

Spot The Safety Violation: Ergonomics & Pregnant Workers



What ergonomics-related health and safety risks can working as a waitress pose for pregnant workers?



Employers have a duty to protect the health and safety of all workers, but some workers are more vulnerable than others and so may need special protection from particular hazards. Pregnant workers are a good example of such workers, particularly when it comes to ergonomics-related hazards.

Pregnancy alters the body's shape and thus its interaction with the workplace. The abdomen becomes increasingly larger, causing progressive postural problems, backache, and impairment of dexterity, agility, coordination and balance. So as a pregnant worker's body changes shape, new hazards related to reach, balance, lifting and repetitive motion may develop.

For example, this picture shows a pregnant waitress. Working as a waitress usually involves standing for long periods of time and carrying heavy trays of food, both of which can pose ergonomics-related risks to a pregnant woman. For instance, the extended belly of a pregnant waitress may force her to carry a tray of food in an awkward position, straining her arms, shoulders and back.

Other examples of jobs or tasks that may pose unique or heightened ergonomics-related risks to the health of pregnant workers (or their babies) include:

- Heavy lifting;
- Standing or sitting for long periods of time;
- Awkward postures;

- Workstations or equipment that can't be adjusted;
- Working long hours or shift schedules;
- Excessive heat and noise; and
- Stress and fatigue.

HOW TO PROTECT PREGNANT WORKERS

The OHS laws require employers to protect the health and safety of pregnant workers through either the general duty clause or specific requirements for such workers. So in either case, employers need to know whether their workers are pregnant and then take additional steps to protect them if they are.

Accommodations for pregnant workers will vary based on their individual jobs, physical condition and medication history, and should be made in consultation with the individual worker and her doctor. Refusing to make a reasonable accommodation for a pregnant worker could result in a discrimination complaint.

Example: A worker who manned the front counter of a gym was required to stand while working. When she became pregnant, she started experiencing pain and swelling in her legs and feet. Her doctor advised against prolonged standing and recommended that she be allowed to sit at least some of the time at work. But when the worker gave her doctor's note to her manager, he said a stool or chair would get in the way. She filed a disability discrimination complaint.

The Human Rights Tribunal rejected the gym's claim that putting a stool behind the counter posed a safety risk. The gym never investigated whether use of a stool was possible; it just concluded that such use wasn't safe. It also didn't discuss other possible accommodations with the worker. Thus, the Tribunal ruled that the gym was guilty of disability discrimination [*Purres v. London Athletic Club (South) Inc.*, [2012] O.H.R.T.D. No. 1735, Sept. 19, 2012].

Some general measures employers should consider implementing for pregnant workers include:

- Assigning them less physical tasks;
- Restricting their lifting to 25 lb. or less and stressing the use of safe lifting techniques;
- Adjusting their work hours, such as by offering flexible scheduling or assigning them to the day shift rather than night;
- Varying their tasks to avoid static posture;
- Installing foot rests (for seated and standing workers) so that one foot can be alternately raised;
- Adjusting the height of work surfaces and chairs. For example, women late in pregnancy may prefer a considerably lower table height than common guideline heights;
- Limiting their time standing to less than three hours a day or providing them with a chair or stool so they don't need to stand;
- Modifying their break schedule to give them shorter, more frequent breaks; and
- Reducing or eliminating the amount of work performed at heights, such as on ladders or step stools.

Other kinds of safety hazards you may need to take steps to protect pregnant workers from include exposure to radiation, certain chemicals and some types of illnesses or diseases.