strongly recommended that a pre-return to work meeting is held with the employee. This can take the form of an informal meeting which affords both the organisation and the employee an opportunity to set out a roadmap for the return to work process and procedure. At this meeting, employers should always ask if the employee is breastfeeding (especially if the employee did not avail of additional maternity leave). If the employee is breastfeeding, the employer must conduct a risk assessment. Employees should note that the entitlement to paid time off in respect of breast-feeding is only in respect of the period of the first six months post the births of the child. At this meeting, it is a good idea to suggest that they return mid week – not on a Monday. Employers should also look at the employee’s scheduling- maybe phase the full return back in where possible.

Day 1 - On the employee’s first day back, the line manager should ensure that he or she greets the employee on her arrival, asks as to her wellbeing and ask after her children. It is best practice to ensure her work area and equipment is ready and that any of her own personal belongings are easily accessible. When the employee returns to the workplace, employers are encouraged to hold a Welcome Back meeting. This meeting would serve to provide an update on the organisation. It is not intended to be overly long but does serve as an opportunity to discuss any changes. Given the changeable and fast-moving pace of the retail industry, undoubtedly there will have been changes that occurred during the period of leave. Such a meeting, in an informal format serves as a good opportunity to equip the employee with the most up to date information.

As an employee’s return to work is often the most difficult part for a woman, companies are encouraged to demonstrated general patience with regard to the approach of team and overall organisation in facilitating the employee’s return to work. If requested and if possible, an organisation may facilitate flexible working practices. This may arise in the form of reduced working hours for example. Employers should be aware that a four-day week can often work in their own favour in that the employee may be just as productive at work.

6.4 Where an employee decides not to return to work

Employers should remember that if an employee decides not to return to work, the organisation can expect to receive the following from the employee:

- Inform her manager as to resignation – The notice period required will be as stated in contract of employment;
- Confirm resignation in writing to manager and HR;
- Return all organisation property;
- The organisation must ensure that the employee has been paid their full annual leave and public holiday entitlement.
Section 7: Resources

Key features

7.1 Sample pregnancy and maternity protection policy
7.2 Health and Safety Authority risk assessment process
7.3 Pregnant employee risk assessment form
7.4 Training guidelines for managers (available as a separate guideline)

7.1 Sample pregnancy and maternity protection policy

All female employees who are pregnant, who have recently given birth, or who are breastfeeding up to the 26th week after the date of confinement are covered by the Maternity Protection Acts 1994 and 2004. In certain circumstances, male employees are also covered by this piece of legislation.

This policy informs all employees covered by the Acts of their rights and entitlements while in the employment of the organisation. All full-time and part-time employees are covered by this policy.

Entitlements and conditions

Under our maternity leave policy, you have the following entitlements:

- you are entitled to 26 consecutive weeks maternity leave, of which at least two weeks must be taken before the expected date of the birth and at least four weeks taken after the date of the birth of the child;

- you must give the organisation at least four weeks written notice of your intention to take maternity leave and also forward a medical certificate confirming your pregnancy and specifying the expected date of the birth of the child. The organisation encourages you to inform your manager as soon as you are aware you are pregnant – this enables the organisation to ensure that the environment is safe and supportive of all your pregnancy requirements during this time;

- you must give the organisation, in writing, at least four weeks notice of your intention to return to work;

- you are also entitled to take additional maternity leave of up to 16 weeks immediately after the end of your maternity leave;

- you must inform the organisation, in writing, of your intention to take additional maternity leave not later than four weeks before the end of the 26-week normal maternity leave period;

- if you are breastfeeding and are within 26 weeks after the birth of your child, you may be entitled to limited paid time off/breaks for breastfeeding purposes.
Ante-natal/post-natal medical care

You are entitled to paid time off for medical appointments related to the pregnancy. Written notification must be given to your manager/HR with the date and time of the appointments at least two weeks in advance. You must be able to produce a certificate/record that the visit took place. The organisation requests that, where possible, the appointments are at the beginning or at the end of the working day. If the appointment finishes before the end of the working day, you must return to work.

