



PREGNANCY, FERTILITY AND WORK

Information sheet for employers

REFERENCE POINT

Pregnancy and breastfeeding are life stages in which the mother and her child are particularly exposed to environmental risk, including in the work environment: biological, chemical, physical and psychosocial risks.

Birth defects represent 2 to 4% of births. The employer has a specific responsibility to implement prevention measures in close cooperation with his occupational health service.

BEHAVIOUR GUIDELINES

Your company's activity exposes employees to some risks: what does the law say ?

- Article L.4121-1: the employer takes the required measures to ensure the security and to protect the workers' physical and mental health.
- Decree of 5 November 2001:
 - > The employer must assess the company's risks and implement prevention measures (single document)
 - > The employer must identify the risks that can be potentially dangerous for reproduction, under the advice of the occupational doctor.

Prevent these risks means to :

- Eliminate them, in priority
- If it is technically impossible to eliminate them, organize the exposure reduction at the lowest level by:
 - > implementing adapted collective and individual protections (aspiration in the working area, hood, vaccines, etc.)
 - > Inform and train the employees on the risks that could have an impact on fertility and pregnancy

An employee announces her pregnancy: what are your obligations ?

The pregnant employee receives an information and prevention visit within 3 months after the effective beginning of work. If she wants it, the employee can request a consult with her occupational doctor.

After this consult, three situations are possible :

- The job is compatible with a state of pregnancy. The occupational doctor has then to decide what will be the consultation frequency.

- A working station change is needed during the pregnancy. It is forbidden to expose a pregnant woman to :
 - > the rubella virus or the toxoplasmosis, unless there is a proof that she is protected enough against these agents because of her immunity
 - > ionising radiations that must be rated in class A and to any level above 1 mSv during the whole pregnancy
 - > tasks or premises used for the preparation and packaging of hiophosphorus esters
 - > tasks or premises dedicated to the use of mercury and its derivatives
 - > tasks of secretage in the hair cutting industry
 - > working stations implying an exposure to the following chemical substances:
 - > agents classified as toxic for reproduction in classes 1 and 2
 - > benzene
 - > the following derivatives of polyaromatic hydrocarbons: nitro- and choronitro-derivatives of benzene hydrocarbon; dinitro-phenol; aniline and equivalents, benidine and equivalents, naphthylamine and equivalents
 - > metallic lead
 - > pest control products which label indicates that they can trigger a genetic modification or birth defects, and pest control products rated as carcinogenic and mutagenic
 - > use a trolley to transport loads
 - > works with tools like compressed air pneumatic hammers
 - > works in hyperbaric environments (if the maximum relative pressure is superior to 1.2 bar)
 - > night shifts in outside shops



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» Pregnant women or planning a pregnancy

Ask your occupational doctor for advices

BEHAVIOUR GUIDELINES

If a reclassification is impossible, the labour contract is suspended.

In some cases, the employee receives a revenue guarantee composed of the daily allowance as for article L.333-1 of the Social Security Code and an additional allowance paid by the employer. The list of involved risks is established by article R.1225-4 of the Labour Code.

→ A job adaptation can be temporarily requested during pregnancy, for other risks that were not taken into account by the law.

Examples :

- > Night shifts: the employee must be assigned to a day position, on her own request or on the occupational doctor's request.
- > Chemical risks (carcinogenic, mutagenic, repro-toxic and solvents), biological risks and others : on the basis of the occupational doctor's assessment.

LABOUR LAW FOR PREGNANT EMPLOYEES

A pregnant employee is a protected employee :

- She cannot be fired
- She can terminate her labour contract without notice and without owing a termination fee
- She can be temporarily assigned to another position without pay cut
- She benefits from authorised absences for her mandatory medical examinations (pre and post-natal care as for the Public Health Code)

YOUR EMPLOYEE COMES BACK AFTER MATERNITY LEAVE: WHAT ARE THE OBLIGATIONS ?

- The work resumption examination is mandatory. It must be settled within 8 days following the effective work resumption.
- Respect the law: it is forbidden to assign or maintain a breastfeeding woman at a position where she is exposed to a risk of internal exposure to ionising radiation or to chemical risks as mentioned above.
- Set up breaks : 30 minutes twice during the breastfeeding period (maximum 1 year). For companies with more than 100 employees: set up premises dedicated to breastfeeding.

