

Info Sheet for Students Regarding Maternity Protections

What do we mean by maternity protections?

Maternity protections should not be confused with maternity leave, and are *not* limited to the maternity protection period shortly before and just after delivery.

Legal regulations protect expecting and nursing mothers from hazards, harmful effects and excessive demands while attending the university during pregnancy and for up to 12 months of nursing (protection period). Occupational safety laws require Freie Universität Berlin, to determine for students needing special care or protection if there are particular risks or dangers when taking required courses.

The goal is to make it possible for these students to continue their studies and, where applicable, to counter-balance any disadvantages they might face.

Even if an expecting or nursing mother wishes to participate in the course, that does not relieve the educational institution of the obligation to take safety measures, up to and including prohibiting participation.

Who is involved when it comes to maternity protections?

- Expectant and nursing mothers who are **students**¹
- Course instructors
- The department [contact persons](#) responsible for maternity protections
- The [Student Administration Office](#)
- [Dual Career & Family Service](#)
- [LAGeSi](#), the Berlin state authority responsible for occupational health and safety

What do expecting/nursing mothers need to do?

As their educational institution, Freie Universität Berlin can only fulfill its duties regarding maternity protections if it receives prompt notification from a pregnant or nursing mother. Pursuant to Sec. 15 of the German Maternity Protection Act (MuSchG), expecting mothers should report their pregnancy and projected delivery date to the educational institution as soon as they become aware of it. Nursing students should inform their educational institution as early as possible that they are breastfeeding.²

Expecting/nursing mothers should therefore notify the department [contact person responsible for maternity protections](#) of their core subject or the [Student Administration Office](#). Any changes to these dates, especially the delivery date, should also be reported.

Students who have work contracts with Freie Universität (student assistants) should *a/so* contact their personnel office.

After the "Individual Review for Maternity Protections" (see below) has been completed, the mother should get in touch with the instructors for any courses that are categorized as "suitable with conditions" in order to discuss how safety measures will be implemented.

What do the contact persons responsible for maternity protections do?

When a student notifies the university that she is [pregnant](#) or [breastfeeding](#), the [contact person responsible for maternity protections](#) at the relevant department (for the student's core subject) reviews the mother's courses during pregnancy or nursing period,³ based on the available risk assessments to see whether it is necessary to take safety measures or offer substitute courses. The "[Individual Review for Maternity Protections](#)" form should be used for this purpose (see below).

¹ Includes all enrolled students, doctoral candidates and incoming exchange students.

² The student is not required to report that she is pregnant or breastfeeding. However, she cannot claim maternity protections if she does not provide notification.

³ Pregnancy, including maternity protection period, from the time of notification until eight weeks after the estimated due date, or nursing period of up to 12 months.

If the mother wishes to attend lectures that are only suitable if safety measures are taken, the contact person notifies the relevant course instructors that they need to implement the safety measures that have been identified. The mother contacts the person conducting the course in question about the implementation of the safety measures

If the mother's individual study plan includes courses that take place between 8 and 10 p.m., after 10 p.m., or on Sundays or holidays, the contact person prepares the relevant notifications or requests which must be submitted to the LAGetSi (the Berlin state authority responsible for occupational health and safety), and forwards them to the Student Administration Office.

What does the Student Administration Office do?

Alongside the [contact persons responsible for maternity protections](#) for the core subject (see above), the office serves as a point of contact for expecting and nursing mothers. A mother can also contact this office to notify the university that she is pregnant or nursing and to get advice on maternity protections.

Pursuant to Sec. 27 of the German Maternity Protection Act (MuSchG), the [Student Administration Office](#) is responsible for reporting the information compiled on potential risks that apply to the expecting/nursing mother and the measures taken to the LAGetSi, the Berlin state authority responsible for occupational health and safety.

What does the Dual Career & Family Service do?

The [Dual Career & Family Service](#) advises students on how to balance student life with being pregnant and breastfeeding.

What do course instructors have to do?

The person in charge of the course is responsible for conducting the risk assessment. This assessment shows how suitable a course is for expecting or nursing mothers. Whether or not a course is suitable is documented in the course catalogue using a traffic light code.

Where applicable, instructors participate in the individual review of study conditions as they pertain to maternity protections.

If the course is only suitable for pregnant or nursing mothers if safety measures are taken, the instructors implement the measures stipulated in the risk assessment once the contact person notifies them.

What courses and activities are taken into account?

All required courses in the degree program, exams, teaching internships, and required field trips. Maternity protections do not apply to voluntary courses or elective activities such as library visits, tutoring sessions, sports activities, or non-required lectures and internships. If an internship is in fact mandatory, Freie Universität must provide alternatives should it prove to be unsuitable for mothers.

What is the "Individual Review for Maternity Protections" form?

This [form](#) is used to conduct and document the assessment of the pregnant or breastfeeding student's study conditions. Listed on the form are the courses that the mother is supposed to attend during the pregnancy or nursing period and whether or not the courses pose potential risks to the mother (traffic light code). For more information on completing the form, see below. The "Individual Review" can be repeated if necessary, for example, if the protection period extends over more than one semester and it is not clear at the time which courses the student will take in the later semesters.