Ante-natal classes

Pregnant employees are entitled to paid time off work to attend one set of ante-natal classes (other than the last three classes). This is a once-off entitlement. An expectant father is entitled, on a once-off basis, to paid time off to attend the last two classes before the birth.

Written notification must be given to your manager/HR with the dates and times of each class at least two weeks before the first class.

The health and safety of pregnant, post-natal, and breastfeeding employees

The organisation operates a supportive and non-discriminatory environment for all pregnant employees and those returning from maternity leave. The organisation is also conscious of its obligations under the Safety, Health and Welfare at Work (General Application) Regulations 2007 and the specific protection for pregnant, post-natal, and breastfeeding employees during these sensitive periods.

The organisation is obliged to assess any risk to an employee who is:

- pregnant;
- has recently given birth; or
- is breastfeeding.

Therefore, if you are pregnant, it is necessary that you inform your manager, so that the organisation can carry out a risk assessment as soon as possible. As the early stages of pregnancy are the most critical ones for the developing child, it is in the employee’s interest to inform the organisation that she is pregnant as soon as possible. The organisation requests that the employee provides a medical or other appropriate certificate confirming her condition.

As with other aspects of safety, health and welfare, the organisation is obliged to ensure there is no damage to the health and safety of either the mother or the developing child. Specific agents/working conditions, which potentially may increase the risk, are as follows.

- Manual handling tasks where there is a risk of injury. Pregnant employees have reduced capacity as the pregnancy progresses. Those who have recently given birth may also have limitations; however breast-feeding employees are at no greater risk than other employees.
- Shocks, vibrations or movement, for example forklift truck driving, or a sudden, severe blow to the body. Breast feeding employees are at no greater risk than other employees.
• Excessive physical / mental pressure may cause stress and give rise to anxiety and raised blood pressure.

• There may be some hazardous chemicals that adversely affect pregnant, post-natal, and breastfeeding employees - these (if any) should be identified during the chemical agent risk assessments, and appropriate action taken.

**Note:** This list does NOT purport to be exhaustive.

It is our policy to ensure, as far as reasonably practicable, that our normal safety precautions will adequately protect pregnant, post-natal, and breastfeeding employees. However, a pregnant employee risk assessment will be undertaken in conjunction with the employee and her line manager. The assessor will discuss each item on the risk assessment with the expectant mother and indicate if any of the hazards are present in the work environment, providing details and documenting what corrective measures must be taken, as necessary. Where hazards apply, measures will be considered to eliminate the hazards or to reduce the employee’s exposure to such hazards.

If you have a specific problem with your work or environment, it should be indicated during this assessment. You will be asked to read the risk assessment document and sign that you agree with the findings. Please note that circumstances may change during your pregnancy that will alter this risk assessment. If this occurs, please contact your manager and request a further risk assessment.

If a risk is identified and cannot be removed from the work process, then the organisation will take the following steps to ensure that you are no longer exposed to the risk:

1. temporarily adjust your working conditions or working hours, to the extent needed to avoid the relevant risk;

2. if step (1) is not feasible, then you will be transferred to other work, or, in the case of night-workers, to day-work;

3. if step (2) is not feasible, then you will be given health and safety leave.

**Health and safety leave**

An employee who is granted health and safety leave, under the circumstances above where the organisation is unable to remove a risk, will be paid her usual wage for the first twenty-one calendar days of her health and safety leave (3 weeks). Thereafter, health and safety leave is paid by the Department of Social Protection subject to PRSI contributions.

If you become aware that you are no longer vulnerable to the risk for which you have been granted health and safety leave, you are obliged to inform the organisation in writing of the fact, as early as reasonably practicable. Likewise, if a risk no longer exists, or if the organisation is in a position to offer suitable alternative work, the organisation will notify you in writing and the health and safety leave will expire seven days after receiving the notification to return to work.

