Occupational Health and Safety Requirements for Work of Pregnant and Breastfeeding Women


Amended by the following Regulation (date, no., publication in the Riigi Teataja, date of entry into force):

18.03.2010 no. 35 (RT I 2010, 12, 68) 1.04.2010

This Regulation is established on the basis of subsection 10 (3) of the Occupational Health and Safety Act.

§ 1. Scope of application

(1) The Regulation applies to the work of pregnant and breastfeeding women (hereinafter the female worker) in order to ensure a safe working environment.

(2) The occupational health and safety requirements provided in the Regulation shall be applied in case the female worker has informed the employer of her condition. The female worker has to present a doctor’s certificate or midwife’s certificate that proves her condition upon the request of the employer.

§ 2. Employer’s obligations in providing safe working environment

The Employer is obliged to:

1) assess the risks to the health of the female worker as well as possible harmful effect to pregnancy progression or the health of a breastfed child in case the female worker is exposed to the hazards, work or production processes specified in § 6 based on their nature, degree and duration;

2) assess the possibility of the female worker being exposed to the hazards or work specified in §§ 4 and 5;

3) implement precautions specified in § 3, if the presence of a risk becomes apparent as a result of the assessment specified in clause 1 or if the female worker is exposed to the hazards and work specified in §§ 4 and 5 as a result of the assessment specified in clause 2, consulting with the female worker and a doctor or a midwife if necessary;

4) inform the female worker of the results of the risk assessment and the precautions being implemented in order to ensure a safe working environment for her;

5) ensure the use of a rest area with the possibility to lie down;
6) apply clauses 1-4 and §§ 3 and 6 to a female worker who has the right to a maternity leave but is not breastfeeding.

§ 3. Precautions for ensuring safe working environment

(1) In order to ensure a safe working environment for the female worker, the employer has to temporarily provide the female worker with work that is in accordance with her state of health and prevents being exposed to hazards by implementing the following precautions:

1) easement of working conditions;

2) changing of the organisation of working time, including reduction of working day, granting suitable breaks, transfer to daytime work;

3) changing of the official duties; or

4) other suitable precautions.

(2) The female worker may temporarily refuse to perform official duties if it is not possible for the employer to provide the female worker with work that is suitable for her state of health. In the event of providing the female worker with work that is suitable for her state of health or in the event of temporary refusal from performing official duties, the female worker shall receive a benefit under the conditions and pursuant to the procedure provided by the Health Insurance Act.

§ 4. Work not permitted for pregnant women

The employer shall not allow a pregnant woman to work, above all:

1) in case of risk of being infected with the rubella virus, except when it has been proved that the pregnant woman is sufficiently protected against the rubella virus due to immunity;

2) in case of risk of being infected with toxoplasmosis, except when it has been proved that the pregnant woman is sufficiently protected against toxoplasmosis due to immunity;

3) in conditions involving high air pressure;

4) with lead or a compound thereof;

5) in conditions involving underground work.

§ 5. Work not permitted for breastfeeding women

The employer shall not allow a breastfeeding woman to work, above all:

1) with lead or a compound thereof;

2) in conditions involving underground work.

§ 6. Hazards, work and production processes necessary to take into account for assessing risks to health of female workers
(1) The employer is obliged to, above all, take into account the following physical hazards when assessing risks to the health of the female worker:

1) contusions, vibration and work equipment causing them;
2) noise;
3) harmful radiation;
4) constant high or low air temperature.

(2) The employer is obliged to, above all, take into account the following chemical hazards when assessing risks to the health of the female worker:

1) dangerous chemicals or preparations that are marked with risk phrases R40, R45, R46 or R61, R63, R64 pursuant to the Chemicals Act;
2) mercury or compounds thereof;
3) substances that limit cell division such as cytostatic medicinal products, especially in conjunction with ionising radiation;
4) carbon monoxide;
5) organic solvents;
6) chemicals that are marked with risk phrases R21, R24 and R27 that cutaneously affect health.

(3) The employer is obliged to, above all, take into account the biological hazards of hazard groups 2, 3 or 4 active in the working environment established on the basis of subsection 8 (3) of the Occupational Health and Safety Act when assessing risks to the health of the female worker.

(4) The employer is obliged to, above all, take into account the following physiological hazards when assessing risks to the health of the female worker:

1) manual handling of loads;
2) forced positions or movements that cause physical fatigue or excessive burden, including working constantly while standing or sitting, a fast work pace or other similar factors.

(5) The employer is obliged to, above all, take into account the following psychological hazards when assessing risks to the health of the female worker:

1) work that causes mental stress, including work that requires increased attentiveness;
2) working alone;
3) monotonous work.

(6) The employer is obliged to, above all, take into account the following production processes when assessing risks to the health of the female worker:
1) production of auramine;

2) processes where the female worker may be exposed to polycyclic aromatic hydrocarbons contained in coal soot, coal tar or coal pitch;

3) soldering, welding or other thermal processing of a material containing copper or nickel during which the dust, smoke or aerosol of these metals is created;

4) strongly acidic processes of producing isopropyl alcohol;

5) processes where the female worker may be exposed to dust created by processing valuable broadleaved timber such as beech or oak;

6) other processes involving a hazard of being exposed to a carcinogen, mutagen or a substance toxic for reproduction.

(7) The employer is obliged to, above all, take into account the following work when assessing risks to the health of the female worker:

1) work related to a danger of falling from height;

2) underground work.

§ 7. Entry into force of Regulation

The Regulation shall enter into force on 1 July 2009.

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1 Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (OJEC L 348, 28.11.1992, pages 1-8).