

STATUTORY INSTRUMENTS

1999 No. 3242

The Management of Health and Safety at Work Regulations 1999

Risk assessment in respect of new or expectant mothers

16.—(1) Where—

- (a) the persons working in an undertaking include women of child-bearing age; and
- (b) the work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any processes or working conditions, or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive 92/85/EEC^{M1} on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, [^{F1}as amended by Directive 2014/27/EU,]

the assessment required by regulation 3(1) shall also include an assessment of such risk.

(2) Where, in the case of an individual employee, the taking of any other action the employer is required to take under the relevant statutory provisions would not avoid the risk referred to in paragraph (1) the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work.

(3) If it is not reasonable to alter the working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to section 67 of the 1996 Act suspend the employee from work for so long as is necessary to avoid such risk.

(4) In paragraphs (1) to (3) references to risk, in relation to risk from any infectious or contagious disease, are references to a level of risk at work which is in addition to the level to which a new or expectant mother may be expected to be exposed outside the workplace.

Textual Amendments

- F1** Words in reg. 16(1)(b) inserted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **8(4)**

Marginal Citations

- M1** OJ No. L348, 28.11.92, p.1.

Changes to legislation:

There are currently no known outstanding effects for the The Management of Health and Safety at Work Regulations 1999, Section 16.