Health and safety leave for a pregnant employee ends either if the risk is no longer an issue, suitable alternative work becomes available or maternity leave commences. Health and safety leave for a breastfeeding mother ends if she ceases to breastfeed her child. If she has...
not ceased breastfeeds her child by the end of the twenty-sixth week following the birth then her leave ends after that week.

**Rest facilities**

The organisation will endeavour to provide a rest area to ensure that pregnant, postnatal and breastfeeding employees are able to rest in appropriate conditions, so far as is reasonably practicable. Availing of these facilities should be discussed with your manager.

**Miscarriage**

There is no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. Any confinement occurring after the 24th week is covered.

**Postponement of maternity leave**

Maternity leave and/or additional maternity leave may be postponed in the event of the hospitalisation of your child, subject to the agreement of the organisation. In order to request this postponement, you must already have taken at least 14 weeks maternity leave, with not less than four of those weeks being after the date of confinement.

You should request the postponement of the leave in writing as soon as possible. This request should also include a letter of confirmation from the hospital.

**Additional maternity leave and illness**

You may request to terminate unpaid additional maternity leave in the event of a medically certified illness, thereby allowing you to transfer to the sick leave scheme. This is subject to approval by the organisation. Requests for termination of the additional maternity leave and acceptance of this by the organisation must be in writing.

Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional maternity leave cannot be taken at a later date following the period of sick leave.

**Annual leave and public holiday benefit**

While on maternity leave and additional maternity leave you will retain your full entitlement to annual leave and public holiday benefit. You will be notified of the number of public holidays for which you are entitled to benefit, and will agree with your manager when these paid days will be taken.

Any request for annual leave must be made as per the organisation’s annual leave policy. Such requests will be treated in the same way as an annual leave application from any other employee, taking account of business and resourcing issues.

**Payment during leave**

During maternity leave and additional maternity leave, you will be deemed to be in employment and your employment rights, with the exception of remuneration, are preserved as if you were present at work.

During maternity leave, employees who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Social Protection. It is recommended that you apply at least six weeks before the start date of your maternity leave. Claims should be made
on MB10 forms, which are available from your hospital, doctor or social welfare office. The organisation will complete the relevant part of the form once it has been appropriately completed by you and by your doctor (not earlier than 16 weeks before your baby is due). *(Amend with details of any top-up and conditions where given by the employer).*

During the 16-week period of additional maternity leave, no payment is made by the State.

Return to work and employment protection

At the end of maternity leave, an employee will be entitled to return to her original job under terms and conditions no less favourable than those that would have applied if she had not been absent. However, the employee must give at least four weeks written notice of the return to work date.

An employee who is absent on maternity leave will be treated as if she had not been absent.

7.2 Health and Safety Authority risk assessment process

The Health and Safety Authority in Ireland have prescribed a 6 step process to completing a comprehensive safety statement. The steps are elaborated on below and we encourage all managers to be familiar with the 6 step process.

1. Health and safety policy
2. Identify hazards
3. Assess risks
4. Decide precautions
5. Record the findings
6. Review and update

The Health and Safety Authority have encapsulated this 6 step process in the following diagram:

![Safety Statement Diagram](image)

**Step 1: Draw up a health and safety policy**

The safety statement should begin with a declaration from management level giving a commitment to ensuring that the workplace is as safe as possible. It should also detail a competent person who is available to advise and assist on all health and safety matters within the organisation.

**Step 2: Identify the hazards**

A careful examination of what is in the workplace that could cause harm to people so that the employer can weigh up whether he has taken enough precautions to identify these
hazards. An important point to stress to employers is the need to not overcomplicate this assessment. An employer should stick to average standards and conduct a reasonable work assessment.

