

# PARENTAL LEAVE SAFE WORK ASSESSMENT



## PHASE 1: PREPARING FOR LEAVE

**All workers, regardless of their role or status, are entitled to a safe work environment, which eliminates or minimises risks to health and safety so far as is reasonably practicable.**

During the parental leave transition there are additional considerations to be taken into account, to ensure that the expectant/new parent and/or child are not exposed to any risks.

Once an employee announces they are becoming a parent, the employer should conduct a risk assessment of any processes, working conditions or hazards that may be a risk to the health and safety of the worker or the unborn child.

This may result in recommendations to vary hours of work, working conditions, transfer to a 'safe job' (as close as possible in status and pay to the current job) or 'no safe job leave' if required.

### Transfer to a safe job

A pregnant employee is entitled to be transferred to an appropriate safe job if she is fit for work, but it is inadvisable (based on medical evidence) to continue working in her present position for a certain period (the risk period).

Employees who are entitled to parental leave under the Fair Work Act must be transferred into a safe job and be paid their full rate of pay for the position they were in before the transfer. Unless otherwise agreed, the safe job must have the same ordinary hours of work.

### 'No safe job leave'

Where a pregnant employee is unable to work their usual role and there are no appropriate safe jobs available, the employee is entitled to take 'no safe job leave' for the relevant risk period. If the employee is entitled to parental leave under the Fair Work Act, 'no safe job leave' will be paid. If the employee is not entitled to parental leave under the Fair Work Act, 'no safe job leave' will be unpaid.

Any decision should be made in consultation with the employee to find appropriate solutions. Note that failure to accommodate the effects of pregnancy in the workplace may be considered unlawful discrimination on the basis of pregnancy under the federal Sex Discrimination Act. It may also contravene the federal Fair Work Act and state based occupational health and safety legislation.

## HOW TO CONDUCT A PARENTAL LEAVE SAFE WORK ASSESSMENT?



**Actively review the work environment** to see if there are any hazards.



**Assess potential risks** (see 'What are the risks?' outlined below).



**Eliminate the risks** if possible.



If the risks cannot be eliminated, **reduce the risks** to a minimum.



**Make any necessary adaptations** to the working conditions and/or provide an alternative 'safe job'.



If none of the above are possible, the worker is entitled to take **'no safe job leave'**.

# WHAT ARE THE RISKS?

**General hazards which may present greater risks for expectant parents during pregnancy should be avoided and include the following:**

## Physical

- Physical shocks, especially direct blows to the abdomen, carry risks of haemorrhage and miscarriage.
- Whole body vibration increases the risks of back pain, and may also be potentially hazardous for the child.
- Prolonged loud noise can increase maternal blood pressure and reduce growth of the baby.
- Excessive heat or cold is associated with dehydration and fatigue as well as increased miscarriage risk.
- Exposure to strong or unpleasant smells may increase nausea, especially in early pregnancy.
- Pressurisation chambers and hyperbaric environments can affect blood oxygen and carbon dioxide levels for the mother and thereby impact the wellbeing and safety of the child.
- Working without good access to toilets may be difficult, especially as more frequent toilet breaks may be needed.
- Towards the end of pregnancy, fitness for work may be a consideration.

## Ergonomic

- Excessive handling of loads. During pregnancy, as ligaments soften, there is increased susceptibility to injury and back pain. Whilst maintaining fitness is beneficial during pregnancy, excessive physical work and heaving lifting may be risky especially later in the pregnancy. If a role involves manual handling, prolonged standing, repetitive lifting or maintaining awkward postures, a pregnant employee should seek advice from her treating doctor.
- Over-exertion can cause breathlessness, dizziness and excessive strain on the heart and circulatory system, with risks to mother and child. It can also cause excessive heating of the body and therefore the foetus.
- Prolonged sitting/standing increases risks of back pain, with standing for over three hours increasing risks of pain, fatigue and varicose veins. Extra breaks, regular short walks, a stool or chair, can all reduce standing time.
- Movement or postures which are abrupt, severe or trigger back pain or excessive fatigue should be avoided. This also includes working on slippery or wet surfaces, especially later in pregnancy when balance is altered.
- Working in confined spaces may increase musculoskeletal problems, especially in later pregnancy as the body shape alters.

## Biological

- Exposure to biological agents including viruses and bacteria can be harmful to the mother and/or child and should be avoided. If necessary, working conditions should be altered to provide a safe environment for the woman to avoid potential exposure, especially if immunisation status is unknown. This also includes working with some animals (e.g. cats and sheep) or where exposure to viruses such as rubella or chickenpox is likely.

## Fatigue

- Fatigue is linked to increased accident risks and ill health and possible increased risks of premature delivery and low birth weight. Schedule adjustments to avoid shift or night work, or flexible work arrangements are recommended.

## Chemical

- Lead and lead substances are toxic for the developing foetus and should be avoided. They also accumulate in the body and can cause harm at a later date. This means that lead in a mother's body can harm her unborn or breastfeeding child, even if she has stopped being exposed to lead before getting pregnant or breastfeeding.
- Exposure to ionising and non-ionising radiation may be harmful to the foetus and should be minimised. Different exposure levels and more frequent monitoring may be recommended during pregnancy.
- Certain chemicals, including carcinogens, mercury, organic solvents, PCBs, anti-cancer medications and carbon monoxide are potentially toxic for mother and child and should be avoided during pregnancy.

## Psychosocial

- Prolonged exposure to stress and/or workplace bullying has been linked to possible increased risks of high blood pressure (and related risks of pre-eclampsia in some cases), miscarriage and premature delivery. It can also suppress the immune response, leading to reduced resistance to infection.
- Working alone for extended periods can reduce support, increasing vulnerability to violence or injury and should be minimised.
- During pregnancy, there may be increased risks of depression and anxiety for both parents. For more information and resources, refer to: [www.cope.org.au/expecting-a-baby/pregnant/emotional-health-pregnancy](http://www.cope.org.au/expecting-a-baby/pregnant/emotional-health-pregnancy)

## Driving

- Extensive driving can present both ergonomic and fatigue risks, and should be minimised, particularly towards the end of the pregnancy. There is no legal requirement to cease driving however.

## Travel, including flights

- If a pregnancy is progressing well, travel in the first and second trimesters should be of little concern. In general, frequent stretch breaks, rest and travelling in safe environments should not be an issue. Avoid locations where medical care is limited or where climate, food, local diseases (such as Zika virus) or altitude could be an issue.
- If a pregnant woman plans to fly after 28 weeks, they need a medical certificate or letter from a registered medical practitioner or midwife (accessible at the airport and during flight in cabin baggage and produced on request), which is less than 10 days old and confirms:
  - The estimated date of delivery and whether it is a single or multiple pregnancy.
  - That the pregnancy is a routine pregnancy with no complications with the pregnancy.
- NB: If pregnancy is non-routine or there are complications, medical clearance is required before flying.
- For flights under four hours duration and routine pregnancies, a woman can travel up to the end of the 40th week (single pregnancies)/end of the 36th week (multiple pregnancies).
- For flights over four hours duration and routine pregnancies, a woman is permitted to travel up to the end of the 36th week (single pregnancies)/end of the 32nd week (multiple pregnancies).
- For more information on flying during pregnancy, refer to airline information.

*This list is by no means an exhaustive description of risks that may arise, and employers should consider hazards and risks specific to the employee's working environment.*