

Guide for mothers-to-be and nursing mothers (*Beamte*)

I. During your pregnancy

1. Obligation to notify your employer (§ 33 para. 1 *Arbeitszeit- und Urlaubsverordnung AzUVO* (state act on working hours and vacation))

Please inform Human Resources about your pregnancy and the expected due date as soon as possible. We recommend you notify your supervisor first. As your employer, we need to have this information early on in order to assure you and your unborn child receive due protection.

2. Medical certificate (§ 33 para. 2 *AzUVO*)

Please mail or hand-deliver a medical certificate confirming your pregnancy to Human Resources. This certificate should identify the projected birth date so Human Resources can determine your last work day before your *Mutterschutzfrist* (maternity protection period) begins. If the projected birth date changes, please inform us as soon as possible. The University of Konstanz will reimburse the cost of issuing this medical certificate, so please let us know your bank account details and the payment amount.

3. Risk assessment

After you inform us of your pregnancy, we will ask your supervisor to assess the risks associated with your work at the university.

The necessary risk assessment forms are available on the Occupational Safety website by following the navigation to “Risk assessment” and then clicking on “Maternity protection (*Mutterschutz*)”.

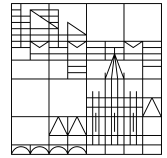
4. Reporting your pregnancy to the *Regierungspräsidium* (regional authority, RP)

You and your child enjoy special protection during both pregnancy and the nursing period. The regional authority (RP) will ensure that the occupational safety requirements and corresponding protective measures are implemented. As your employer, we are required by law to inform the RP about your pregnancy and the conditions in your workplace. We have already sent your supervisor the required reporting form from the RP and requested he/she complete it with you. You will receive the same form for your information, but you will not need to fill it out yourself.

5. Protective measures/nursing and baby changing room/room to rest

Our desire is to protect you from health risks in your workplace. The university's in-house physicians, safety engineers and staff council will all work together to help us implement measures that ensure your health and well-being in the workplace for the benefit of your child.

- If you mainly stand or walk in your job, you will be provided with a place for sitting down and will have the possibility to lay down and rest in a suitable room. In room K 501 next to the IBZ II below the Mensa (canteen) you can rest, nurse your child



As of: July 2019

and change nappies. There is a second room to rest on level 07 of building E. If there is enough space in your office, you can borrow a lounge for lying down from the in-house paramedic (extension -3764).

- If you mainly sit in your job you shall be given the opportunity to interrupt your work and get some exercise.

There are certain standards of protection that protect both you and your child. For more information, please visit the Occupational Safety website, follow the navigation to “Risk assessment” and then click on “Maternity protection (Mutterschutz)”.

6. Working hours (§ 35 AzUVO)

If you are pregnant or nursing, the following regulations apply to your working hours:

- You may work up to 8.5 hours per day but not more than your regular weekly working hours.
- In general, no night work between 20:00 and 6:00.
- No work on Sundays and public holidays.

7. Situations in which an employee can be prohibited from working (§ 34 and 36 AzUVO in connection with § 9 to 14 Mutterschutzgesetz MuSchG (maternity protection act))

If a workplace poses a health risk to either you or your unborn child or a medical certificate states that continued work might pose a health risk, then you can be prohibited from working.

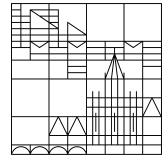
A risk assessment performed by your supervisor, the university's safety engineers and the in-house physician will determine whether this health risk is posed by your workplace and whether you must be prohibited from working as a result. For more information, please contact:

- your supervisor, the head of your research team in the department,
- the in-house physician, phone extension -2668
- the safety engineers, phone extensions -3033 and -2953
- the radiation safety officer and biological safety representative, phone extension -2007.

If necessary, the safety engineers will evaluate your workplace and inform you about the results.

Your contact person in Human Resources and the staff council, phone extension -3939, will also gladly support you.

If a health risk exists that prohibits you from working, then you will either be assigned to another job (in agreement with your supervisor and Human Resources) or, if this is impossible, you will be formally released from your work by Human Resources. Where the potential health risk is unclear, preference will be given to a new job assignment.



As of: July 2019

Your salary will continue to be paid, even if you are prohibited partially/entirely from working on the basis of a legal requirement or medical certificate. You will keep receiving your salary if you cannot be transferred to another workplace or you cannot be expected to transfer to another workplace for compelling personal reasons.

8. Protection from dismissal (§ 37 AzUVO)

Your employment contract may not be terminated during your pregnancy and up to four months after your baby is born, as long as we (your employer) have been informed of the pregnancy/your child's birth at the time of the dismissal, or you inform us within two weeks of having received a letter of dismissal.

