

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

PART 2

OTHER LEGISLATION

The Management of Health and Safety at Work Regulations 1999

19. After regulation 18 insert—

“Notification by new or expectant mothers (agency workers)

18A.—(1) Nothing in regulation 16A(1) or (2) shall require the hirer to take any action in relation to an agency worker until she has notified the hirer in writing that she is pregnant, has given birth within the previous six months, or is breastfeeding.

(2) Nothing in regulation 16A(2) shall require the temporary work agency to end the supply of the agency worker until she has notified the temporary work agency in writing that she is pregnant, has given birth within the previous six months, or is breastfeeding.

(3) Nothing in regulation 16A(1) shall require the hirer to maintain action taken in relation to an agency worker—

(a) in a case—

(i) to which regulation 16A(1) relates; and

(ii) where the agency worker has notified the hirer, that she is pregnant, where she has failed, within a reasonable time of being requested to do so in writing by the hirer, to produce for the hirer’s inspection a certificate from a registered medical practitioner or a registered midwife showing that she is pregnant; or

(b) once the hirer knows that she is no longer a new or expectant mother; or

(c) if the hirer cannot establish whether she remains a new or expectant mother.

Agency workers: general provisions

18AB.—(1) Without prejudice to any other duties of the hirer or temporary work agency under any enactment or rule of law in relation to health and safety at work, regulation 16A, 17A and 18A shall not apply where the agency worker—

(a) has not completed the qualifying period, or

(b) is no longer entitled to the rights conferred by regulation 5 of the Agency Workers Regulations 2010 pursuant to regulation 8(a) or (b) of those Regulations.

(2) Nothing in regulations 16A or 17A imposes a duty on the hirer or temporary work agency beyond the original intended duration, or likely duration of the assignment, whichever is the longer.

(3) This regulation, and regulations 16A, 17A and 18A do not apply in circumstances where regulations 16, 17 and 18 apply.

(4) For the purposes of this regulation and regulations 16A, 17A or 18A the following have the same meaning as in the Agency Workers Regulations 2010—

“agency worker”;

Status: This is the original version (as it was originally made).

“assignment”;
“hirer”;
“qualifying period”;
“temporary work agency”.”.