Guide for mothers-to-be and nursing mothers

Dear staff member

This guide contains useful and important information especially for you. We recommend you read it carefully.

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Medical certificate

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.

Occupational safety measures during the pregnancy and nursing period

Your unborn or newborn child enjoys special protection. As your employer, the University of Konstanz is required to provide this protection in accordance with the Mutterschutzgesetz MuSchG (maternity protection act). This means that you may not perform certain tasks during your pregnancy and while nursing. Please visit the Occupational Safety website to inform yourself about potential workplace limitations due to physical risks/health effects caused by hazardous substances, biological substances, etc.

As soon as the university is informed of your pregnancy it will implement the safety measures required for your workplace and your current responsibilities.

Working hours during the pregnancy and nursing period

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

- You may work up to 8.5 hours per day and 90 hours over the course of two weeks; if you are under 18, you may work up to 8.0 hours per day and 80 hours over the course of two weeks.
- In general, no night work between 20:00 and 6:00.
- In general, no work on Sundays and holidays.

Beamtinnen (civil servants)

Somewhat different regulations apply to pregnant civil servants, so please contact the “Beamte” team in Human Resources for further details.

Information for staff who are pregnant/mothers

- If you have questions about occupational safety and health, please contact the Occupational Health and Safety team and/or the in-house physicians.
- If you have questions about your employment contract, please contact Human Resources.
- If you have questions about your Elterngeld (parental leave allowance), please contact L-Bank BW.
• If you have questions about VBL Zusatzversorgung (supplementary pension scheme), please call VBL: + 49 721 155-0.

• If you have questions about childcare and family support services at the university, please contact the Office for Equal Opportunity, Family Affairs and Diversity.

Employment after a period in which an employee has been prohibited from working (as per § 25 MuSchG (maternity protection act))

The university is required to continue an existing employment contract after the period of time has ended during which you were prohibited from working. You retain your employment status and must be employed at an equal level as before, though not necessarily in the same workplace.

Situations in which an employee can be prohibited from working

If a workplace poses a health risk to either you or your 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 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.

Your wages 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 wages if you cannot be transferred to another workplace or you cannot be expected to transfer to another workplace for compelling personal reasons.

Maternity protection period before birth

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.

Maternity protection period after birth

• You are not allowed to work for 8 weeks after the birth of your child. If you have a premature birth (less than 2500g) 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 or multiple births, 18 weeks.
- In the event of the death of the child, taking up work is permissible at the beginning of the third week after their birth at the earliest.

**Elterngeld (parental leave allowance)**

If you will be taking Elternzeit (parental leave), you can request Elterngeld (parental leave allowance) from the Landeskreditbank [http://www.l-bank.de/](http://www.l-bank.de/). You need to submit documentation of the wages earned before your child’s birth. Please contact the office responsible for paying your wages, the Landesamt für Besoldung und Versorgung Baden-Württemberg (LBV), so they can issue the corresponding document. More information about Elterngeld is available from [http://l-bank.de/](http://l-bank.de/).

**Elternzeit (parental leave)**

After your child is born, you are eligible to take Elternzeit (parental leave). If you are employed by the university and would like to take Elternzeit, please send Human Resources your written request for Elternzeit as soon as possible after your child is born. Please note that your period of Elternzeit does not count towards the Stufenlaufzeit (period after which an employee reaches the next salary step within his/her salary bracket). Further information: VBL supplementary pension scheme

Other important information about Elternzeit, Mutterschutz and balancing work and family life is available online in the following publications (in German):

- „Leitfaden zum Mutterschutz“ from [https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz/73756](https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz/73756)

**Continued payment of wages during employment prohibition**

Your wages 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 wages if you cannot be transferred to another workplace or you cannot be expected to transfer to another workplace for compelling personal reasons (as per § 18 MuSchG (maternity protection act)).
Holiday leave (§ 24 MuSchG)

Even if you are prohibited from working, this period of time counts towards your period of employment. You will continue to accrue holiday leave as though you were working. If you have not entirely used your holiday leave at the time at which you were prohibited from working, you may do so when you return to work, in either the current or the next year.

If you take *Elternzeit* immediately after your *Mutterschutzfrist* ends, you can also take any remaining holiday leave after you return to work.

Release from work for doctor's appointments and nursing (§ 7 para. 2 MuSchG)

The university/your supervisor must release you from work so you can receive the medical check-ups covered by statutory German health insurance during pregnancy and after your child is born. This is also the case if you do not have statutory German health insurance.

During the first twelve months after your child is born, the university/your supervisor must allow you, upon request, to be released from work to nurse as needed - at least half an hour twice daily or one hour once daily. If you work more than eight hours without interruption, you may request two nursing breaks lasting at least 45 minutes or, if there is no suitable space for nursing close to your workplace, you may request one nursing break lasting 90 minutes. Work is considered uninterrupted if you do not take more than a 2-hour break.

