



Powerstown Educate Together National School

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POWERSTOWN EDUCATE TOGETHER NATIONAL SCHOOL

PROTECTION & WELL BEING OF PREGNANT, POST NATAL AND BREASTFEEDING EMPLOYEES

THE OBJECTIVE OF THE GUIDE IS TO GIVE GENERAL GUIDANCE AIMED AT THE PREVENTION OF OCCUPATIONAL ACCIDENTS OR ILL HEALTH AND TO SUPPORT PREGNANT, POST NATAL AND BREASTFEEDING EMPLOYEES.

CONTENTS

PROTECTION OF PREGNANT, POST NATAL AND BREASTFEEDING EMPLOYEES.....	1
Introduction.....	2
Definitions / References	2
Roles and Responsibilities.....	6
Powerstown ETNS Responsibility	6
Role of Principal	8
Employee Responsibility.....	8
Role of Staff Safety Officer.....	8

Procedure	9
Records Generated by this Procedure and their location.....	9
Risk Assessment for Pregnant Employees	10

INTRODUCTION

The purpose of this policy is to ensure that that Powerstown ETNS has in place procedures to ensure the safety and well-being of employees who are pregnant, who have recently given birth or are breastfeeding.

Pregnancy is a part of normal everyday life, it is not an illness. Many women work during pregnancy and many return to work while they are breastfeeding. This policy outlines maternity and breastfeeding entitlements of staff.

Because there are some hazards in the workplace which may affect either the health of the woman or her developing child, this policy provides for specific protection during this pregnancy, post natal and/or breastfeeding period. .

While an employee does not have to inform their employer that they are pregnant, it is important (for you and your child’s health and safety protection) that you provide them with notification as early as possible. Until such time, the Board of Management of Powerstown ETNS is not obliged to take any action other than those resulting from risk assessments for all employees.

Early notification, in confidence, to the Principal will ensure that the hazards which may present a risk can be identified and subsequently removed or reduced thus safeguarding the safety of the expecting mother and her developing child.

DEFINITIONS / REFERENCES

- **A pregnant employee:** This means a woman who has given her employer a medical certificate (or similar) stating she is pregnant
- **An employee who has recently given birth:** This means an employee during the 14 weeks immediately after giving birth (even if this was a miscarriage or stillbirth)
- **An employee who is breastfeeding:** This means an employee who is breastfeeding during the 104 weeks immediately after giving birth.
- Any reference to a pregnant woman in this procedure will include women during pregnancy, immediately after pregnancy and while breastfeeding.
- Pregnant Employee Risk Assessment Form

MATERNITY PROTECTION ENTITLEMENTS

All pregnant teachers and special needs assistants, who give birth to a live child, or who reach their 24th week of pregnancy, are entitled to 26 weeks Maternity Leave and 16 weeks additional unpaid Maternity Leave.

Maternity Leave will ordinarily begin on such day as the pregnant teacher/SNA selects, unless medically certified that the leave should commence on a particular date. However, the commencement date must not be later than 2 weeks before the end of the week of the baby's expected birth and four weeks must be taken after the end of the week of the baby's birth. For these purposes, Saturday is regarded as the end of a week. Teachers/SNAs may also take cognisance of the DSP rules whereby eligibility for Maternity Benefit does not normally commence until the 24th week of pregnancy and ends when Maternity Leave ceases. Further details on the DSP regulations are available directly from that Department.

If the birth occurs in a week before a teacher/SNA has commenced her Maternity Leave then the Maternity Leave must commence immediately and the employer must be informed.

If the birth occurs after the expected date and there are less than 4 weeks of Maternity Leave remaining, then the employer/DSP must be informed and the Maternity Leave will be extended to ensure that 4 weeks Maternity Leave are taken following the birth.

A special needs assistant's entitlement to maternity leave, whether paid or unpaid, shall cease on the expiry of a contract, that contract not having been renewed.

STATUTORY ADDITIONAL UNPAID LEAVE

Commencing on the day immediately following completion of Maternity Leave, a teacher/SNA has the option to take a maximum of 16 consecutive weeks statutory additional unpaid Maternity Leave.

