

## Health & Safety Leave

### **What is Health & Safety Leave?**

During a period of pregnancy, if an employee cannot remain working at the place of work and all other options have been exhausted the employer must assist in granting Health & Safety Leave. The employee in this instance is entitled to 21 days paid leave from their job (normal pay). After this Health & Safety benefit may be paid until the Maternity leave commences. The company must certify the leave stating the reason she has been granted it, when the leave commences and for how long it is expected to last. This certificate can be presented to the Dept. of Social Protection so that she may receive the Health & Safety Benefit.

### **Employers Obligations to Pregnant Employees**

Once an employer becomes aware that an employee is pregnant, he/she must assess the specific risks from the employment to that employee and take action to ensure that she is not exposed to anything, which would damage either her health or that of her developing child.

### **Step 1: Risk Assessment**

The process of assessing “Risk” means determining:

- To what hazards the pregnant woman is exposed
- How often the exposure occurs and for how long

The level and type of risk identifies the need for corrective action and the most suitable approach to the application of accommodations on the part of the company and whether there is a need for Health & Safety Leave to be applied.

### **Step 2: Apply Accommodations**

Where the assessment identifies a risk to the safety or health of the pregnant employee, the pregnancy or the breastfeeding employee, the employer must assess if there are any practical ways the risk can be avoided.

### **Step 3: Provide suitable alternative work if necessary**

Under section 18 of the Maternity protection Act 1994 – If there are risks to an employee’s pregnancy, these should be either removed or the employee moved away from them and provided with suitable alternative work.

“Suitable Alternative Work” is defined as being appropriate to the employee in all circumstances.

### **Step 4: If step 2 or 3 are not possible, the employer should assist the employee in receiving Health & Safety Leave**

If neither of these options is possible, the employee should be given health and safety leave from work, which may continue up to the beginning of their maternity leave.