

Info Sheet for Students Regarding Maternity Leave and Maternity Protections

What do we mean by maternity protections?

Maternity protections are *not* exclusively limited to the maternity protection period shortly before and just after delivery.

Legal regulations protect people who are pregnant and nursing from hazards, exposure to harm, and excessive demands while attending university during the pregnancy and for up to twelve months of nursing following birth (this is known as the protection period). As an educational institution, Freie Universität is bound by labor protection laws to determine whether any required courses at the university could pose a risk or danger to students who need special care or protection, and to take relevant action to mitigate these risks.

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

Even if a student who is pregnant or nursing wishes to participate in a course that has been deemed unsuitable, this does not relieve the education institution of the obligation to take protective measures – up to and including prohibiting the student's participation.

Who is involved when it comes to maternity protections?

- **Students** who are pregnant and/or nursing¹
- Course instructors
- The department [contact persons](#) responsible for maternity protections
- The [Central Services](#) team within Division V: Academic Affairs
- The [Dual Career & Family Service](#)
- [LAGetSi](#) (*Landesamt für Arbeitsschutz, Gesundheitsschutz und technische Sicherheit Berlin*), the Berlin state authority responsible for occupational health and safety

What do students who are pregnant/nursing need to do?

As an educational institution, Freie Universität Berlin can only fulfill its duties regarding maternity protections if it receives prompt notification from a pregnant or nursing student. Pursuant to Section 15 of the German Maternity Protection Act (MuSchG), pregnant students should report their pregnancy and provisional due date to the educational institution as soon as this is known. Similarly, students who are nursing should inform their educational institution as early as possible of this.²

Students can report³ that they are pregnant or nursing using the self-service portal (<http://www.studium.fu-berlin.de/>) and should additionally contact the [department contact person](#) responsible for maternity protections in their core subject or the [Central Services](#) team. Any changes to the dates provided as part of this process, especially the baby's due date, should be reported.

Students who also have work contracts with Freie Universität (e.g., student assistants) should *also* contact the personnel department.

¹ This includes all students, doctoral candidates, and incoming exchange students who are enrolled at the university.

² The student is under no obligation to report that they are pregnant or nursing. However, they cannot claim maternity protections if they do not provide notification thereof, meaning that they are exposing themselves and their child to avoidable risks. If they do not provide notification, pregnant or nursing students will not receive preferential treatment when enrolling for classes, nor will they be eligible for maternity leave.

³ Once you have logged into the portal, click on "Create request" and then select "Notification of Pregnancy/Nursing" from the drop-down menu. Detailed instructions are available at <https://www.fu-berlin.de/en/studium/studieren/studienorganisation/schwangerschaft-mutterschutz/index.html>.

After the “Individual Review for Maternity Protections” (see below) has been completed, the student 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 leave and maternity protections do?

When a student notifies the university that they are pregnant or nursing, the [contact person](#) responsible for maternity leave and maternity protections at the relevant department for the student’s core subject reviews the (expecting) parent’s courses during the period to which protections apply⁴ based on the available risk assessments (which must be obtained if they do not already exist) to see whether it is necessary to take protective measures or offer substitute courses. The [“Individual Review for Maternity Protections”](#) form should be used for this purpose (see below).

If the pregnant/nursing student wishes to attend courses that are only suitable if protective measures are taken, the contact person shall notify the relevant course instructors that the identified protective measures must indeed be implemented. The expecting/nursing parent shall then contact the person conducting the course in question as to whether these measures have been implemented.

If the pregnant/nursing student’s individual study plan includes courses that take place between 8:00 p.m. and 10:00 p.m., after 10:00 p.m., or on Sundays or holidays, the contact person will submit the relevant notification or request to the LAGetSi (*Landesamt für Arbeitsschutz, Gesundheitsschutz und technische Sicherheit Berlin*), and also forward these documents to the Central Services team.

What does the Central Services team within Division V: Academic Affairs do?

Alongside the [contact persons](#) responsible for maternity leave and maternity protections (see above), the Central Services team serves as a point of contact for students who are pregnant or nursing. They also provide advice and support on all issues related to maternity leave.

In accordance with Section 27 of the German Maternity Protection Act (MuSchG), the Central Services team is responsible for reporting the information that has been compiled on potential risks that apply to the expecting/nursing parent and the measures that have been taken to the LAGetSi.

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 nursing.

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 the course is for expecting or nursing parents. The course catalog also provides information on individual courses and any risks they pose for students who are pregnant or nursing.

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

If the course has only been deemed suitable for pregnant or nursing students under certain conditions, i.e., only if protective measures are taken, the course instructors must implement these protective measures stipulated in the risk assessment if requested to do so by the contact person.

What courses and activities are taken into account?

All required activities in the degree program, including exams, teaching internships, and mandatory field trips, are taken into account. Maternity protections do not apply to voluntary courses or elective activities such as library visits, tutorials, sports activities, or private sector internships. If any of these activities are mandatory, Freie Universität must provide alternatives should they prove to be unsuitable for pregnant or nursing students.

