

Regulations in the Maternity Protection Act

Information for students
during pregnancy, after delivery, and during lactation

As of 1 January 2018 the Maternity Protection Act (Mutterschutzgesetz, MuSchG) applies to students, who are pregnant, have recently delivered, or are nursing, whose studies entail compulsory educational activities (lectures, seminars, etc.) that have defined locations, times, and sequences or if they are required to complete a work placement as part of their academic programme (§1 (2) No. 8 MuSchG). The regulations in the Maternity Protection Act support and protect the health of the student and the foetus during pregnancy, after delivery, and during lactation and counteract disadvantages (§1 (1) MuSchG).

Therefore, on principle, maternity protection is granted without formal request (a reversal of the previous system).

The higher education institution's obligation to inform

The Technische Hochschule Nürnberg Georg Simon Ohm (the Ohm) must inform students of their rights according to the Maternity Protection Act (§26 MuSchG).

Notification of the pregnancy / nursing from the student

Pregnant students should inform their institution of higher education as soon as possible together with presenting their *Mutterpass* (record of prenatal and natal care) (§15 MuSchG). The timescale of the protection period is based on this notification. No medical certificate is required, in order to avoid additional costs.

Students who are nursing an infant should inform their institution of higher education as soon as possible of that fact (§15 MuSchG).

The university must notify the supervisory board (*Gewerbeaufsichtsamt*)

The Ohm is required to notify the *Gewerbeaufsichtsamt* of pregnancies or nursing periods reported by students (§27 (1) MuSchG).

Risk assessment conducted by the university

The Ohm must carry out an individual risk assessment based on the general risk assessment for each student that reports their pregnancy or that they are nursing. The risk assessment will determine and record, if the student is subject to conditions that are hazardous to health and if protective measures are necessary or if appropriate adjustments are necessary to compensate for any disadvantages that are caused by the pregnancy or lactation. If necessary, accommodations or adjustments must be implemented to compensate for disadvantages. All possible measures should be pursued before a student is prohibited from educational activities (§9 and §10 MuSchG).

Relative prohibition from exams

During the maternity protection period (usually 6 weeks preceding the due date and for 8 weeks postpartum), students who are protected by the Maternity Protection Act are subject to a relative prohibition from exams. This means they have the right to not sit exams or attend other educational activities (§3 MuSchG).

Waiver of rights accorded during the maternity protection period / Agreement to attend courses or earn credits during the maternity protection period

Pregnant and/or nursing students can participate in educational courses or sit exams during the maternity protection period, if they expressly declare this intent in a waiver. The waiver can be rescinded at any time (§3 (3) MuSchG). The revocation of the waiver must be submitted to the university before an examination. If a student fails to complete an examination after having begun, the regulations for examinations at the Ohm apply as related to the event of illness.

Prohibition of certain activities

Overtime prohibition

After daily working hours have ended, students who are pregnant or nursing must be allowed an uninterrupted period of rest lasting at least 11 hours (§4 (2) MuSchG).

Night work prohibition

The Ohm may not permit pregnant or nursing students to be active with regard to their university education between the hours of 8.00 pm and 6.00 am (§5 (2) MuSchG). If a student expressly declares their willingness and participation is essential during this period for educational purposes, and working alone is not possible, the Ohm may permit the student to participate in an educational activity until 10.00 pm.

After daily working hours have ended, students who are pregnant or nursing must be allowed an uninterrupted period of rest lasting at least 11 hours (§4 (2) MuSchG).

Prohibition of work on Sundays or holidays

There is a prohibition of activities on Sundays and holidays (§6 MuSchG). It is, however, permitted to attend educational institutions on Sundays or holidays, if

- the student has expressly declared their willingness,
- participation is essential for educational purposes,
- the student is allowed an alternative day off subsequent to an uninterrupted period of sleep lasting at least 11 hours, and
- there is no irresponsible endangerment due to working alone.

It is possible to rescind a declaration of willingness to night work or work on Sundays or holidays at any time, but only applicable in future.

Prohibition of working with hazardous materials / prohibition of carrying out hazardous activities

There is also a prohibition of working with materials that are hazardous to health or of hazardous activities. To assess the hazard, a risk assessment must be conducted (§11 and §12 MuSchG).

Leaves or exemptions

Students may request leave for the purpose of medical treatment or examinations related to pregnancy or motherhood. In addition, during the first 12 months after delivering, leave must be granted upon request for nursing-related periods, at least twice a day for 30 minutes or one hour daily (§7 MuSchG).

Protection period for premature births or children with disabilities

The protection period is extended to 12 weeks for premature or multiple births. Mothers of children born with disabilities may request 12 weeks of protection after delivering. In addition, in cases of premature delivery the protection period is extended for the amount of time that the protection period was shortened before delivery (§3 (2) MuSchG).

Please note that this information provides summaries of excerpts from the Maternity Protection Act. As there is no claim that these summaries are complete, for more detailed information, we would like to direct you to the text of the Maternity Protection Act itself.