New and Expectant Mothers at Work: Your Legal Duties Explained

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Why This Area Needs Separate Attention

Pregnancy, recent childbirth and breastfeeding change the level of risk a job poses, even when nothing else about the role has changed. A task that is perfectly safe for most of your workforce can become a genuine hazard for a pregnant employee, and the consequences of getting it wrong fall on both mother and baby. This is not an area where a generic risk assessment, written years ago and never revisited, will protect you or your employee.

The legal framework is clear, and most employers can meet their duties without major disruption once they understand what is expected. This guide covers what the law requires, the hazards to consider, what a properly managed process looks like, where employers commonly go wrong, and what records to keep.

What the Law Requires

The core duty sits in Regulation 16 of the Management of Health and Safety at Work Regulations 1999, which requires your risk assessment to cover risks to new and expectant mothers, including anyone who has given birth within the previous six months or is breastfeeding. Once an employee notifies you in writing that she is pregnant, has recently given birth or is breastfeeding, you must act on the findings. Regulation 17 adds a separate duty around night work where a registered medical practitioner or midwife certifies that she should not work nights for her health or safety.

The Workplace (Health, Safety and Welfare) Regulations 1992 require suitable rest facilities for pregnant and breastfeeding employees. Where a risk cannot be removed or adequately controlled, you must act in a set order. First, alter her working conditions or hours. Second, if that is not reasonable or would not avoid the risk, offer suitable alternative work on terms not substantially less favourable, as the Employment Rights Act 1996 provides. Third, if that is not possible, suspend her on full pay for as long as necessary to avoid the risk. The Equality Act 2010 is also relevant, since pregnancy and maternity is a protected characteristic, and treating a woman unfavourably because of her pregnancy can amount to discrimination.

The duty to assess does not start the moment someone tells you she is pregnant. A properly written general risk assessment should already have considered whether any roles in your business could pose a risk to a new or expectant mother, so that when notification arrives you are refining an existing assessment rather than starting afresh.

Common Workplace Hazards

The hazards are wider than most employers assume, and they change as pregnancy progresses.

Physical hazards

- Manual handling, including lifting, carrying, pushing and pulling, which becomes more hazardous as posture and balance change.
- Prolonged standing or sitting, causing swelling, discomfort and circulatory problems.
- Working at height, where the consequences of a fall are more serious and balance may be affected.
- Whole-body vibration from vehicles or plant.
- Extremes of temperature, particularly sustained heat.

Chemical and biological hazards

- Substances controlled under COSHH, including solvents, pesticides and certain cleaning chemicals, some of which carry specific reproductive hazard warnings.
- Infectious agents such as rubella, listeria or toxoplasma, particularly relevant in care homes, nurseries, laboratories and food production.
- Lead and its compounds, with specific protections for women of reproductive capacity under the Control of Lead at Work Regulations 2002.

Psychosocial and ergonomic hazards

- Workplace stress, which can affect the health of both mother and baby.
- Night working, which may need to be suspended on medical advice.
- Lone working, where access to help in an emergency may be limited or delayed.

What a Compliant Individual Assessment Looks Like

Once notification is received, you need an individual assessment for that employee, in her actual role, not a generic document pulled from a filing system. It should record her job tasks, the specific hazards identified, her stage of pregnancy, any relevant medical advice, the control measures already in place, and any further action needed.

The employer is responsible, but in practice a line manager usually carries out the assessment, supported by whoever holds the health and safety function, with the employee's direct input. She knows best how the job feels day to day and what would help. A short conversation and a walk through her usual tasks will surface far more than a desk review alone.

This is not a one-off exercise. Review the assessment whenever her circumstances change, for example moving into a new trimester, returning from sickness absence, or following medical advice, and at regular intervals throughout the pregnancy. Set a review date at each assessment so it is not forgotten.

Records to keep

Good record keeping protects the employee and protects you. At a minimum, keep a dated written risk assessment for each new or expectant mother, a note of who was involved, the actions agreed and when they were implemented, any medical certificates relating to night work or fitness for specific tasks, and a record of each review and what changed.

If an employee is suspended on full pay because no suitable alternative work is available, keep a clear written explanation of why the alternatives were ruled out. It will help if a dispute arises later.

Where Employers Commonly Go Wrong

A handful of mistakes come up repeatedly.

- Relying on the general workplace risk assessment and assuming it already covers pregnancy, without ever producing an individual document.
- Waiting until the employee is visibly pregnant or has started maternity leave before assessing risk, rather than acting as soon as written notification is received.
- Jumping straight to suspension without genuinely exploring adjusted hours or suitable alternative work first, which breaches the order set out in law.
- Failing to consult the employee, so the assessment is based on assumptions rather than how the job is actually experienced.
- Treating rest facilities as an afterthought; a chair in a store room or a corner of a busy staff room is not suitable.
- Not reviewing the assessment again when the employee returns from maternity leave, particularly if she is breastfeeding or her role has changed in her absence.

Manual handling is among the most frequent trigger points, particularly in manufacturing, warehousing and care. Where it is a routine part of a role, Manual Handling Awareness training

alongside the individual assessment gives managers a shared vocabulary for what needs to change. Where COSHH substances are involved, COSHH Awareness training helps supervisors spot a reproductive hazard early.

After the Birth: Breastfeeding and Returning to Work

Your duties do not end when maternity leave begins, and they do not end when it finishes. If an employee returns to work while breastfeeding, the risk assessment obligation continues, and you should provide a private, clean and comfortable space for expressing milk, along with somewhere suitable to store it. A toilet cubicle is not suitable for this, and rest facilities must meet the standard set by the Workplace (Health, Safety and Welfare) Regulations 1992.

Open the return-to-work conversation early and supportively, rather than leaving it until her first day back. Ask whether her role has changed in her absence, whether shift patterns still suit her, and whether any health issues from the pregnancy or birth need factoring in. The underlying duty to assess and adjust is the same whether you run a care home or a site in manufacturing and engineering.

How Integral Safety Can Help

Getting this right depends on a sound process, a confident manager and documentation that would stand up to scrutiny. If you are unsure whether your current arrangements meet the standard, our team can review your existing risk assessments or help you build a template process through our health and safety consultancy service. We provide practical, plain-English health and safety support across the East Midlands from our base in Coalville, Leicestershire. To talk through your obligations, please contact us.

Talk to Integral Safety Ltd

We are health and safety consultants based in Coalville, Leicestershire, working with businesses across the East Midlands. If anything in this guide applies to your workplace, we can help.

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This guide is general information about UK health and safety law and practice, correct as at 11 November 2026. It is not advice on your particular circumstances. The latest version is at https://integralsafetyltd.co.uk/blog/new-and-expectant-mothers-at-work-legal-duties.