A teacher/SNA who avails of statutory additional unpaid Maternity Leave may be entitled to receive PRSI credits. The [Application SW1 for Maternity Leave Credits](#) which is available from the DSP must be completed by the teacher/SNA and employer and returned to the DSP. **It is the teacher/SNA's responsibility to apply for these credits and not the employer.**

NON-STATUTORY ADDITIONAL UNPAID LEAVE TO THE END OF THE SCHOOL YEAR – TEACHERS ONLY

A **teacher** who, on completion of Maternity Leave and statutory additional unpaid Maternity Leave may apply for non-statutory additional unpaid Maternity Leave to the end of the school year.

In the context of this leave the end of the school year is taken to mean August 31st. For example, if all the other leave types referred to above were to expire by May 4th, and the teacher in question wished to remain out of school for the rest of the school year, rather than return for a short period, then the non-statutory additional unpaid leave must continue until August 31st inclusive.

This leave type is not a statutory entitlement and it is subject to obtaining written sanction from the employer at least six weeks in advance of an intention to avail of this leave.

SEQUENCE IN WHICH LEAVE MUST BE TAKEN

The sequencing arrangements for maternity entitlements are:

- (a) Maternity Leave (26 weeks) – **teachers & SNAs**
- (b) Any statutory additional unpaid Maternity Leave (maximum of 16 weeks) – **teachers & SNAs**
- (c) Non-Statutory additional unpaid Maternity Leave to end of school year (to Aug 31st) – **teachers**

When all associated leave types have been fully utilised, as appropriate to each individual, then the next working day becomes the date of resumption for the teacher/SNA.

APPLICATION PROCEDURES FOR TEACHERS & SNAs

Application for Maternity Leave both paid and unpaid should be made by teachers & SNAs to their employer at least 6 weeks in advance of commencement of the leave on the prescribed application form which is accessible here. ([Maternity Leave Application Form](#))

The applicant is responsible for completion of the [MB1 Form](#) and should ensure that Powerstown ETNS completes the employer's portion before forwarding to the DSP at least 6 weeks prior to the start date.

The MB1 Form should NOT be sent to the Department of Education and Skills.

TIME OFF FOR ANTE-NATAL CARE APPOINTMENTS, POST-NATAL CARE APPOINTMENTS AND ATTENDANCE AT ANTE-NATAL CLASSES.

Pregnant teachers & SNAs are entitled to time off work, without loss of pay, to:

- (a) attend medical appointments related to ante-natal care,
- (b) attend one set of ante-natal classes in a working career, other than the last 3 classes in such a set, and
- (c) attend medical appointments related to post-natal care within 14 weeks of the birth.

If a pregnant teacher/SNA misses particular ante-natal classes in a set then it is permitted that during a subsequent pregnancy, or pregnancies, she may attend classes equivalent to those missed.

An expectant father is entitled to time off work, without loss of pay, to attend the last two ante-natal classes in a set attended by the pregnant mother.

Two weeks' notice should be given for each absence referred to in this section and appropriate certification provided.

BREASTFEEDING BREAKS FOR TEACHERS

Provision for breastfeeding:

- Within a 104 week period after the birth of the child, a teacher who has returned to work may avail of breastfeeding breaks without loss of pay for up to one hour per day for the purpose of breastfeeding or lactation.
- A teacher who qualifies for this provision must notify her employer in writing of her intention to avail of such breaks at least four weeks in advance. A copy of the birth certificate of the child must be submitted with the application for breastfeeding breaks.
- Breastfeeding breaks may be taken in the form of:-
 - a) one break of 60 minutes, or
 - b) two breaks of 30 minutes each, or
 - c) three breaks of 20 minutes each

The pattern of breastfeeding breaks should be agreed following consultation between the employer and the teacher.

Powerstown ETNS should take reasonable measures to facilitate the pattern of breastfeeding breaks as requested, while having due regard to the welfare and educational needs of pupils.

A teacher on less than full hours may avail of breastfeeding breaks on a prorata basis.