Employers must also be aware of human hazard factors. Employers must satisfy themselves that employees are mentally and physically capable of doing their jobs safely. The workplace and work system and organisation of work tasks and duties should also be designed to avoid any instances of sustained stress.

**Step 3: Carry out a risk assessment**  
It is the employer’s duty under Section 19 of the Safety, Health and Welfare at Work Act 2005 to carry out a risk assessment. This assessment should involve managers and employees in so far as possible. If the requisite in-house expertise is not available, then managers should use external consultants who are adequately briefed.

It is also essential to consider employees who do not hold English as their first language and to ensure that they understand the risks, signage and instructions.

**Step 4: Decide on what precautions are needed**  
Employers must ensure that they have done all that is require of them by Irish law. However, an employer should also strive to exceed the legislative burden. Essentially, the law states than an employer must do all that is ‘reasonably practicable’ to keep the workplace safe. Thus, the underlying aim for employers should be to make all risks omnipresent in a workplace small/smaller by adding to and expanding upon the existing precautions present in the workplace.

**Step 5: Record the findings**  
The safety statement is the most appropriate place to record the significant findings of any risk assessments. It will list the hazards and precautions pertaining to the workplace. It must also specify how employers are going to organise and assign responsibilities to safeguard an employee’s health and safety on a daily basis but also specifically addressing risks for pregnant employees and those returning from maternity leave.

**Step 6: Review the programme and update as necessary**  
Essentially, the implementation of the safety statement should be integral to the daily operations of the organisation. This process should be continual and constantly under review. Employers should be always aiming to improve upon it.

The safety statement should be reviewed regularly and especially on the changing of any circumstances. As part of the review employers will find it helpful to refer to any records which have been kept on file. Employers should also consult with safety representatives and others who may be affected by the review. Additionally is changes are made, or improvements identified by the risk assessments, then these should be implemented as soon as possible also.
### General employee details

<table>
<thead>
<tr>
<th>Employee name:</th>
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<tbody>
<tr>
<td>Department:</td>
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<td>Job title:</td>
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<td>Expected date of delivery:</td>
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<td>Assessment carried out by:</td>
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<td>Date of assessment:</td>
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<td>Date for re-assessment:</td>
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**General**

All information relating to the pregnancy is treated confidentially. The assessment must be undertaken with the full co-operation of the employee. The assessment must also be conducted in line with the company safety risk assessment and safety statement.

**Note for managers/assessors**

The following is a list of hazards that may affect new and expectant mothers. The assessor completing this form will discuss each item with the expectant mother and indicate if any of these hazards are present in the work environment, providing details and documenting what corrective measures must be taken. Sections 1 and 2 cover most work environments and sections 3 to 5 cover specific hazards applicable to certain work places only. Where hazards apply, indicate corrective measures in the Corrective Action Sheet at the end of the form. Reference should be made to the guidance from the Health and Safety Officer/the Health and Safety Authority on various hazards.

**Note for pregnant employee**

If you have a specific problem with your work or environment, it should be indicated during the assessment. You will be asked to read the document and sign that you agree with the contents. Should circumstances change during your pregnancy that may alter this risk assessment, please contact your manager and request a further risk assessment.

**Guidance note for completion of risk assessment**

The following list of potential risks and hazards is not exhaustive. It is intended to enable managers to complete a comprehensive risk assessment in relation to an employee’s pregnancy at work. All assessments and consultation should occur in conjunction with the Health and Safety Officer on site.

A copy of the completed assessment is to be given to the employee who is to be advised to discuss the findings and recommendations with her GP / Consultant.
Employee task/job description (Detail of employee duties, hours worked etc.)