Are there different versions of this form?

No, there is only one. However, it needs to be filled out twice: once for the pregnancy and once for the nursing period. The Maternity Protection Act (MuSchG) requires fewer safety measures for nursing mothers and their children than for pregnant mothers and their unborn children. Nursing mothers and their children are considered to be less at risk.

Does every mother need the form filled out twice?

Yes, if the mother wishes to attend courses both during her pregnancy and while nursing. Only one form is necessary if the mother does not plan to nurse.

What steps are necessary to complete the form?

1. First, the mother needs to provide her personal information.
2. Then, indicate whether the form is for a pregnancy or the nursing period and provide the relevant dates.
3. Section A is for the list of courses the mother is taking or plans to take while she is pregnant or nursing. The traffic light code indicates whether the course is suitable for expecting or nursing mothers. The suitability can be found in the course risk assessment.
4. Section B is for recording the safety measures or substitute coursework that correspond to the individual courses depending on the traffic light code for the course. The safety measures determined in the risk assessment must be listed for courses marked yellow. Potential substitute courses must be listed for courses marked red. The contact person from the department will notify the course instructor of any measures that need to be taken.
5. The final step is signing the form. Both the student and the department contact person for the maternity protections in the student's core subject must sign the form. The student should receive a copy of the form(s).

Further obligations of the education institution

The education institution is obligated to ensure that the expecting or nursing mother can interrupt her activity briefly to lie or sit down and rest.

Nursing mothers must be excused for the time they need to breastfeed.

Maternity protection period before and after delivery

Generally speaking, students are not required to attend courses or take exams within the period before and after delivery stipulated by Sec. 3 MuSchG. They may, however, declare their wish to do so anyway. In that case, the safety measures and alternative options for pregnancies apply. But expecting mothers are not allowed to attend any courses that are categorized as unsuitable for pregnant women. Please fill out the "[Declaration for Students Waiving the Protection Period before or after Delivery](#)" and submit it to the contact person in your core subject if you wish to attend courses or take exams during this time. The student should receive a copy of the form. The student can retract this declaration at any time by noting so on the copy. The retraction must also be submitted to the contact person.

Data Protection

If a student notifies the university that she is [pregnant](#) or [nursing](#) (using the appropriate forms), her personal data required to ensure that she properly receives maternity protections will be collected, stored, and processed by Freie Universität according to the prevailing data protection laws. The data will only be shared with offices or individuals directly related to maternity protections (relevant course instructors, contact persons, Student Administration Office, and if necessary occupational health physicians or schools where the student is doing teacher training). Reporting pregnancies and breastfeeding to the LAGetSi is done according to the legal basis. Data will not be shared with third parties.

If safety measures must be implemented in a course, it might not be possible to prevent other course participants from becoming aware of the measures and, by extension, the pregnancy or nursing.

Process summary

	Who	What	Where
1.	Course instructor	performs risk assessments	
2.	Mother	Provides notice of pregnancy or nursing status	to the contact person for her core subject or Student Administration Office
3.	Dual Career & Family Service	advises the mother on how to balance student life and family	
4.	Where applicable, Student Administration Office	advises the mother	
5.		refers the mother	to the contact person for her core subject
6.	Department contact person responsible for maternity protections in core subject together with the mother	provides advising and conducts individual review of the mother's courses	with „ Individual Review for Maternity Protections “ form
7.		accepts the declaration waiving the protection period , when applicable	
8.	Contact person in core subject	signals need to implement safety measures, when applicable	to course instructor
9.		submits results of the individual review	
10.		submits notifications and/or requests regarding course/activity times, when applicable	to Student Administration Office
11.		keeps a record of the originals of the individual review, declaration, notifications, and requests	at the department
12.	Student Administration Office	submits pregnancy and nursing period notifications	to LAGetSi
13.		submits notifications and requests regarding course/activity times, when applicable	
14.	Mother	makes contact, when applicable, regarding the implementation of the safety measures	with instructors conducting courses marked yellow

Appendix: Legal Basis

- German Act on the Protection of Mothers at Work, in Vocational Training and Education (Gesetz zum Schutz von Müttern bei der Arbeit, in der Ausbildung und im Studium) ([Mutterschutzgesetz](#) – [MuSchG](#)) dated May 23, 2017
- Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit) ([Arbeitsschutzgesetz](#) – [ArbSchG](#))

The texts of the above mentioned laws are available in German on the intranet via the [www.umwelt-online.de](#) database.

Appendix: Links

Student Administration Office:

<https://www.fu-berlin.de/einrichtungen/verwaltung/abt-5/5a-studang/studverw/index.html>

Department contact persons responsible for maternity protections:

<https://www.fu-berlin.de/studium/studienorganisation/immatriculation/weitere-angebote/mutterschutz/Ansprechpartnerliste.pdf>

Dual Career & Family Service:

<https://www.fu-berlin.de/familie>