

# Yarram Early Learning Pregnancy in Childcare Policy

Quality Area 2 – Children’s health and safety

## PURPOSE

This policy provides a framework for providing a safe and healthy workplace for all employees including pregnant workers.

- Occupational Health and Safety
- Employee Responsibilities
- Industrial Issues
- Managing the work environment
- Returning to work after Maternity Leave

## POLICY STATEMENT

### VALUES

Yarram Early Learning is committed to:

- Providing a safe and healthy workplace for all employees including pregnant workers.
- Fulfilling all industrial responsibilities as a small business employing staff.
- Encouraging employees to return to work after Maternity Leave by offering a flexible and supportive work environment

### SCOPE

This policy applies to the Approved Provider, Certified Supervisor, Nominated Supervisor, Educators, other staff, students on placement and volunteers at Yarram Early Learning.

## BACKGROUND AND LEGISLATION

### Background

Pregnancy can bring many changes to a women’s ability to manage certain types of work, particularly in the later stages of her pregnancy. Educators and other staff who are pregnant also need to be aware of how infections can affect their unborn child. If a staff member is pregnant, it is even more important than usual for the education and care service to make sure that all staff are following good infection control practices.

## PROCEDURES

***The Approved Provider is responsible for:***

- Ensuring that there are adequate procedures in place to reduce the risk of injury or ill health for all employees in accordance with the services Occupational Health and Safety policy and procedures.
- Ensuring that health and safety policies are discussed with all employees, not only pregnant employees any workplace hazard for pregnant employees may also be hazards for other employees.
- Maintaining current information about their occupational safety and health responsibilities to their employees and where practicable, maintain a safe workplace for all employees.
- Maintaining current information about their industrial responsibilities to their employees including The Fair Work Act and Children's Service Award 2010. Yarram Early Learning will be registered with Centrelink for the Paid Parental Leave Scheme.

### ***The Nominated Supervisor is responsible for:***

- Where there is an identifiable risk associated with a pregnant employee's work, consulting with the employee to examine how the work can be modified to eliminate or minimise the risk.
- In regard to infectious diseases, alerting all employees to the potential risks to health that may arise through their employment at the Centre.
- Advising female educators that they should have their immunity to Rubella, Measles, Chicken Pox, Whooping cough (Pertussis) 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.
- Ensuring that all employees are made aware of their legal right to maternity leave at the time the employee advises of their pregnancy.
- Being 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.
- Supporting 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.
- Allowing employees to 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.
- Informing 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.
- Ensuring that 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.
- Discussing options for a change in care arrangements with the employee should any issues arise in relation to caring for a staff member's child at the service, with the aim of reaching an agreed resolution to the difficulties.
- Supporting the returning employee to settle back into the work environment and having concern for their physical and emotional wellbeing.
- Where practicable, offer flexible work hours to the employee on their return to work, 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.

- Making sure that the pregnant employee takes a minimum period of 6 weeks compulsory leave after giving birth, before returning to work.
- Confirming the pregnant employee's intention of returning to work in writing 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 Supervisors and relevant Room Leader are responsible for ensuring volunteers and students are following this policy and the outlines procedures.**

### **The Employee is responsible for:**

- Informing the Director of their pregnancy as early as possible so that any potentially adverse risks can be averted, and alternative arrangements made if necessary.
- If a pregnant employee is found to be seronegative (non-immune) to CMV, they are advised to discuss this with Yarram Early Learning and their health professional to identify measures that will minimise the risk potential during pregnancy. This is as there is no immunisation against CMV.
- 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.
- Providing a doctor's certificate confirming they are fit, and able to continue to work if the employee wishes to continue working past 6 weeks prior to the expected date of birth
- Raising 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.
- Taking reasonable care to protect themselves (and others) in the workplace as is their responsibility under Occupational Safety & Health legislation. This includes cooperating with the employer on health and safety matters, such as taking appropriate precautions to avoid health risks during pregnancy.
- Taking a minimum period of 6 weeks compulsory leave after giving birth, before returning to work.
- Confirming 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.

### **LEGISLATION AND STANDARDS**

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Regulation Act 2012: 168
- Occupational Health and Safety Act 2004  
<https://www.worksafe.vic.gov.au/occupational-health-and-safety-act-and-regulations>
- childcare education and care services.  
<https://www.nhmrc.gov.au/sites/default/files/documents/reports/clinical%20guidelines/ch55-staying-healthy.pdf>
- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009*
- *National Quality Standard*,
  - Quality Area 2: Children's health and safety
    - Standard 2.1 Health: Each child's health and physical activity is supported and promoted.
    - Element 2.1.2 Health practices and procedures: Effective illness and injury management and hygiene practices are promoted and implemented.
  - Quality Area 7: Governance and Leadership
    - Standard 7.1:Governance: Governance supports the operation of a quality service.
    - Element :7.1.2 Management System: Systems are in place to manage risk and enable the effective management and operation of a quality service.
- Paid Parental Leave Act 2010:  
<https://www.legislation.gov.au/Details/C2020C00148>

## DEFINITIONS

**Australian Government Paid Parental Leave Scheme:** Eligible employees who are the primary carer of a newborn or adopted child get up to 18 weeks' leave paid at the national minimum wage.

## SOURCES AND RELATED POLICIES

### SOURCES

- Fair Work Ombudsman: <https://www.fairwork.gov.au/leave/maternity-and-parental-leave>
- Staying Health 5<sup>th</sup> edition: preventing infectious diseases in early childcare education and care services.  
<https://www.nhmrc.gov.au/sites/default/files/documents/reports/clinical%20guidelines/ch55-staying-healthy.pdf>
- National Quality Standards; <https://www.acecqa.gov.au/sites/default/files/2018-07/RevisedNQSHandoutA4.pdf>

### POLICIES

- *Hygiene Policy*
- *Occupational Health and Safety Policy*
- *Parental Leave Policy*

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved

Provider will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
- Keep the policy up to date with current legislation, research, policy and best practice.
- Revise the policy and procedures as part of the service's policy review cycle, or as required.
- Notify all relevant stakeholders (parents, staff, suppliers etc.) at least 14 days before making any changes to this policy or its procedures.

## ATTACHMENTS

Attachment 1: Pregnant Employee Medical Information Sheet

## AUTHORISATION

This policy was adopted by Yarram Early Learning Incorporated in September 2020

**REVIEW DATE:** September 2022

## ATTACHMENT 1

## PREGNANT EMPLOYEE MEDICAL INFORMATION SHEET

Name of employee:

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Position held in service:

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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"> <li>• Manual handling duties include: lifting children for nappy changing; carrying heavy items; setting up/moving large equipment.</li> <li>• 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 &amp; injure the care giver.</li> <li>• Maintaining a clean hygienic environment: cleaning up spills; disinfecting surfaces etc.</li> <li>• Current hours of work</li> </ul>	

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.

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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?

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Employee's Expected Due Date: \_\_\_\_\_

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:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_