II. Your maternity protection periods (*Mutterschutz*)

1. Maternity protection period before birth (§ 32 para. 1 AzUVO)

Six weeks before the projected date of birth, you are not allowed to work, unless you expressly declare your willingness to do so. Please note that this could endanger your health and the health of your child. You can revoke your declaration at any time.

2. Maternity protection period after birth (§ 32 para. 2 and 3 AzUVO)

You are not allowed to work for 8 weeks after the birth of your child. If you have a premature birth or multiple babies or you request a longer period due to your newborn being severely disabled, then this period is extended to 12 weeks. Under no circumstances are you allowed to work during this time (contrary to the protection period before your child's birth) even if you consent to do so.

In all cases of premature birth, this protection period is extended by the number of days that were not utilized of the 6-week protection period before birth.

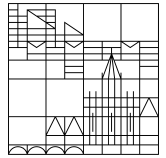
All in all, the total protection period always amounts to 14 weeks or, in case of premature birth, multiple births, or the birth of a child with a severe disability, 18 weeks.

In the event of the death of the child, taking up work is permissible at the beginning of the third week after the birth at the earliest.

3. Payment during the maternity protection periods (§ 38f AzUVO)

During the maternity protection periods and if you are prohibited from working while pregnant, your employer will continue to pay you the average monthly income earned in the three months before the month in which you became pregnant.

If the maternity protection periods, any periods in which you are prohibited from working and the day your child is born fall in the period of *Elternzeit* (parental leave) for your previous child, you will receive *Mutterschaftsgeld* (maternity allowance) amounting to 13 euros per day as long as you do not work part time during that period of *Elternzeit*. If your income before the period of *Elternzeit* exceeded the income threshold for statutory health insurance, the *Mutterschaftsgeld* is limited to a maximum of 210 euros.



4. Period of service

Any maternity protection periods or periods in which you were prohibited from working count towards your period of service. These periods have no impact on the length of your probation periods or the time counted towards your pension fund. As a civil servant (Beamte), you will be treated as if you had continued to work your regular hours.

5. Vacation (§ 25 para. 1 MuSchG)

If you have not entirely used your vacation at the time at which you were prohibited from working, were on maternity leave or were on parental leave, you may do so when you return to work, in either the current or the next year.

III. Your parental leave (Elternzeit)

1. *Elterngeld* (parental leave allowance)

Please submit your application for *Elterngeld* to the L-Bank Baden-Württemberg. You need to submit documentation of the salary earned before your child's birth.

Please contact the office responsible for paying your salary, the *Landesamt für Besoldung und Versorgung Baden-Württemberg (LBV)*, so they can issue the corresponding document. More information about *Elterngeld* is available from **Fehler! Hyperlink-Referenz ungültig.** by clicking on "*Elterngeld*".

2. Taking *Elternzeit* (§ 40 AzUVO)

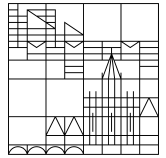
Please see our "Guide for Beamte (civil servants) to *Elterngeld* (parental leave allowance) and *Elternzeit* (parental leave)".

3. Nursing while working (§ 33 para. 4 AzUVO in connection with § 7 para. 2 MuSchG)

If you do not take your *Elternzeit* (parental leave) but resume your work after the protection period after birth, you must be given the necessary time to nurse: at least twice per day for half an hour, or once per day for one hour.

If you work without interruption for more than 8 hours, you must be given the chance to nurse at least twice per day for 45 minutes or once per day for 90 minutes. Work is considered uninterrupted if you do not take more than a 2-hour break.

Please inform your supervisor before you take a break to nurse. The nursing breaks will not be deducted from your working hours and thus not impact your income.



IV. Further information

An overview of the protective measures required for mothers and mothers-to-be is available on the Occupation Safety website and on the notice board “Personalmitteilungen” (staff information) on level A5.

Additionally, you can go online and read information about:

- Occupational safety
<https://www.uni-konstanz.de/en/occupational-safety-health-and-environmental-protection/occupational-safety/risk-assessment/>
- The *Arbeitszeit- und Urlaubsverordnung (AZUVO)* (regulation on working times and vacation for civil servants).
<http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=MusSchBV+BW&psml=bsbawueprod.psml&max=true&aiz=true>
- The *Mutterschutzgesetz (MuSchG)* (maternity protection act):
<https://www.bmfsfj.de/bmfsfj/service/gesetze/mutterschutzgesetz/73762>

The translation of this guide is for your convenience only. Full information is available, however, in the original legal sources (in German).