A teacher availing of breastfeeding breaks who ceases to breastfeed should notify her employer in writing as soon as possible.

Substitute cover for breastfeeding breaks is not paid by the Department.

PROVISION FOR BREASTFEEDING - SNAS

Within a twenty six week period after the birth of the child, a special needs assistant who has returned to work is entitled to one hour per day for the purpose of breastfeeding. The time off, without loss of pay, may be taken as follows:

- (a) one break of 60 minutes, or
- (b) two breaks of 30 minutes each, or
- (c) three breaks of 20 minutes each

A special needs assistant who qualifies for this provision must notify the employer in writing of her intention to avail of such breaks. Notice should be given 4 weeks prior to the return to work following maternity related leave under the terms of this circular. A copy of the birth certificate of the child must be submitted with the application for breastfeeding breaks. It is a matter for the employer to make the necessary arrangements with the special needs assistant to facilitate the taking of the breastfeeding breaks.

FURTHER INFORMATION

For further information on maternity rights and benefits for **teachers** please check DoE website or [follow THIS link](#)

For further information on maternity rights and benefits for **Special Needs Assistants** please check DoE website or [follow THIS link](#)

ROLES AND RESPONSIBILITIES

POWERSTOWN ETNS RESPONSIBILITY

The Safety, Health, and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) place an obligation on Powerstown ETNS, (as the employer), as soon as it is notified by the teacher/SNA that she is pregnant, to assess any specific risk in the workplace to that teacher/SNA and to ensure that the pregnant, post-natal, or breastfeeding teacher / SNA (within a 26 week period after the birth of the child) is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant teacher/SNA and/or that of the developing child.

The teacher/SNA should be informed of the results of the risk assessment and the measures to be taken. The detailed arrangement regarding the respective responsibilities of the employer and the teacher/SNA in relation to health and safety leave are contained in Sections 17 – 20 of the Maternity Protection Act 1994.

Where a risk has been identified and it is not possible to remove it, protective and preventive measures will be taken by Powerstown ETNS to safeguard the health of any teacher/SNA to whom the provisions apply, such as:

- (a) a temporary adjustment in the working environment of the teacher/SNA concerned so that exposure to the risk is avoided, or
- (b) in the event that such adjustment is not possible, by moving the teacher/SNA to suitable alternative work which does not entail the risk, or
- (c) in the event that such alternative work is not available, and having consulted with and received certification from the Occupational Health Service (OHS), by granting the teacher/SNA health and safety leave.

HEALTH AND SAFETY LEAVE

The teacher/SNA is entitled to receive, on request, a certificate stating the reasons why she has been granted leave. The certificate must also state the start date and expected end date of the leave. Maternity Related Health & Safety Leave can be granted in respect of more than one period, provided the conditions outlined above are fulfilled for each such period concerned.

A certificate of risk form is attached at Appendix 1

Health and Safety Leave will cease when:

- (a) the teacher/SNA concerned commences Maternity Leave, or
- (b) the teacher/SNA is no longer an employee to whom Part III of the Maternity Protection Act, 1994 applies (i.e. she notifies the employer that she is not pregnant, has not given birth within the last fourteen weeks or is not within 26 weeks of the birth and breastfeeding, as defined in the Act); or
- (c) the risk ceases

Specific questions on health and safety issues will be addressed to the Health and Safety Authority (HSA), www.hsa.ie, which can provide advice, assistance and encouragement aimed at the prevention of work related accidents and the promotion of occupational safety, health and wellbeing.

A teacher/SNA who makes PRSI contributions at the modified rate (Class D), and has no entitlement to Health and Safety Benefit from the DSP, will be entitled to full pay while on health and safety leave.

A teacher/SNA who makes PRSI contributions at the full rate (Class A) Edition 2, 27th June, 2017 6 and who is entitled to [Health and Safety Benefit](#) from the DSP will be paid full salary by the Department of Education and Skills for the first 21 days and thereafter will be paid full salary less any benefit paid by DSP. [HSB1 Form](#)

ROLE OF PRINCIPAL

On receiving notification that an employee is pregnant, the principal must ensure that they assess the risk specific to that person's job which may cause harm to her or her developing child and they must ensure that appropriate actions are taken to ensure the risk is removed or reduced.