⁴ That is to say, during pregnancy, including maternity leave and the protection period, from the time of notification until eight weeks after the estimated due date or for a nursing period of up to twelve months.

What is the “Individual Review for Maternity Protections” form?

The [“Individual Review for Maternity Protections”](#) form is used to conduct and document the assessment of the pregnant or nursing student’s study conditions. The form lists the courses that the student is supposed to attend during the maternity protection period and provides an indication as to whether the courses pose any potential risks (traffic light code). For more information on completing the form, see below. The “Individual Review for Maternity Protections” 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 later semesters.

Are there different versions of this form?

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

Does the form have to be filled out twice for each pregnant or nursing person?

Yes, it does if this person wishes to attend courses during their pregnancy and while nursing. Only one form is necessary if the parent does not plan on nursing.

What steps are necessary to complete the form?

1. The student must first provide their personal information.
2. Then, they must indicate whether the form is for a pregnancy **or** for the nursing period and provide the relevant dates.
3. Under Section A, they should provide a list of courses the student is taking or plans to take while they are pregnant or nursing. The traffic light code indicates whether the course is suitable for expecting or nursing parents. The suitability can be found in the course risk assessment.
4. Under Section B, it must be recorded which safety measures will be taken or which substitutes can be offered for each individual course. This will depend on the traffic light color rating for the course. For example, courses that have been marked in yellow require additional safety measures to be implemented, and courses that have been marked in red must be substituted with other courses. 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 maternity leave and 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 student can interrupt their activities briefly to lie/sit down and rest.

Students must be excused for the time they need to nurse.

Maternity protection period before and after delivery

Generally speaking, students are not required to attend courses or take exams within the period stipulated by Section 3 of the German Maternity Protection Act (MuSchG) before and after delivery. They *may*, however, declare their wish to do so anyway. In this case, the safety measures and alternative options for pregnancies are still valid. However, pregnant students are not allowed to attend any courses that have been categorized as unsuitable. Students who wish to attend courses or take exams during this time are asked to fill out the form [“Declaration for Students Waiving the Protection Period before or after Delivery”](#) and submit it to the contact person in their core subject. The student should receive a copy of the form. The student can retract this declaration at any time by doing so in writing on their copy and submitting it to their contact person.

Process summary

	Who	What	Where
1.	Course instructor	performs risk assessments	
2.	Pregnant/nursing student	notifies the university of their pregnancy or nursing status via the self-service portal	
3.	Dual Career & Family Service	advises the (expecting) parent on how to balance studies and family life	
4.	Central Services	advises the (expecting) parent	
5.		refers the (expecting) parent	to the relevant contact person in their core subject
6.	Department contact person responsible for maternity leave and maternity protections in the student's core subject together with the pregnant/nursing student	provides advice and conducts an individual review of the student's courses	via the "Individual Review for Maternity Protections" form
7.		accepts the declaration waiving the protection period , where applicable	
8.	Contact person in core subject	reports the need to implement safety measures, where applicable	to the course instructor(s)
9.		submits results of the individual review	
10.		submits notifications and requests regarding course/activity times, where applicable	to Central Services
11.		keeps a record of the originals of the individual review, declaration, notifications, and requests	at the department
12.	Central Services	submits notification regarding provisional pregnancy and nursing periods	to LAGetSi
13.		where applicable, provides notifications and requests regarding course and/or activity times	
14.	Pregnant/nursing student	follows up on whether additional safety measures have been implemented	with instructors conducting courses marked yellow (traffic light code)

Data protection

If a student notifies the university that they are pregnant or nursing, their personal data will be collected, stored, and processed by Freie Universität in accordance with prevailing data protection laws in order to ensure that they receive the proper maternity protections. Their data will only be shared with offices or individuals directly related to maternity leave and maternity protections (relevant course instructors, contact persons, Central Services, and, if necessary, occupational health physicians or schools where the student is doing teacher training). Information regarding pregnancies and nursing is reported to the LAGetSi in accordance with the legal basis. Data are not shared with third parties.

Legal basis

- Act on the Protection of Mothers at Work, in Training, and at University ([Mutterschutzgesetz](#) – [MuSchG](#)) from 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 ([Arbeitsschutzgesetz](#) – [ArbSchG](#))

Please note that only the German versions of the above-mentioned laws are legally binding.

Appendix: Links

Information on pregnancy, maternity leave, and nursing as a student at Freie Universität:

<https://www.fu-berlin.de/en/studium/studieren/studienorganisation/schwangerschaft-mutterschutz/index.html>

Central Services:

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

List of the department contact persons responsible for maternity leave and maternity protections:

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

Dual Career & Family Service:

<https://www.fu-berlin.de/en/sites/abt-1/stabsstellen/DCFAM-service/index.html>