



# MSS & WAABINY OSHC EMPLOYEE PREGNANCY POLICY



## PURPOSE

Montessori Stepping Stones (MSS) aims to provide a safe and healthy workplace for all employees including pregnant workers. We understand that pregnancy can bring many changes to the employees ability to manage certain types of work, particularly in the later stages of their pregnancy. MSS will therefore work with all employees to negotiate a supportive working environment that will assist them to be healthy and productive members of our team.

## SCOPE

All people involved in occupational health, safety and well-being of educators/employees at MSS – as well as families, educators and employees who assist in the continuous improvement and implementation of relating quality practices.

## DESCRIPTION/GENERAL

All employees at MSS have a right to a safe and healthy workplace. Employers have obligations under WA State as well as federal legislation to provide a safe and healthy workplace. Employees and contractors also have obligations under law to take reasonable care to protect themselves and others in the workplace. Employees that are pregnant will have additional needs to ensure their continued health and safety in the workplace.

The Fair Work Act and Paid Parental Leave Scheme establishes that employees are entitled to both paid and unpaid parental leave, flexible working arrangements to help to balance work and family responsibilities and protection from discrimination due to their pregnancy or family responsibilities including breastfeeding/expressing.

## LEGISLATION AND GOVERNMENT REQUIREMENTS

- WA Occupational Safety & Health Act 1984
- Federal Equal Opportunity Legislation, WA, 1984
- Paid Parental Leave Scheme, 2013
- Fair Work Act 2009

## CHILDREN'S NEEDS

Continuity of care at MSS.

## FAMILIES' NEEDS

Reassurance that health and safety standards are maintained at the service and their children are safe.

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## EDUCATOR/EMPLOYEE NEEDS

A safe and healthy workplace and equity in continuing employment whilst pregnant, with transparent information about the health risks to themselves and the new born child. Support from MSS to continue to work in a safe and healthy environment. Where possible an opportunity to change to flexible work hours, access to child care whilst also considering other educators/employees needs to equally be considered and supported by MSS.

## MANAGEMENT NEEDS

To know and understand current legislation and their responsibilities to pregnant employees, with employees being up front and truthful about any difficulties they are experiencing so that issues can be addressed and their safety and health needs assured. Where possible other employees to support pregnant employees.

## OCCUPATIONAL HEALTH AND SAFETY

MSS considers that any workplace hazard for pregnant employees may also be a hazard for other employees. Therefore, procedures to reduce risk of injury or ill health will be discussed with all employees in accordance with the service's Occupational Safety & Health policy.

Where there is an identifiable risk associated with a pregnant educator/employee's work, the nominated supervisor will consult with the employee to examine how the work can be modified to eliminate or minimise the risk.

In regard to infectious diseases, MSS will alert all educators/employees to the potential risks to health that may arise through their employment. Female educators will be advised they should have their immunity to Rubella, Measles, Chicken Pox and Cytomegalovirus (CMV) infections tested well before planning pregnancy.

An educator can be immunised against Rubella before pregnancy although care should be taken not to fall pregnant within three months of immunisation.

As there is no immunisation against CMV, should an educator who is planning pregnancy be found to be seronegative (non-immune), they should discuss this with the MSS Management and health professional to identify measures that will minimise any risk potential during pregnancy. This will include increased vigilance in ensuring universal hygiene procedures are followed.

## EMPLOYEE RESPONSIBILITIES

It is necessary that employees inform MSS Management of their pregnancy as early as possible so that any potentially adverse risks can be averted, and alternative arrangements made if necessary.

Pregnant employees have an obligation to inform MSS in writing of the expected date of birth and the intention to take parental leave including the dates on which the employee wishes to start and finish the leave. This must occur a minimum of 10 weeks prior to the employee starting their parental leave, and the leave dates must also be confirmed again 4 weeks before their parental leave begins. A doctor's certificate confirming the pregnancy and expected date of birth is required to prove entitlement to take parental leave.

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If the employee wishes to continue working past 6 weeks prior to the expected date of birth, they are required to provide a doctor's certificate confirming they are fit, and able to continue to work.

MSS requires that pregnant employees raise any difficulties that they are experiencing in regard to performing their duties at the service, so that potential risks to health can be avoided and quality child care maintained.

Employees have a responsibility under Occupational Safety & Health legislation to take reasonable care to protect themselves (and others) in the workplace. This includes co-operating with the employer on health and safety matters, such as taking appropriate precautions to avoid health risks during pregnancy.

## INDUSTRIAL ISSUES

MSS will maintain current information about their industrial responsibilities to their employees included in the Fair Work Act, and will be registered through Centrelink for the Paid Parental Leave Scheme.

MSS will ensure that all employees are made aware of their legal right to paid and unpaid parental leave at the time the employee advises of their pregnancy.

## MANAGING THE WORK ENVIRONMENT

MSS will be as flexible as possible, within the constraints of the education and care workplace, to ensure special needs of pregnant employees are considered and options to address their needs implemented where possible. This may include all or some of the following, depending on the specific needs of the individual:

- Review the employee's duties and negotiate alternative duties where this is necessary and possible in consideration of operational and other educator/employee needs.
- Review work practices in conjunction with the educator/employee team, to address specific issues for pregnant employees i.e. manual handling aids or support from other educators/employees; ability to set up heavy or awkward equipment; appropriate seating; heat intolerance; review aspects of universal hygiene procedures.
- Ensure all educators are supported by another educator in line with establishing a Protective Environment Policy - thus confirming the pregnant employee is supported by another educator/employee and protected from aggressive actions when dealing with distressed children or difficult behaviours.
- Seeking the co-operation of the educator/employee team to be flexible and supportive of the pregnant employee.
- Review educator rosters to accommodate health issues such as morning sickness, increased fatigue, ante-natal visits, doctor's appointments etc.
- Consideration given to educators/employee wearing maternity dress code.

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## RETURNING TO WORK AFTER MATERNITY LEAVE

The employee is required to take a minimum period of 6 weeks compulsory leave after giving birth, before returning to work.

The employee is required to confirm their intention of either returning to work or extending the period of parental leave in writing to the employer not less than 6 weeks prior to the expiration of the period of parental leave. They shall be entitled to the position held immediately prior to taking leave, or in the case of an employee who was transferred to alternative duties, to the position they held immediately prior to this transfer. Where such a position no longer exists, but other positions are available for which the employee is qualified and capable of performing, they will be entitled to a position as nearly comparable in status and salary to the former position.

MSS must inform replacement employees engaged as a result of an employee taking maternity leave of the temporary nature of the employment and the rights of the employee being replaced to return to work.

Employees returning to work after the birth of their child will not be discriminated against in regard to accessing education and care for their child within MSS or breastfeeding/expressing. To ensure the professional integrity of the service, employees will not work in the same room as their child where possible.

Should issues arise in relation to caring for an employee's child at MSS, the options for a change in care arrangements will be discussed with the employee, with the aim of reaching an agreed resolution.

The employer will support the returning employee to settle back into the work environment and have concern for their physical and emotional well-being.

In the interests of maintaining a supportive and healthy workplace, and to encourage employees to return to work after parental leave (thus maintaining continuity of care for children) MSS will, where practicable, accommodate flexible working arrangement for the employee on their return to work. Employees must request these flexible working arrangements in writing, and MSS will only refuse the request on reasonable business grounds which can include:

- The requested arrangements are too costly
- Other employees working arrangements can't be changed to accommodate the request
- It is impractical to change other employees working arrangements, or hire new employees, to accommodate the request
- The request would result in a significant loss of productivity or have a significant negative impact on customer service

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