Risk assessment

A risk assessment with your supervisor must be completed right away or an existing one adjusted to fit the new situation, if this has not already occurred. Your current tasks and workplace environment will be examined in order to assess which protective measures need to be taken and whether you must be prohibited from working. The results must be documented in the applicable risk assessment forms.

Particular risks are posed by working in the natural science departments, sport science, the Animal Research Facility (TFA) as well as the technical areas of Facility Management and the Scientific Engineering Services (*Wissenschaftliche Werkstätten*).

Other workplaces usually do not pose an exceptional risk for pregnant women. These workplaces still must be evaluated and the results documented using the respective forms.

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*)”.

Information for pregnant women and mothers

The following websites provide useful information (in German):

- https://www.bmfsfj.de/bmfsfj/service/gesetze/mutterschutzgesetz/73762
- https://familienportal.de/familienportal/familienleistungen/mutterschutz
Protection from dismissal (§ 17 MuSchG)

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.

If your child is stillborn after the 12th week of pregnancy, you also cannot be dismissed for four months.

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.

Working hours (§ 4 MuSchG)

Working hours are limited to the following:

- You may work up to 8.5 hours per day and 90 hours (including Sundays) over the course of two weeks. If you are under 18, you may work up to 8.0 hours per day and 80 hours over the course of two weeks.
- You must take a break of at least 11 hours between working days.
- Exceptions may be made in certain cases in accordance with §29 MuSchG.
- Special regulations apply to apprentices/trainees.

Notification of your pregnancy

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.

Payment during the maternity protection periods (§ 19 MuSchG)

If you have statutory German health insurance, you will receive Mutterschaftsgeld (maternity allowance) during the maternity protection periods and on the day your child is born. This amount is limited to a maximum of 13 euros per day.

If you do not have statutory German health insurance, the Mutterschaftsgeld will be paid by the Bundesversicherungsamt and is limited to a maximum of 210 euros.
Please contact either your health insurance provider or the Bundesversicherungsamt in order to request Mutterschaftsgeld.

Based on your average monthly income for the three months before the maternity protection period begins, the state of Baden-Württemberg will pay you the difference between the Mutterschaftsgeld amount and this income average. The Landesamt für Besoldung und Versorgung (LBV) is responsible for calculating and paying your wages based on the information it has received from the university.

Payment of wages if you are prohibited from working (§ 18 MuSchG)

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.

Nighttime working hours (§ 5 MuSchG, § 28 MuSchG)

During your pregnancy and the nursing period, you usually may not work between 20:00 and 6:00. You may choose to work until 22:00, if you expressly desire to do so, as long as you have a medical certificate stating you are not otherwise at risk, occupational safety is assured and your decision to work is approved officially.

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.

In room K 501 next to the IBZ II below the Mensa (canteen) you can rest, nurse your child 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 lounger for lying down from the in-house paramedic (extension -3764).

Maternity protection periods

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.

You are not allowed to work for 8 weeks after the birth of your child. If you have a premature birth (less than 2500g) 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 or multiple births, 18 weeks.

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

**Required protective measures for mothers and mothers-to-be**

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.

**Work on Sundays and public holidays (restrictions, § 6 MuSchG)**

At your express request, you may choose to work on Sundays and public holidays (as per ArbZG (working hours act))

**Nursing while working**

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 breast-feed at least twice per day for 45 minutes or 90 minutes at once. Work is considered uninterupted 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.

**VBL supplementary pension scheme**

If you are subject to compulsory insurance with the *Zusatzversorgung des Bundes und der Länder* VBL, (supplementary pension scheme), please note the following information:

You will be granted as many insurance points for each child for whom you are entitled to *Elternzeit* as you would gain from a salary of € 500 per month (§ 9 para. 1 Tarifvertrag Altersversorgung-ATV (occupational pensions agreement)) for each full calendar month without salary in which the employment is suspended due to *Elternzeit* as per § 15 of the *Bundeselterngeld- und Elternzeitgesetz* (BEEG).

However, if you continue to work with reduced working hours during *Elternzeit* and receive monthly pay of less than € 500, you will only be granted insurance points in the *Zusatzversorgung* based on those lower wages.

If you have arranged for Entgeltumwandlung (deferred compensation), it will be suspended as long as you do not receive a salary during your *Elternzeit*. You can, however, opt to continue paying the corresponding contribution yourself.
If you have any questions about the *Zusatzversorgung* (especially on the required qualifying period), please contact the VBL directly, phone: +49 721 155-0.