<table>
<thead>
<tr>
<th>Section 1: Working environment</th>
<th>Action / comments (Ref. No.)</th>
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<tbody>
<tr>
<td><strong>Does this present as a risk?</strong></td>
<td>Yes</td>
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<td>Are there space constraints preventing good posture?</td>
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<td>Is it necessary to reach over or around obstacles?</td>
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<td>Are there: Steps</td>
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<td>Slopes</td>
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<td>Uneven surfaces</td>
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<td>Spillages</td>
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<td>Rubbish or clutter</td>
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<td>Trip hazards</td>
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<td>Machine hazards</td>
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<td>Is the working environment:</td>
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<td>Too hot</td>
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<td>Too cold</td>
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<td>Too humid</td>
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<td>Poorly lit</td>
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<td>Poor visibility</td>
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<td>Poor hygiene</td>
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<td>Odor</td>
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<td>Is protective clothing provided</td>
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<td>Are rest facilities available?</td>
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### Section 2: Common physical agents

<table>
<thead>
<tr>
<th>Action / comments (Ref. No.)</th>
<th>Movement and postures</th>
<th>Visual display units (VDU)</th>
<th>Shift work</th>
<th>Manual handling</th>
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<tbody>
<tr>
<td>Does the task involve periods in excess of 1 hour at a time standing or sitting?</td>
<td>Yes No</td>
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<td></td>
<td>Does the task involve use of a VDU</td>
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<tr>
<td>Are chairs provided?</td>
<td></td>
<td>Has an ergonomic assessment been completed?</td>
<td></td>
<td>If No, proceed to shift work</td>
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<tr>
<td>Are anti-fatigue mats available?</td>
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<td>Has the operator been educated in the safe use of VDU’s?</td>
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<td>Are work areas restrictive / confined?</td>
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<td>Is there work at heights?</td>
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<td><strong>Visual display units (VDU)</strong></td>
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<td>Does the task involve use of a VDU</td>
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<td><strong>If No, proceed to shift work</strong></td>
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<td>Has an ergonomic assessment been completed?</td>
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<td>Has the operator been educated in the safe use of VDU’s?</td>
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<td><strong>Shift work</strong></td>
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<td>Does the task involve night work?</td>
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<td>Are the shift patterns regular?</td>
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<tr>
<td><strong>Manual handling</strong></td>
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<td>Does the task involve:</td>
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<tr>
<td>Repetitive handling?</td>
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<td>Holding the load away from the trunk?</td>
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<td>Twisting/stooping or upward reaching?</td>
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<td>Is there slipping potential?</td>
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<td>If pushing or pulling, are hands above the shoulder or below the waist?</td>
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<td>Is the distance excessive?</td>
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<td>Does the load have to be handled up steps or slopes?</td>
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<td>Are mechanical aids used?</td>
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<tr>
<td>Are there time restraints?</td>
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<tr>
<td>Is the weight of the object:</td>
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<tr>
<td>&gt;5kgs in the seated position?</td>
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<tr>
<td>&gt;16kgs and handled in a working posture other than seated?</td>
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<tr>
<td>Is the load:</td>
<td></td>
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<tr>
<td>Bulky and awkward to grip?</td>
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<tr>
<td>Slippery?</td>
<td></td>
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<tr>
<td>Unevenly distributed?</td>
<td></td>
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<tr>
<td>Difficult to grasp?</td>
<td></td>
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<tr>
<td>Sharp with abrasive edges?</td>
<td></td>
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<tr>
<td>Hot or cold?</td>
<td></td>
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<tr>
<td>Likely to shift during handling?</td>
<td></td>
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</tbody>
</table>
## Section 3: Less common physical agents

<table>
<thead>
<tr>
<th>Actions/comments (Ref. No.)</th>
<th>Shock/vibration or movement</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the task involve regular exposure to shock/vibration?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudden blows?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excessive movement?</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Hammer or vibrating tools</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Ionising radiation**

<table>
<thead>
<tr>
<th>Actions/comments (Ref. No.)</th>
<th>Is there exposure to potential source of Ionising radiation?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If No, proceed to non-ionising Radiation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is this in liquid/solid/dust state?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are dose limits monitored?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are they below statutory limits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a possibility of radioactive contamination?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Non-ionising radiation**

