

Policy for Pregnant or Nursing Employees

This policy document forms part of the overarching Welsh Government [Health & Safety policy](#).

Relevant Legislation

Health and Safety at Work etc. Act 1974

Management of Health and Safety at Work Regulations 1999

Workplace (Health, Safety and Welfare) Regulations 1992

Equality Act 2010

Employment Rights Act 1996 (as amended by the Employment Relations Act 2004 and others)

Related Policies and Useful Websites

[Maternity and Adoption Leave Policy](#)

[New and Expectant Mothers Who Work \(HSE Guidance\)](#)

[Pregnancy & Maternity Information Pack \(Employees\)](#)

[Pregnancy & Maternity Information Pack \(Managers\)](#)

[Pregnancy & Maternity Checklist \(for Managers\)](#)

[Maternity Action – Breastfeeding When you Return to Work](#)

[Unicef – Breastfeeding at Study or Work](#)

Policy

The Welsh Government recognises its duty to ensure the health and safety of pregnant or nursing¹ employees is not put at risk by the work that they undertake. All reasonable measures will be taken so that employees who may be pregnant are employed without risk to their own health or safety or that of their unborn children. This policy extends to any risks that the work might present to the child either during pregnancy or as a result of nursing.

Risk Assessment

In conducting general risk assessments or assessment of specific risks, consideration will be given to the possibility that pregnant employees may be especially at risk.

Consideration will also be given to the possibility that employees of child bearing age may be exposed to risks during the early stages of pregnancy when they may not be aware of their condition. Decisions on the adequacy of control measures will be based

¹ For the purpose of this policy the term 'nursing employees' refers to employees who are breastfeeding or [chestfeeding](#) their children. Chestfeeding is a preferred term for some trans or non-binary parents.

on the possibility that the employees may be pregnant where those of childbearing age are employed.

Risk Assessments in Individual Cases

Employees who wish to take Maternity Leave (contractual and/or statutory), must notify their line manager and the Corporate Shared Service Centre (CSSC) of their pregnancy by the end of the 15th week before the expected week of childbirth and they may be required to provide medical evidence of the pregnancy.

Once informed of the pregnancy, the Welsh Government will carry out an assessment of the health and safety risks to the individual employee and/or their unborn child. However, the employee may request a risk assessment at any time during the pregnancy if they wish to do so.

The risk assessment, which will be conducted either face to face or by telephone with the individual employee, will be completely confidential. Account will be taken of any medical statement provided by the employee's doctor or midwife such as:

- any pre-existing medical conditions or treatments and/or new conditions arising as a result of the pregnancy;
- adjustments to working conditions that may be needed during pregnancy or nursing.

Such adjustments might include:

- additional measures required to eliminate or control risks;
- refraining from night work;
- additional breaks or shorter working hours.

If any risks are identified, the Welsh Government will do all that is reasonably practicable to remove, reduce or control the risks and if the risk cannot be removed, the Welsh Government will:

- temporarily adjust the employee's working conditions, hours of work, or both, or, if that is not possible;
- offer suitable alternative work (at the same rate of pay) if available or, if that is not feasible;
- suspend the employee from work on paid leave for as long as is necessary for their health or safety or that of their child.

When an employee returns to work following a period of maternity leave, line managers should consider whether a new risk assessment is required and/or workplace adjustments such as temporary changes to working conditions or working hours to support nursing parents. This could include allowing the employee to take regular breaks during the working day to express milk and/or providing access to suitable facilities for this.

Information and Training

All employees may access information about the risks to their health and safety and the precautions in place to control those risks [here](#).

Rest Facilities

The Welsh Government is fully committed to supporting parents who are nursing their children. Suitable rest facilities will be provided for employees who are pregnant or who are nursing. Lockable, private rooms are available in some Welsh Government offices which may be used (for example) to express milk. Where possible we have included fridges for storing expressed milk safely (please ensure your own equipment is labelled and storage bottles/bags are fit for purpose). All reasonable steps will also be taken to provide a healthy and safe working environment for nursing employees.

Records

Records will be kept of:

- risk assessments undertaken;
- information and training provided.

Further Information

For further information, please refer to the [Health, Safety and Wellbeing](#) intranet pages.