

# FAQs on Student Maternity Leave and Maternity Protections at Freie Universität Berlin:

This document provides answers to frequently asked questions relating to student maternity leave and maternity protections. The content provided here is for informational purposes only and may therefore be incomplete.

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# 1. Legal framework

## 1.1. What laws and regulations are there?

- [German Maternity Protection Act \(Mutterschutzgesetz\) \(MuSchG\)](#)

Other relevant regulations:

- Study and Examination Regulations (SPO)
- Framework Study and Examination Regulations (RSPO), Sec. 9, 11 RSPO
- Job-related instructions, including on occupational health and safety, [Circular V, No. 03/05 dated January 13, 2005](#)

## 1.2. Who is protected under the German Maternity Protection Act (Mutterschutzgesetz)?

Effective as of January 1, 2018, the Maternity Protection Act also applies to students to the extent that their higher education institution specifies the location, time, and activities required as part of a course in an educational curriculum or training program. This means two things for pregnant or nursing students enrolled at Freie Universität Berlin during the pregnancy, the maternity leave and protection period, and for up to 12 months while nursing: first, the law provides protections from risks for them, and second, they are legally entitled to continue their studies with as few restrictions and as much protection as possible.

Note: Student assistants as well as research assistants and associates employed by the university are also subject to the provisions of the Maternity Protection Act that apply to employees. For more information, please contact the [Personnel Division](#).

## 1.3. What does “protection from risks” mean?

Freie Universität Berlin’s aim is for you and your child not to be exposed to any risks pursuant to the [MuSchG](#) at your place of study. This means it is necessary to assess risks at your place of study and potentially adjust the courses within your degree program accordingly. For the purpose of maternity protections, risks are defined in sections 9 through 12 of the [MuSchG](#).

## 1.4. Which events and activities are subject to the regulations of the Maternity Protection Act?

Student maternity protections apply to all courses and activities that are required in order to complete the degree program pursuant to the study and examination regulations (courses, exams, field trips, etc.). The provisions on maternity leave and maternity protections do not apply to activities that are largely elective for students, such as library visits, sports activities, and lectures.

## 2. Advising and notification

### 2.1. Where can I get advice and information?

You can get advice regarding student maternity leave and protections from the contact person in your department who is responsible for these matters. The Student Records and Registration Office can also give you advice, especially if you wish to take a leave of absence for this reason.

Sources of information and advice regarding student maternity leave and maternity protections at Freie Universität Berlin:

- [Contact person responsible for maternity leave and maternity protections in your department](#), where applicable also study and examinations offices
- [Info-Service](#) and [Student Records and Registration Office](#)
- [Dual Career and Family Service](#)
- [Occupational Safety Service \(DAS\)](#)
- [Allgemeiner Studierendenausschuss at Freie Universität Berlin \(AStA\)](#), [advice for students with children](#)

You can also get quick information here:

- [Website: maternity leave and maternity protections for students](#)
- [Info sheet on maternity leave and maternity protections for students](#)
- [FAQs on maternity leave and maternity protections](#)

### 2.2. When do student maternity leave and maternity protections start?

The sooner you let Freie Universität Berlin know that you are pregnant or nursing, the better the university can ensure effective maternity protections based on an individual review of your course of study. This requires you to provide formal notification and engage in a review of your course of study.

### 2.3. How long does my protection last?

The **protection period** runs from when you notify Freie Universität Berlin up to the end of the maternity leave and protection period or, if you have notified the university of your intention to breastfeed, a maximum of 12 months after delivery. The **maternity leave period** starts six weeks before the estimated due date and lasts up to eight weeks after delivery.

### 2.4. How do I provide notification that I am pregnant or nursing?

Please use the [notification form](#) to notify the university that you are pregnant or breastfeeding. You can submit this form by e-mail. Please submit it to the contact person for maternity leave and maternity protections in your department or to the Student Records and Registration Office. Please also include a copy of the relevant page from your pregnancy record (*Mutterpass*). You can also submit this electronically.

