

Employment E-Brief 12

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FAILURE TO CARRY OUT A RISK ASSESSMENT FOR PREGNANT WORKERS IS SEX DISCRIMINATION

The EAT has recently held that a failure to carry out a risk assessment of a pregnant worker (as required by the Management of Health & Safety Regulations 1999) amounts to sex discrimination.

Consideration of the special protection to be given to women during and after pregnancy is needed. One way in which pregnant workers are protected is by carrying out a risk assessment. Failure to do so impacts disparately on them.

So, while there is a duty to carry out a risk assessment for all employees, in respect of a pregnant worker, a failure to do so amounts to sex discrimination.

Employers should heed this decision and check internal policies on when risk assessments are carried out. Otherwise employers risk putting themselves in breach of the Sex Discrimination Act as well as the Management of Health & Safety Regulations.