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## How to Manage Pregnant Employees

### Why Is This A Sensitive Topic?

The management and treatment of pregnant women in the workplace is understandably important due to the possibility of mismanagement, which may result in a claim for discrimination on the basis of pregnancy or maternity. Some managers may have a lack of experience or practice in managing this type of situation and may therefore be daunted by the process. Managers can be torn between not knowing how to manage a situation and not wanting to do anything wrong. Pregnancy and Maternity Leave is one of the Protected Characteristics as set out in the Equality Act 2010, which in itself can lead to employers feeling nervous and unsure of how to act. It can also be considered a sensitive topic because everyone is aware of the importance of a woman's health and safety during her pregnancy, and this responsibility falls on the employer. Risk assessments need to be conducted with the pregnancy in mind but employers may be unsure of the particular risks they should be considering.

### Common Concerns

Employers can become concerned that a pregnant employee may encounter a higher level of sickness and therefore be absent from work, causing disruption to the company. A common concern is holiday leave and a pregnant employees' accrued holiday, we often see confusion surrounding this, for example, is an employee on maternity leave entitled to accrue holiday entitlement? If an employees' maternity leave overlaps two holiday years, what happens to her holiday entitlement? Is the employee entitled to time off for antenatal appointments or should the employee book holiday days for these? Finally, employers can be unsure about how to

manage an employees' return to work. How should maternity returners be re-introduced back into the company? Or what happens if the employee does not return at all?

## The Answers

It is understandable that there may be some times when a pregnant employee is unwell and unable to attend work, however many women maintain a good attendance record throughout their pregnancy, resulting in little or no disruption to the workplace. If, however, an employee is absent due to a pregnancy related illness in the four weeks before their due date, the employer can start the pregnant employee's maternity leave earlier than planned. Any absences the employee has that are not related to the pregnancy can be managed normally in line with the Company's normal Absence Management Procedure.

An employee on maternity leave is still entitled to accrue holiday leave. Many pregnant employees will choose to take a large amount of the holiday they have accrued directly before or after their maternity leave, to extend their preparation time or to allow themselves more time with their new baby. If their maternity leave is over two consecutive holiday years, it is common for an employer to make an exception and allow the employee to carry over her holiday from one holiday year to another.

Pregnant women have the right to paid time off work to attend antenatal appointments. It is possible to request that the employee schedule these appointments outside normal working hours, however this may be outside the employees control and therefore the employer may need to accept that the employee may be absent from work. As of 1<sup>st</sup> October 2014, the father/partner of a pregnant woman is now permitted to time off work to attend two antenatal appointments during the pregnancy; however, unlike the pregnant employee, this time will be unpaid and is restricted to no more than 6.5 hours at a time.

Full maternity leave can last up to 12 months, which is a long time for an employee to be absent from the workplace. It is possible that during this time there will have been many various changes in the workplace e.g. new employees, new systems, new procedures etc. Due to this, it is important that a returning employee is welcomed back to the workplace in a positive, helpful, friendly and structured manner and not as a hindrance or inconvenience. The employee will need to be fully informed of all changes, and as the employer, you will need to be supportive and understanding during the employees early months of return to the workplace.

## Risk Assessments

Conducting risk assessments for pregnant employees is a legal requirement. As an employer you have the responsibility to ensure a safe and healthy working environment for all of your employees and you are required to conduct a risk assessment at least once every 12 months. When an employee becomes pregnant and when they return from their maternity leave, there can be more workplace risks and therefore you are required to complete a personal risk assessment for 'new and expectant mothers'. You will be required to consider the employee's job role, tasks performed and the working environment in terms of any potential hazards and associated risks. Due to the changing nature of pregnancy, risk assessments should be conducted at least once a month with all results documented and control measures agreed upon.

## How Can We Help?

If you have any queries relating to any of the subjects raised within this newsletter then please don't hesitate to contact us at [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk).

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk) or by calling 02476 664092.

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