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Ref:	NR/L2/OHS/00117
Issue:	2
Date:	06 March 2010
Compliance date:	05 June 2010

Level 2

Specialist Risk Assessment- New and Expectant Mothers

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Published and Issued by Network Rail, Kings Place, 90 York Way, London. N1 9AG.



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Ref:	NR/L2/OHS/00117
Issue:	2
Date:	06 March 2010
Compliance date:	05 June 2010

Issue record

Issue	Date	Comments
01	03 June 2006	New standard
02	06 March 2010	Revised issue with reference to updated legislation and company policies

Compliance

This Network Rail standard is mandatory and shall be complied with by Network Rail and its contractors if applicable from 05 June 2010.

When this standard is implemented, it is permissible for all projects that have formally completed GRIP Stage 4 to continue to comply with the issue of any relevant Network Rail Standards that were current when GRIP Stage 4 was reached and not to comply with requirements contained herein, unless the designated standard owner has stipulated otherwise in the accompanying briefing note.

Reference documentation

	Health and Safety at Work Act 1974
	Employment Relations Act 1999
NR/SP/OHS/00102	Work Activity Risk Assessment
L21	Management of Health and Safety at Work Regulations 1999
HSG122	New and Expectant Mothers at Work. A Guide for Employers
INDG373	A guide for new and expectant mothers who work
L24	Workplace (Health, Safety and Welfare) Regulations 1992
L130	Chemicals (Hazards, Information and Packaging for Supply) Regulations CHIP, 2005
L108	Controlling Noise at Work, The Control of Noise at Work Regulations 2005, Guidance on Regulations
EH/40	Occupational exposure limits
	Advisory Committee on Dangerous Pathogens, Infection at work: Controlling the risks, HMSO 2003
NR/GN/OHS/00150	Infection Control Guidance
NR/HR/POL/003	Family Friendly Policy

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1 Purpose

This procedure defines the process for identifying hazards and assessing risks at work that may affect the health and safety of new and expectant mothers and their children. Working conditions normally considered acceptable may no longer be so during pregnancy and while breastfeeding. This standard complies with the requirements of Regulation 16 of the Management of Health and Safety at Work Regulations 1999 ('the Regulations'). Implementation of the standard will enable Network Rail to comply with its legal obligations under the Regulations and meet its duty of care for new and expectant mothers.

2 Scope

This procedure applies to all new and expectant mothers, their line managers and supervisors within all functions of Network Rail.

3 Definitions

Hazard: Any article, substance, tools or equipment, methods of work or environmental condition with the potential to cause harm.

Risk: Combination of the likelihood of occurrence of harm and the severity of that harm.

New and Expectant Mother: An employee who is pregnant, who has given birth within the last six months, or who is breastfeeding.

Gestation: The period of time from conception to birth when a woman carries a developing foetus (unborn baby) in her uterus.

Given Birth: Having delivered a living child or, after 24 or more weeks of pregnancy, a still born child.

4 Legal Requirements

4.1 Management of Health and Safety at Work Regulations

The Regulations require that employers assess any potential risks to all their employees and do what is reasonably practicable to control those risks. An employee shall notify her employer in writing as soon as possible that she is pregnant, has given birth within the previous six months and, or is breastfeeding in order for the employer to assess and control risks.

On notification from an employee that she is pregnant, has given birth in the previous six months or is breastfeeding, the employer shall conduct a specific risk assessment. The assessment shall take into account any health advice provided by the employee's general practitioner or midwife.

If any risks are identified then the employer shall, so far as is reasonably practicable, take action to remove, reduce or control such risks. If the risk cannot be removed or reduced to levels that are as low as reasonably practicable, then the working conditions and/or hours shall be temporarily changed, or, if feasible, suitable alternative work shall be offered to the new or expectant mother. If suitable

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alternative work is not available or feasible, then the employee shall be suspended with pay for as long as necessary to protect her health and safety and that of her unborn baby/child.

If an employee works nights and produces a medical certificate showing that it is necessary for her health and safety not to work nights, the employer shall remove her from night work for the period identified in the certificate.

NOTE The Employment Relations Act 1999 requires that where possible suitable alternative daytime work on the same terms and conditions should be offered before suspending the employee from work, on paid leave, for as long as is necessary to protect her health and safety and that of her baby.

4.2 Workplace (Health, Safety and Welfare) Regulations ('the Workplace Regulations')

The Workplace Regulations require employers to provide suitable rest facilities for employees who are pregnant or breastfeeding. Expectant mothers and breastfeeding mothers shall have access to suitably located facilities that provides a quiet place to rest and lie down, if necessary. Breastfeeding mothers shall have access to a lockable room that provides privacy for them to express milk, and also have access to a fridge to store expressed milk.

5 Competence

Line managers or supervisors are responsible for undertaking the risk assessment. The individual(s) undertaking the risk assessment shall possess as a minimum:

- knowledge and understanding of the work activities undertaken within the individuals(s) working environment;
- knowledge and understanding of the contents of this document;
- an understanding of the Network Rail Work Activity Risk Assessment procedure ([NR/L2/OHS/00102](#));and
- an understanding of appropriate control measures available to reduce risk.

NOTE Additional advice and support is available through Network Rail's Occupational Health Service Provider and through the company's Occupational Health Team (resident within the Safety and Compliance function).

6 Risk Assessment Process

On notification of pregnancy, birth or breastfeeding the line manager or supervisor shall undertake a risk assessment. The risk assessment shall be shared with the new or expectant mother.

The risk assessment form in Appendix A shall be used.

The risk assessment shall identify any hazards that can affect the health and safety of the new or expectant mother, and identify actions needed to control those hazards and reduce the risk from them.