

MANAGING PREGNANCY WITHIN CHILD CARE

Legislation:

Education and Care Services National Law (WA) Act 2012: Section 3, 167

Education and Care Services National Regulation Act 2012: 168

National Quality Standard: 2.1.3, 2.1.4

The Equal opportunity Act: www.equalopportunity.wa.gov.au

Fair Work Australia: www.fairwork.gov.au/

Occupational Health and Safety Act 1984 <http://www.commerce.wa.gov.au/worksafe>

Staying Healthy in Child Care <https://www.nhmrc.gov.au/guidelines/publications/ch43>

POLICY STATEMENT:

Unicare is committed to providing a safe and healthy workplace for all employees including pregnant employees. Unicare understands that pregnancy can bring many changes to women's ability to manage certain types of work, particularly in the later stages of her pregnancy. The service will therefore work with all employees to negotiate a supportive working environment that will assist them to be healthy and productive members of the workforce.

Strategies for implementation:

Occupational Safety & Health

- Unicare considers that any workplace hazard for pregnant employees may also be hazards for other employees. Therefore procedures to reduce risk of injury or ill health will be discussed with all employees in accordance with the services Occupational Safety & Health policy and procedures.
- Where there is an identifiable risk associated with a pregnant employee's work, the Director will consult with the employee to examine how the work can be modified to eliminate or minimise the risk.
- The employer will maintain current information about their occupational safety and health responsibilities to their employees and where practicable, maintain a safe workplace for all employees.
- In regard to infectious diseases, the employer will alert all employees to the potential risks to health that may arise through their employment at the centre. Female carers will be advised they should have their immunity to Rubella, Measles, Chicken Pox and Cytomegalovirus (CMV) infections tested well before planning pregnancy. A person

can be immunised against Rubella before pregnancy however care should be taken not to fall pregnant within 3 months of immunisation.

- As there is no immunisation against CMV, should an educator who is planning a pregnancy be found to be seronegative (non-immune), they should discuss this with Unicare and health professional to identify measures that will minimise the risk potential during pregnancy.

Employee Responsibilities

- It is necessary that employees inform the Director 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 the employer in writing of the expected date of birth (10 weeks notice required), and the intention to take maternity leave (4 weeks notice required), including the dates on which the employee wishes to start and finish the leave. A doctor's certificate confirming the pregnancy and expected date of birth is required to prove entitlement to take maternity leave.
- 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.
- Unicare requires that pregnant employees raise any difficulties that they are experiencing in regard to performing their duties at the service with the Director, 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

- The Director will maintain current information about their industrial responsibilities to their employees including The Fair Work Act and Children's Service Award 2010. Unicare will be registered with Centrelink for the Paid Parental Leave Scheme.
- The Director will ensure that all employees are made aware of their legal right to maternity leave at the time the employee advises of their pregnancy.
- To ensure the continuity of care for children at Unicare educators who leave a fulltime position will have the right to return to a fulltime position of the same or similar standard. Where possible a short part-time 'return to work' transition period may be organised in cooperation with the Executive Director.

Managing the work environment

- The Director will be as flexible as possible, within the constraints of the child care workplace, to ensure the special needs of pregnant employees are considered and options to address their needs implemented wherever possible.
- The Director will support liaison with medical practitioners by providing on request information detailing the employee's duties, to assist the medical practitioner to assess the pregnant employee's fitness for work and consideration of alternative duties where applicable.
- Employees may use sick leave to attend regular pre-natal medical appointments or special appointments associated with pregnancy complications subject to the same conditions that apply to sick leave generally.

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 her intention of returning to work in writing to the employer not less than 4 weeks prior to the expiration of her period of maternity leave. She shall be entitled to the position she held immediately prior to taking leave, or in the case of an employee who was transferred to alternative duties, to the position she 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, she will be entitled to a position as nearly comparable in status and salary to her former position.
- The employer 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 child care within the service or breast feeding/expressing.
- Should issues arise in relation to caring for a staff member's child at the service, the options for a change in care arrangements will be discussed with the employee, with the aim of reaching an agreed resolution to the difficulties.
- The Director will support the returning employee to settle back into the work environment and have concern for their physical and emotional wellbeing.
- In the interests of maintaining a supportive and healthy workplace, and to encourage employees to return to work after maternity leave, thus maintaining continuity of care for children, the employer will, where practicable, offer flexible work hours to the employee on their return to work.

PREGNANT EMPLOYEE MEDICAL INFORMATION SHEET

**Unicare Child Care Centre
24 Parkway Nedlands 6009
9389 8111**

Name of employee: _____

Position held in service: _____

Please discuss with the employee which of the following key duties you consider the employee is unfit to perform, or should be reviewed, or alternative duties provided, during pregnancy.

Key duties of position	Doctor's comments regarding fitness for work
<ul style="list-style-type: none"> • Manual handling duties include: lifting children for nappy changing; carrying heavy items; setting up/moving large equipment. • Close contact and care of children includes: supporting children's hygiene and toileting; kneeling; bending; exposure to communicable diseases; applying first aid; care of distressed children (displaying aggressive behaviour) who may kick out & injure the care giver. • Maintaining a clean hygienic environment: cleaning up spills; disinfecting surfaces etc. • Current hours of work 	

Is the employee immune to:

Rubella	YES	NO	Measles	YES	NO
Chicken Pox	YES	NO	Cytomegalovirus (CMV)	YES	NO

If the answer is NO to either of these infections, please advise on measures to be taken by the employer and the employee to minimise any potential risk during pregnancy.

Do you have any general comments you wish to add in regard to the employee's ability to work in the child care setting during her pregnancy?

I have completed this form in consultation with the employee. I am aware that the information provided will be used by the employer to make necessary adjustments to the employee's work at the child care centre.

Name of Medical Practitioner: _____

Signed: _____ Date: _____