Getting it right
Jane Armitage deals with health and safety

Health & Safety is a big issue in the present time. As a manager it is essential that you are ahead of the game and any changes affecting the Health & Safety of your staff should be implemented straight away, with regular reviews of policies. It’s also of little use having a policy and having no staff involvement. Each and every member should be aware of what is included in your policy and how it involves them. An ideal way is to ensure during induction you give all employees copies of what I consider to be the most important policies you should have, Grievance, Confidentiality, Health & Safety etc, certainly make sure that time is set aside for new employees to read through them plus all the other policies in place, obtain a signature of understanding and maybe during staff meetings it would be an idea to look at different policies and how it affects the employee and employer. Most importantly is to ensure that policies are reviewed at regular intervals and acted upon if necessary.

Today I am going to concentrate on New and Expectant Mothers in the Workplace and what is required by law to be implemented.

I don’t want to sound discriminative but as the majority of DCPs are women, this is one area in practice management that I can safely say one day you will come across the need for ensuring the legislation affecting New & Expectant Mothers is in place, not only to protect the staff but to protect you as an employer.

Legally a pregnant employee is required to give her employer three pieces of information:

- Prior to or on the 15th week before her estimated date she must inform you that she is pregnant.
- She must notify the confirmed date.
- The date she intends to start her maternity leave.

This should be given in writing and a form MAT B1 obtained by the employee and given to the Employer.

The employee can only change the date she wishes to commence her maternity leave by giving 28 days notice with a new start date. However as we all know babies can think differently and one never knows what can be anticipated during a pregnancy. So as a manager I would like to think that I wouldn’t necessarily hold any pregnant employee to terms and conditions where pregnancy is concerned.

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Where Health & Safety is concerned employers have a duty of care to protect the health and safety of their employees and pregnant employees, and nursing mothers have special duties that apply to them. It is therefore most important that any issues regarding health and safety should already be in place to cover those within this category.

A full risk assessment is required covering pregnant and nursing mothers. It is a good idea to already have a risk assessment for expectant and nursing mothers in place as you would be ready should it occur, however you would have to take into fact that all pregnancies are different and should the individual’s GP or Midwife give the employee medical advice that may interfere with their daily working life you would have to take this into consideration and adapt the risk assessment. However if the risks cannot be removed you would have to offer suitable alternative work.

When looking at a risk assessment for expectant or new Mums you would need to consider factors that would normally not cause a potential problem until pregnancy occurs.

In a dental practice exposure to Radiation would be a problem so that would be the first thing I would not allow the employee to do. Also:

- Lifting, bending and carrying.
- Standing, sitting in the same position for long periods.

Pregnant employees have legal rights - including paid time off for antenatal care, maternity leave and maternity pay. Pregnant employees have four rights:

- paid time off for antenatal care
- maternity leave
- maternity pay
- protection against unfair treatment, discrimination or dismissal

This includes any parenting classes recommended by a Midwife or GP. It is illegal to refuse time off for antenatal care, however fathers are not allowed time off to accompany.

Employers can’t change a pregnant employee’s contract terms and conditions without agreement - if they do they are in breach of contract.

Pregnancy-related illnesses

If the employee is off work for a pregnancy-related illness in the four weeks before the baby is due, maternity leave and Statutory Maternity Pay will start automatically - it doesn’t matter what has been previously agreed.

Should there be no other suitable work, which in hindsight if trained in Reception this could always be an alternative, however legally if no other suitable alternative work is available the employee has a right to be placed on maternity suspension and her wages remain as normal; this is only the case if alternative work has been offered and refused. The suspension can last up to four weeks before the expected date of arrival, when ordinary maternity leave starts.

All the employee’s employment rights are protected whilst on maternity leave:

- Pay rises
- Accrued annual leave

Statutory Maternity Leave

The employee can take up to 52 weeks of Statutory Maternity Leave providing the Employer is given the correct notice. You don’t have to take all of your statutory maternity leave but you must take two weeks compulsory leave before your baby is born.

Eligible employees can take up to 52 weeks maternity leave. The first 26 weeks is known as ‘Ordinary Maternity Leave’, the last 26 weeks as ‘Additional Maternity Leave’.

The earliest leave can be taken is 11 weeks before the expected week of childbirth.

About the author

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Practice Manager of the Year 2005, 06, 07, 09.