This should be undertaken under the strictest of confidences between the principal and his/or her employee. It should be in a written format and signed off by the principal, the employee and the Board of Management.

EMPLOYEE RESPONSIBILITY

This procedure is particularly applicable to employees who in their day to day work environment may be exposed to chemical, physical or biological hazards such as those in which may be found in Laboratories, cleaning activities, lifting activities etc

To be protected by legislation i.e. The Safety, Health and Welfare at Work (General Application) Regulations, 2007 and the maternity Protection Act, 1994 and in order to protect the developing child it is in the employee's best interest

- To inform their manager as soon as practicable of her condition
- Complete a Pregnant Employee Risk Assessment Form in conjunction with her manager and/or the Health and Safety Officer to ensure the risks are identified and that the appropriate controls are in place.

ROLE OF STAFF SAFETY OFFICER

- Ensure that management and staff are informed of their responsibilities under this procedure
- When required provide assistance to managers on the selection of appropriate control measures when a hazard have been identified on a "Pregnant Employee Risk Assessment Form"
- When required provide assistance to employees to address health and safety concerns which may affect their pregnancy

PROCEDURE

- The employee informs, in confidence her manager that she is pregnant
- The employee fills Section 1 of the “Pregnant Employee Risk Assessment Form”
- The principal completes Section 2 of the “Pregnant Employee Risk Assessment Form”
- If hazards are identified then the principal must take preventative measures to either eliminate the risk or reduce it significantly. This can be done by
 - Adjusting the working conditions and/or hours of work e.g. ensuring the employee is not exposed to the identified chemical agents or biological agents during their pregnancy.
 - Provide suitable alternative work if the risk cannot be removed
 - If either 1 or 2 above is not possible then the employer should give the employee safety and health leave under section 18 of the Maternity Protection Act 1994. It should be noted that this step applies where the employer, having undertaken the risk assessment, identifies occupational risks which arise for normal pregnancies and which he cannot reasonably control using steps 1 and 2.
 - As needs change during pregnancy, it may be necessary to modify the duties of an employee several time e.g. moving from a standing to a sitting job, adjusting a work space to accommodate the changes in posture of the expectant mother, provide Personal Protective Equipment of different sizes.
- The Risk Assessment should be reviewed as the pregnancy progresses as there may be a change in job circumstances which may affect the employee.

RECORDS GENERATED BY THIS PROCEDURE AND THEIR LOCATION

Pregnant Employee Risk Assessment Forms are available on the school website, intranet and from the Principal’s Office.



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APPENDIX 1

MATERNITY PROTECTION (HEALTH AND SAFETY LEAVE CERTIFICATION) REGULATIONS, 1995.

I, MERVYN TAYLOR, Minister for Equality and Law Reform, after consultation with the Minister for Finance, the Minister for Social Welfare and the Minister for Enterprise and Employment, in exercise of the powers conferred on me by section 18(2) of the Maternity Protection Act, 1994 (No. 34 of 1994), hereby make the following Regulations:

1. These Regulations may be cited as the Maternity Protection (Health and Safety Leave Certification) Regulations, 1995 and shall come into operation on the 30th day of January, 1995.
2. The Certificate which an employee is entitled to receive, on request of her employer, under section 18(2) of the Maternity Protection Act, 1994 shall be in the form set out in the Schedule to these Regulations ("the Scheduled form") or in a form substantially to the like effect which contains—
 - (a) the appropriate information referred to in the Scheduled form; and
 - (b) such certification, declaration and undertaking as are required by the Scheduled form.

