
STATUTORY INSTRUMENTS

1997 No. 2962

**The Merchant Shipping and Fishing Vessels
(Health and Safety at Work) Regulations 1997**

Part II

General duties

New or expectant mothers

8.—(1) Where—

- (a) the workers include women with potential for child-bearing; 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 process or working conditions, or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive [92/85/EEC](#) on the introduction of measures to encourage improvements in the health and safety at work of pregnant workers who have recently given birth or are breast-feeding⁽¹⁾,

the assessment required by regulation 7(1) shall include the assessment of such risk.

(2) Where, in the case of an individual worker, any other action required to be taken by the employer under these Regulations would not avoid the risk referred to in paragraph (1), if it is reasonable to do so, and would avoid such risk, her working conditions or hours of work shall be altered.

(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, without prejudice to the rights of an employee under sections 66 to 68 of the 1996 Act, suspend the worker 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.

(1) OJNo. L348, 28.11.92, p. 1.