



Universität Hamburg

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## **Section 31—Policy Handout No. 17:**

### **Maternity Protection Regulations for Expectant and Nursing Mothers During Studies (Information for Female Students)**

Last updated: June 2018

This policy handout from Section 31: Quality Management and Legal Affairs is aimed at students and gives them an overview of the protective legislation for pregnant and nursing female students and its implementation at Universität Hamburg.

The contents of this policy handout were drawn up in consultation with the Occupational Safety and Environmental Protection Unit and the Family Office of Universität Hamburg.

This policy handout is subdivided into the following parts:

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## **1. Current status, objective and scope of the new protection of mothers at work and during training or studies act (Gesetz zum Schutz von Müttern bei der Arbeit, in der Ausbildung und im Studium, MuSchG)**

With the act of 23 May 2017 updating the legislation on maternity protection, a new act replacing the previous MuSchG came into force on 1 January 2018.

As its previous version, the new MuSchG aims to strike a balance between protecting the health of expectant and nursing mothers and their (unborn) children and upholding women's rights to make autonomous decisions about their work, training, or degree studies.

Female school or university students and interns are newly included in the act alongside expectant and nursing working mothers, provided their studies require them to be at a certain place at certain times to perform certain tasks or the internship is a mandatory component of their school or university education.

Under the previous act, pregnant and nursing students needed to apply to enjoy legal protection. Under the new MuSchG, they are “automatically” protected.

## **2. What does it mean in practice for pregnant or nursing students?**

### **Notification of pregnancy or nursing period**

The University will implement the necessary maternity protection measures. To initiate this process, expectant or nursing students at Universität Hamburg need to notify the University of their pregnancy or nursing period. All employees are bound by a duty of confidentiality. Your information will only be passed on within the scope required by law.

Contact the academic office of your main subject to notify the University of your pregnancy or period of nursing. You can find a list of all academic offices on this [website](#). If you are enrolled in a teacher training degree program, you need to contact the [Central Examination Office for Teacher Training](#) (Zentrales Prüfungsamt für Lehramtsprüfungen, ZPLA).

Expectant students are asked to inform the academic office or the ZPLA about their pregnancy and estimated due date as soon as pregnancy has been confirmed. They must also provide a certificate from a physician or midwife.

Likewise, once the nursing period has started, students should contact the academic office of their main subject or the ZPLA as soon as possible.

Your contact in the academic office or the ZPLA will discuss the regulations governing maternity protection with you and conduct a risk assessment. This involves an examination of academic requirements and conditions during the relevant period. The objective of risk assessment is to protect you and your unborn child from specific risks.

The responsible academic office or the ZPLA handles the overall coordination of required risk assessments. If necessary, they will contact the academic office

of your degree component or your minor subject, provided you are enrolled in a combined-subject degree program, i.e., a bachelor of arts degree with a major-minor combination or a teacher training degree.

Pursuant to the MuSchG, the responsible academic office or the ZPLA must forward your notification of pregnancy or nursing period to the Occupational Safety and Environmental Protection Unit of Universität Hamburg and the state office of occupational health and safety (Amt für Arbeitsschutz) of the Free and Hanseatic City of Hamburg.

### **3. Information and Advising Services**

Universität Hamburg offers students a broad spectrum of information and advising services. For an overview of services on offer to help you balance your studies and family life, consult the [Campus Center homepage](#). If you have any questions about examination regulations, contact the responsible academic office directly.

Here is a summary of the MuSchG provisions relevant to examination regulations:

### **4. MuSchG provisions for pregnant and nursing students**

#### **4.1 Protection period**

Specific protective provisions apply to female university students during pregnancy and the nursing period. These can include participation prohibition (in the case of female students: prohibition from attending mandatory classes, carrying out mandatory internships, and taking examinations).

Other applicable provisions include:

#### **Statutory maternity leave before childbirth**

In the last 6 weeks prior to the expected date of delivery, pregnant students may not take part in their courses of studies. (Exception: see subsection 4.2) The start date of the period of statutory maternity leave before birth of a child is calculated based on the expected date of delivery stated on the medical certificate or the certificate issued by a midwife. If the student does not give birth on the due date, the statutory period of leave is shortened or extended accordingly.

#### **Statutory maternity leave after childbirth**

Normally, the statutory period of maternity leave after childbirth is 8 weeks. This period is extended to 12 weeks in the case of premature or multiple births or if, within 8 weeks of birth, the child is found by a physician to have a disability as defined by Section 2 subsection 1 sentence 1 of book IX of the German social code (Sozialgesetzbuch). (Exception: see subsection 4.2) If the child is born prematurely, the number of days between the actual birth and the due date are added onto the statutory leave period after birth. If the child is found to have a disability, the statutory maternity leave can be extended to 12 weeks at the mother's request.

### **Participation prohibition outside of statutory maternity leave**

The University may not allow pregnant or nursing students to engage in study-related activities between 8 pm and 6 am or on Sundays and public holidays. (Exception: see subsection 4.2)

### **Time off for medical examinations and nursing**

Students must be permitted to take time off for the necessary medical examinations before and after childbirth.

In the first 12 months following delivery, at their request, nursing students shall be allowed time off for nursing their infant(s).

Failure to attend classes with mandatory attendance shall be excused provided the pregnant or nursing student submits relevant proof.

Missed examinations can be made up for on an alternative date.

### **4.2 Female student's right to self-determination**

The student may be allowed to participate in study activities during the statutory maternity leave before and after childbirth if she has declared her intention to do so. She may revoke this declaration at any time with effect for the future.

The pregnant or nursing student may be allowed to participate in study activities between 8 pm and 10 pm or on Sundays and public holidays if she has declared her intention to do so and her attendance at this time is necessary for study/training purposes. She may revoke this declaration at any time with effect for the future.

In case of death of the child, the student may, from 2 weeks after delivery, take part in mandatory study activities if she explicitly requests to do so. She must also submit a medical certificate confirming the absence of counter-indications. She may revoke this declaration at any time with effect for the future.

### **4.3 Notification of pregnancy**

Expectant students should inform the University about their pregnancy and estimated due date as soon as pregnancy has been confirmed.

Upon request by the University, expectant students shall provide a certificate from a physician or midwife confirming their pregnancy.

Likewise, students should contact the University as soon as possible once they have started nursing.

### **4.4 Health protection at the place of study—Risk assessment and establishment of required protective measures**

As soon as a student has informed the University that she is pregnant or nursing, the University is required to conduct a risk assessment and establish the necessary protective measures.

In each individual case, the University must check the need for implementing protective measures, modifying studying conditions, or prohibiting participation in study activities.

Participation in study activities shall be prohibited in case of:

- exposure to hazardous substances, specific biological substances, radiation, intense noise, extreme temperatures, overpressure, etc.
- physically demanding work such as lifting loads (regularly exceeding 5 kg or occasionally exceeding 10 kg), static work involving standing for over 4 hours daily (from the fifth month of pregnancy), or frequent extensive stretching, bending, steady crouching, etc.

Additionally, space to rest during breaks must be made available to expectant or nursing students.

#### **4.5 Reporting obligation of the University**

Once a student has notified the University that she is pregnant or nursing, the University is required by law to promptly inform the responsible regulatory authority. In Hamburg, the relevant authority is the state office of occupational health and safety (Amt für Arbeitsschutz).