



## Maternity protection

### 1 Background

The amendment of the maternity protection law „Mutterschutzgesetz“ (MuSchG) from 23.5.17 has been valid since the 1.1.2018. It protects pregnant and nursing women, through being able to continue working. The law is valid for employees in all kinds of employment, also for Mini-jobber, trainees, students, pupils and volunteers.

On the website [www.BMFSFJ.de](http://www.BMFSFJ.de) (also in English), of the federal ministry for families, you find a guideline brochure „Leitfaden zum Mutterschutz“ which goes into more detail. Especially members of spiritual organizations, development workers, women working from home-offices and women with disabilities are mentioned. Further help is to be found on the [www.familien-wegweiser.de](http://www.familien-wegweiser.de). In the case of temporary employment, the protection endures for the term of the employment.

### 2 Implementation

Employers with more than 3 employees must give them access to the law, e.g. via electronic register [https://www.gesetze-im-internet.de/muschg\\_2018/MuSchG.pdf](https://www.gesetze-im-internet.de/muschg_2018/MuSchG.pdf). The protection starts from the first day of the announcement to the employer. This can be done verbally. The employer on the other hand is duty bound to inform the responsible inspecting institution, e.g. the „Gewerbeaufsichtsamt“. Furthermore, the working conditions must be checked up to the 1<sup>st</sup> January 2019 and made acceptable for pregnant and nursing women. The employer has to offer consultation concerning the working time, the compatibility of work and family, as well as the possibility and the conditions for a re-entry.

Special health impairments must be attested by a doctor.

Activities must be evaluated concerning non-justifiable risks. If there are such risks, you must change the working situation by means of protection. If this is not possible, the employee should be offered alternative work for which the activities have to be described. If there is no such alternative work possible, the employer must make an employment ban. He will be recompensed the costs of the wage continuation from the health fund.

Nursing times (e.g. 2 x 30 min. daily or 1 x 60 min.) are limited to the first twelve months after birth. Night-shift is non-permissible for nursing women.

Means for maternity protection must be investigated and evaluated by every employer concerning risks for maternity, independent on whether there are already pregnant or nursing women, or whether it is planned to employ such women.

### 3 Specifics

Excluded is

- Lone working (if pauses can lead to dangerous situations)
- Overtime (more than 8,5 hours/day, for under 18-year olds, max. 8 Std./day)
- Work on Sunday and holidays (mutual exceptions possible)
- Night-shift (exceptions for the time between 20.00 und 22.00 possible)

Employment bans cannot be made against the will of a pregnant person. An individual ban is made by the doctor if health risks are medically attested.

Maternity wage and dismissal protection can be demanded. Even in the protection time (6 weeks before birth-date) work can be done on a voluntarily basis. But not in the 8 weeks after the birth. In case of premature births, multiple births or disabilities, protection time goes up to 12 weeks. In case of a still-birth and for trainees, students and pupils, there are exceptions in reducing the time down to 2 weeks. In case of a mis-carriage or abortion the protection time ends immediately but the dismissal protection remains valid.

Ihre Fachkraft für Arbeitssicherheit

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