CERTIFICATE OF RISK, NON-FEASIBILITY OF PROVIDING OTHER WORK AND GRANT OF LEAVE ON HEALTH AND SAFETY GROUNDS

Maternity Protection Act, 1994

I EMPLOYEE DETAILS

Name:

Figures

Letters

RSI Number: | | | | | | | | | |

Employee's Occupation:

The employee named above has notified me that:

she is pregnant

she has recently given birth tick as appropriate

she is breastfeeding

Yes No

Is employee employed under a fixed term contract

If 'Yes' state date contract ends | | | |

II CERTIFICATION OF RISK

Please complete either (a)— *workplace risk*

(a) The following *risk(s)* to the employee named above has/have been identified arising from a risk assessment undertaken in accordance with Regulations under the [Safety, Health and Welfare at Work Act, 1989](#) .

List risk(s)

Specify the reasons why it is not possible to eliminate the risk(s):

Name of medical registered practitioner:

III CERTIFICATION OF NON-FEASIBILITY OF OTHER WORK AND THE GRANTING OF LEAVE

As a result of the risk(s) identified above and, arising from Regulations on Safety, Health and Welfare at Work (Pregnant Employees, etc.) ([S.I. No. 446 of 1994](#)) and the [Maternity Protection Act, 1994](#) for the reason(s) indicated as applying below the employee has been granted leave on health and safety grounds because

- (i) it is not technically or objectively feasible to move the employee **tick as appropriate**
- (ii) such a move cannot be required on duly substantiated grounds
- (iii) the other work proposed for the employee is not suitable for her

IV SUPPLEMENTARY INFORMATION

Date of commencement of leave on health and safety grounds

Date: Day Month Year Expected duration of leave (in weeks):.....
 | |

Expected date or date of confinement as appropriate Day Month Year
 | |

Date of **last day of 21 days** health and safety leave during Day Month Year which payment by employer applies
 | |

V DECLARATION

I/We declare that the details I/we have given above are true and complete.

I/We undertake to inform the Department of Social Welfare immediately in the event of notifying the employee to return to work where:

—the risk to the employee no longer exists

—other work becomes available for the employee

Signed by or on behalf of Employer: _____ Company's Name:.....
 _____ Address:.....
 Position:.....

Day Month Year
 Date: | | Employer's Registered Number:.....
 Date..... 19.....
 Telephone EMPLOYER'S OFFICIAL STAMP
 Number:.....

These Regulations determine the form of the certificate to be issued by employers to employees who are pregnant, have recently given birth or who are breastfeeding where the granting of leave on health and safety grounds is deemed essential. Minister MERVYN TAYLOR, Minister For Equality & Law Reform 1995

RISK ASSESSMENT FOR PREGNANT EMPLOYEES

Name:	Contact No:
Job Title:	Location:
Principal:	Date of assessment:
Assessor's Name:	Due Date:

The following is a list of hazards that may affect new and expectant mothers. The assessor completing this form will discuss each item with the expectant mother and indicate if any of these hazards are present in the work environment, providing details and documenting what corrective measures must be taken. If you have a specific problem with your work or environment, it should be indicated during the assessment. You will be asked to read the document and sign that you agree with the contents.

Please note that circumstances may change during your pregnancy that will alter this risk assessment. If this occurs, please contact your Supervisor or Departmental Safety Officer and request a further risk assessment.

Section 1: The Working Environment	Hazard		Actions/Comments
	Yes	No	
Are there space constraints preventing good posture?			
Is it necessary to reach over or around obstacles?			
Are there: Steps			
Slopes			
Uneven surfaces			
Spillages			

Rubbish or clutter			
Trip hazards			
Machine hazards			
Is the working environment:			
Too hot			
Too cold			
Too humid			
Poorly lit			
Poor Visibility			
Poor hygiene			
Odorous			
Is protective clothing provided			
Are rest facilities available?			

Section 2: Biological Hazards	Hazard		Actions/Comments
	Yes	No	
Is there likely exposure to Biological Hazards?			
If No, proceed to Section 3			
Is this in the form of Virus?			
Is this in the form of Bacteria?			

Is this agent included in risk groups 2,3,4 of the Biological Agents Regulations?			
Is PPE required/provided?			
Is there possible exposure to:			
Toxoplasma?			
Is there possible exposure to Rubella Virus?			
Is the pregnant employee immunised against these?			

Section 3: Chemical Agents	Hazard		Actions/Comments
	Yes	No	
Does the task involve regular exposure to chemicals?			
If No, proceed to section 4			
Is there exposure to:			
Lead or lead derivatives?			
Carcinogens?			
Mercury/mercury derivatives?			
Antimicrobial drugs?			
Carbon Monoxide?			
Are any chemicals listed in the Chemical Agent Regulations?			
Is the MSDS available for each chemical?			

Are there substances labelled :			
R40: possible risk of irreversible effects			
R45: may cause cancer.			
R46: may cause heritable genetic damage			
R61: may cause harm to the unborn child			
R63: possible risk of harm to the unborn child			
R64: may cause harm to breastfed babies			
Is PPE required/provided?			

Section 4: Physical Agents			
Shock/Vibration or Movement			
Does the task involve regular exposure to shock/vibration?			
If No proceed to Ionising Radiation			
Sudden Blows?			
Excessive movement?			
Hammer or vibrating tools			

Ionising Radiation

Is there exposure to potential source of Ionising radiation?			
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If No, proceed to Non-ionising Radiation

Is this in liquid/solid/dust state?			
Are dose limits monitored?			
Are they below statutory limits			
Is there a possibility of radioactive contamination?			

Non-Ionising Radiation

Is there exposure to potential source of Non-ionising radiation?			
--	--	--	--

If No, proceed to Noise

Is there exposure to electromagnetic fields and waves?			
--	--	--	--

Is there exposure to optical radiation?			
---	--	--	--

Is there exposure to an excessively noisy environment?			
--	--	--	--

If No, proceed to Section 5

Does the noise level exceed 85dB(A)?			
--------------------------------------	--	--	--

Is noise monitoring carried out?			
----------------------------------	--	--	--

Is PPE required/provided?			
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Is PPE worn as required?			
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Does the PPE meet with EU standards?			
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Section 4 : Physical Agents (Cont'd)	Hazard		Actions/Comments
	Yes	No	
Movement and postures			
Does the task involve periods in excess of 1 hour at a time standing or sitting?			
Are chairs provided?			
Movement and postures			
Are anti-fatigue mats available?			
Are work areas restrictive/confined?			
Is there work at heights?			

Visual Display Units (VDU)

Does the task involve use of a VDU			
If No, proceed to Shift Work			
Has an ergonomic assessment been completed?			
Has the operator been educated in the safe use of VDU's?			

Shift Work

Does the task involve Night work?			
Are the shift patterns regular?			

Manual Handling

Does the task involve:

Repetitive handling?			
Holding the load away from the trunk?			
Twisting/stooping or upward reaching?			
Is there slipping potential?			
If pushing or pulling, are hands above the shoulder or below the waist?			
Is the distance excessive?			
Does the load have to be handled up steps or slopes?			
Are mechanical aids used?			
Are there time restraints?			
Is the weight of the object:			
>5kgs in the seated position?			
>16kgs and handled in a working posture other than seated?			
Is the load:			
Bulky and awkward to grip?			
Slippery?			
Unevenly distributed?			
Difficult to grasp?			
Sharp with abrasive edges?			

Hot or cold?			
Likely to shift during handling?			

Section 5: Employees Comments.	Yes	No	Comments
Are you satisfied with:			
Lighting levels?			
Working temperatures?			
Noise levels?			
Break/Rest periods?			
Rest Facilities?			
Job rotation?			
Are you aware of the following services?			
Occupational Health?			
Health Monitoring?			
First Aid?			
Have you received information and training in your job?			
When did you last receive Manual Handling training?			

In the opinion of the assessor, taking into account the factors identified during the assessment, is corrective action required?

YES

NO

Returning to Work post delivery:

Number of weeks post delivery: _____

Length of Maternity Leave: _____

Breastfeeding Yes No

Any difficulties/concerns : _____

Signed: _____ Date: _____

Employee

Signed: _____ Date: _____

Principal



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FORM PREG Corrective Action Required

Ref No.	Issue	Control Measures	Date	Person Responsible	Status

Assessors Name:	Date:
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