<table>
<thead>
<tr>
<th>Actions/comments (Ref. No.)</th>
<th>Is there exposure to potential source of Non-ionising radiation?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If No, proceed to noise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there exposure to electromagnetic fields and waves?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there exposure to optical radiation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there exposure to an excessively noisy environment?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Noise**

<table>
<thead>
<tr>
<th>Actions/comments (Ref. No.)</th>
<th>Does the noise level exceed 80dB(A)?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Is noise monitoring carried out?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is PPE required / provided?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is PPE worn as required?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the PPE meet with EU standards?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Hyperbaric atmospheres**

| Actions/comments (Ref. No.) | Is there exposure to pressurised enclosure environments or diving? | |

**Underground / mine working**

| Actions/comments (Ref. No.) | Does employee enter these environments? | |

## Section 4: Biological hazards

<table>
<thead>
<tr>
<th>Actions/comments (Ref. No.)</th>
<th>Is there likely exposure to biological hazards?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If No, proceed to Section 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is this in the form of Virus?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is this in the form of Bacteria?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>Is this agent included in risk groups 2, 3, 4 of the Biological Agents Regulations?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is PPE required / provided?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there possible exposure to:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toxoplasma?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there possible exposure to Rubella Virus?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the pregnant employee immunised against these?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 5: Chemical agents**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the task involve regular exposure to chemicals?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>If No, proceed to Section 6</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there exposure to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead or lead derivatives?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carcinogens?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercury/mercury derivatives?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antimiotic drugs?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbon monoxide?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are any chemicals listed in the Chemical Agent Regulations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the SDS available for each chemical?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there substances labelled:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R40: possible risk of irreversible effects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R45: may cause cancer.</td>
<td></td>
<td></td>
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<tr>
<td>R46: may cause heritable genetic damage</td>
<td></td>
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<tr>
<td>R61: may cause harm to the unborn child</td>
<td></td>
<td></td>
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<tr>
<td>R63: possible risk of harm to the unborn child</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R64: may cause harm to breastfed babies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is PPE required / provided?</td>
<td></td>
<td></td>
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</tbody>
</table>

**Section 6: Additional work factors**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following factors may also need to be considered:</td>
<td></td>
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<tr>
<td>➢ Morning sickness - early shift work, exposure to nauseating smells</td>
<td></td>
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<tr>
<td>➢ Frequent toilet visits - Difficulty in leaving job / task</td>
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</tr>
</tbody>
</table>
- Increasing size
- Tiredness
- Lone working

**Section 7: Employees comments**

<table>
<thead>
<tr>
<th>Are you satisfied with:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting levels?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working temperatures?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise levels?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Break/rest periods?</td>
<td></td>
<td></td>
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<tr>
<td>Rest Facilities?</td>
<td></td>
<td></td>
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<tr>
<td>Job rotation?</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Are you aware of the following services?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational Health?</td>
</tr>
<tr>
<td>Health monitoring?</td>
</tr>
<tr>
<td>First aid?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Have you received information and training in your job?</th>
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<tbody>
<tr>
<td>When did you last receive manual handling training?</td>
</tr>
</tbody>
</table>

**Any further comments or suggestions:**

In the opinion of the assessor, taking into account the factors identified during the assessment, is corrective action required?

- YES □
- NO □

**Risk assessment recommendations**

1. No modifications to work necessary □
2. Modifications to work recommended – See detailed report □
3. Reassignment / alternative duties/ consideration of health and Safety leave □

<table>
<thead>
<tr>
<th>Employee signature:</th>
<th>Date:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Assessor’s signature:</th>
<th>Date:</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Employees Manager/Head of department</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
Corrective action required

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Issue</th>
<th>Control measures</th>
<th>Date</th>
<th>Person responsible</th>
<th>Status</th>
</tr>
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<tbody>
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Assessor name: 
Date: