

Statutory maternal protection leave (*Mutterschutz*) before and after giving birth

Expecting a baby

Congratulations!

You are expecting a baby! As a mother-to-be, you enjoy particular protection both during your pregnancy and following the birth of your child.

What you need to do, what the Personnel Department needs to do

- In order for your employer to adhere to maternal protection laws, you need to notify the Personnel Department of your pregnancy. You can do so either verbally or in writing.
- Please also tell the Department the expected due date. The first day of your maternity leave is calculated according to this date. Statutory maternity leave incorporates both the period prior to and following the birth, during which time you are not allowed to work (employment prohibition). Exception: During the last six weeks before the due date you may work if you explicitly declare yourself prepared to work. You may revoke this declaration at any time.
- The Personnel Department will provide you with information and forms that you must fill out and return.
- Directly prior to the commencement of your statutory maternity leave, you must submit an attest from either a midwife or an obstetrician indicating the definitive due date to the Personnel Department. This attest may also be your *Mutterpass* (booklet provided by your midwife or obstetrician containing records of prenatal and postnatal checkups, as well as of the delivery). Your *Mutterpass* is also recognized as an attest.
- Personnel will recalculate your maternity leave dates according to this new date and inform you of the definitive commencement of your statutory maternity leave.

Your rights

- The prohibition on employment applies to the six weeks prior to and the eight weeks following the birth. Should you give birth before your due date, the period of time between the actual birth and the due date will be added onto the end of the period of employment prohibition. In the case of multiple and/or premature births, this period of statutory maternity leave (*Mutterschutzfrist*) is extended for medical reasons from eight to twelve weeks.
- As a mother-to-be, you may also be subject to employment prohibition or restrictions (*Beschäftigungsverbot*) prior to the period of statutory maternity leave if a medical assessment indicates that the life or health of either mother or child would be endangered should the mother continue in her employment.
- Dismissal from employment is, with only few exceptions, unlawful from the beginning of a pregnancy to the end of the fourth month after birth. A short-term contract, however, need not be extended by the period of statutory maternity leave.

Are you in particular danger in your place of employment...

- because you work shifts?
- because you are subject to increased exposure to infection (e.g., via close contact to children and teenagers)?
- because you work with hazardous substances?
- because you are required to lift and carry loads of five kilograms or more?

Then you have the right to special protection in your place of employment.

Please note, in addition to employment prohibition measures set forth in the maternal protection laws, the requirements detailed in protection regulations for civil servants in Hamburg.

If you have specific questions, please consult the physicians at the University Occupational Medical Service.

Financial support during statutory maternity leave

As an employee, you receive maternity pay during the period of statutory maternity leave (known also as the *Mutterschutzfrist*) from your health insurance. Your employer supplements this maternity pay so that you are guaranteed your full income (based on average income of the three months prior to statutory maternity leave). Should you be prohibited from working before your statutory maternity leave commences, your employer continues to pay your salary. Find out more from the Leitfaden des Bundesministeriums für Familie, Senioren, Frauen und Jugend zum Mutterschutzgesetz (PDF, guidelines on maternity leave act issued by the Ministry for Family, Senior Citizens, Women and Youth, in German only).

If you are a civil servant, you will continue to receive your salary during the period of statutory maternity leave.

And after statutory maternal leave? Parental leave options

If you would like to take parental leave directly following your statutory maternity leave, you must notify your employer that you intend to take parental leave seven weeks before you plan to do so.