## **2.5. Will information regarding my pregnancy / nursing be shared?**

Within Freie Universität Berlin, the Student Records and Registration Office and the relevant contact persons in the department will share information regarding your pregnancy with each other, depending on where you submitted notification of your pregnancy.

Outside Freie Universität Berlin, your pregnancy and nursing period will be reported to the LAGetSi (Landesamt für Arbeitsschutz, Gesundheitsschutz und technische Sicherheit), the Berlin state authority responsible for occupational health and safety. This is required by law.

## **2.6. My child was born prematurely. How does this affect my maternity leave and protection period?**

In the case of premature births, the maternity leave and protection period is extended to 12 weeks after delivery pursuant to Sec. 3 MuSchG.

## **2.7. I am expecting twins. Is my maternity leave and protection period longer?**

In the case of multiple births, the maternity leave and protection period is extended to 12 weeks after delivery pursuant to Sec. 3 MuSchG.

## **2.8. I am not yet 18. What do I need to keep in mind?**

For students who are minors, the notification and, where applicable, any waiver of the maternity leave and protection period must be signed by the student's legal representative. For more information, please click [here](#).

### **3. Your studies during student maternity leave and protections**

#### **3.1. Can I continue my studies? What adjustments can be made for my degree program?**

To ensure that you can continue your studies while you are pregnant or nursing with as few restrictions and as much protection as possible for your health and that of your child, Freie Universität Berlin is obligated to review your individual course of study and make adjustments where necessary and possible. During this process, the university will work with you to clarify and plan which courses and examinations you wish to complete, in which courses it may be necessary to take safety measures, and which alternative courses are available (in which case you would be granted preferential admission to the alternative courses). To do this, the contact person responsible for matters of maternity leave and maternity protection will use the university's internal form "Individual Maternity Leave and Maternity Protection Review" and will fill out this form with you.

#### **3.2. What do I need to keep in mind for the maternity leave and protection period before and after delivery?**

During the maternity leave and maternity protection period – six weeks before delivery and eight weeks afterward (Sec. 3 [MuSchG](#) provides for different time limits in the case of multiple or premature births and other exceptional circumstances) – you enjoy special protections. You are not expected to engage in coursework (attending courses, taking exams, etc.). However, if you do wish to attend courses, participate in activities, or take exams during the maternity leave and maternity protection period, you can waive the special protections. You can do this using the form "Maternity Leave and Maternity Protection Waiver." To do this, please speak to the contact person responsible for maternity leave and maternity protections in your department. You can revoke this waiver at any time.

#### **3.3. I want to continue to attend courses during the maternity leave and protection period. What do I need to do?**

If you wish to attend courses and/or take exams during the maternity leave and protection period, you need to expressly state your desire to do so. To do this, please use the "Maternity Leave and Maternity Protection Waiver" form. You can submit this form to the contact person responsible for maternity leave and maternity protection matters. You can also present this waiver to your instructor.

#### **3.4. If I decide not to participate in courses / exams during the maternity leave and protection period, is that decision final?**

No. If you have already filed a waiver, but decide that you do not wish to take exams / attend courses after all, you can revoke your waiver at any time, with effect for the future. However, revocation is only possible up until the start of an exam. You cannot revoke the waiver retroactively. If you have started the exam, the general rules that apply to exams govern any discontinuation.

### **3.5. What do I need to keep in mind in the case of courses after 8 p.m. or on Sundays and holidays?**

The [MuSchG](#) includes provisions for special protections in the case of courses held between 8 p.m. and 10 p.m. or on Sundays and holidays. You can attend courses and participate in activities at these times if you expressly declare your desire to do so. To do this, please speak to the contact person responsible for maternity leave and maternity protections in your department.

### **3.6. What do I need to keep in mind in the case of courses after 10 p.m.?**

There are also special protections for courses that take place between 10 p.m. and 6 a.m. If you wish to attend these courses, your department's contact person responsible for maternity leave and maternity protections will request an exemption from the LAGetSi (Landesamt für Arbeitsschutz, Gesundheitsschutz und technische Sicherheit), the Berlin state authority responsible for occupational health and safety.

### **3.7. Am I excused from my studies to go to the doctor?**

You are excused for medical examinations related to your pregnancy. In the interests of continuing your studies, we recommend that routine and preventive appointments be made outside the period when courses are in session and the exam period.

### **3.8. Nursing on campus?**

The [MuSchG](#) includes provisions that ensure nursing mothers are entitled to at least two 30-minute breaks a day to breastfeed during the first 12 months after the birth. You are required to notify the university that you are nursing in order to make use of this.

Nursing and changing rooms are also available on the Freie Universität Berlin campus. For further information, please click [here](#).

### **3.9. Where do I find information on how suitable courses are during my pregnancy / while I am nursing?**

You can consult the contact person responsible for maternity leave and maternity protection regarding the suitability of courses. There is also some information on this in the electronic course catalog. For each course, you will see a blue button labeled "Information for pregnant and nursing students" on the right-hand side. When you click the button, a pop-up window appears with information on whether or not the course is suitable for pregnant women and nursing mothers.

- Green means that the course is suitable for pregnant and breastfeeding students.
- Yellow means that the course is suitable only if safety measures are taken. You will need to speak to the instructor at the start of these courses regarding the specifics of these safety measures.
- Red means that this course is not suitable for pregnant or breastfeeding students pursuant to the MuSchG because it poses a potential risk.

For further information, please consult the contact person responsible for maternity leave and maternity protection in your department.

**3.10. What do I need to do if my pregnancy or nursing period extends over two or more semesters?**

If the protection period for pregnancy or nursing extends over two or more semesters, the courses / exams in the following semesters that have not yet been considered must be reviewed with an eye to the areas of protection arising from the Maternity Protection Act. In this case, please contact the person responsible for maternity leave and maternity protection in your department. This person will work with you to review your further course of study and determine what if any safety measures are necessary and discuss any other relevant points. The university's internal form "Individual Maternity Leave and Maternity Protection Review" should be filled out in this case.

**3.11. Can I apply for a leave of absence?**

You can apply for a leave of absence for maternity leave. In this case, you are required to notify the university of your pregnancy. After you submit notification, your individual course of study must be reviewed. This also applies to the following semester. Please contact the person responsible for maternity leave and maternity protection in your department to initiate this review. For further information, you can also contact the [Student Records and Registration Office](#).

**3.12. What are the rules for maternity leave and maternity protections during an internship?**

In these cases, the Maternity Protection Act applies within the scope of employment relationships. The employer is obligated to observe and implement rules that protect pregnant women and new mothers. Internships that are required as part of a degree program, such as those for teacher training, have special rules. For more information on these kinds of exceptions, please contact the [Internship Office at the Dahlem School of Education](#).

**3.13. I am concurrently enrolled. What do I need to keep in mind?**

If you are concurrently enrolled, meaning that you are studying in two programs (two Master's or Bachelor's degree programs, for example), the course of your studies in each program must be reviewed by the relevant contact person responsible for maternity leave and maternity protections. In this case, please contact both departments.

**3.14. What do I need to do if there has been a change in the information I provided?**

When submitting your notification, you acknowledge that you are required to notify the university without delay if there is any change in the information provided. No particular form is required for this. All you need to do is notify the university of the change, which you can do by email. If you do not notify the university, the information provided (such as the estimated due date) will continue to apply.

**3.15. Do I have to submit a birth certificate once my child is born?**

If the actual delivery date and the estimated due date do not match, it is sufficient to let the contact person responsible for maternity leave and maternity protection know. No specific form is required. (See previous question.)

If you take exams or attend courses during the maternity leave period following your child's birth, the contact person responsible for maternity leave and maternity protection may require you to submit a copy of the birth certificate if necessary for purposes relating to the relevant exam regulations. You can submit a copy electronically as an attachment to an email. If you do not yet have the birth certificate, you can also choose another type of documentation.