

Annex

Information on maternity protection in Germany

Data protection and declaration of consent

Since 1 January 2018, the scope of application of the Maternity Protection Act (Mutterschutzgesetz, MuSchG) has been extended to female students at higher education institutions throughout Germany (Sect. 1(2) Sentence 2 No. 8 MuSchG).

This law protects your health as an expectant mother and that of your child at the place of study during pregnancy, after childbirth and during the period of breastfeeding. The Act is intended to enable you to continue your studies as much as possible during this time without endangering your health or that of your child, and counteracts disadvantages during pregnancy, after childbirth and during breastfeeding.

Notifications and proofs (Sect. 15 MuSchG)

You should inform the University of your pregnancy and the expected date of delivery as early as possible so that appropriate protective measures can be put in place. As proof, you will need to produce your *Mutterpass*, a medical certificate* or a certificate from a midwife or obstetric nurse stating the expected date of delivery. Please submit your pregnancy notification to your faculty's study office.

[List of study offices](#)

The completed form will also be used to submit the legally required notification to the Landesdirektion Sachsen, which is the competent supervisory authority (Sect. 27 MuSchG).

If you are working as a student or graduate assistant (SHK or WHK respectively), then the regulations of the Maternity Protection Act for employees also apply. Please contact your HR administrator in the Department of Human Resources.

Periods of protection (Sect. 3 MuSchG)

Pregnant students are legally entitled to a period of protection during the last six weeks before childbirth and eight weeks after the birth. During this time, you may not attend courses or examinations unless you **expressly** declare your willingness to continue your studies. You may withdraw your declaration at any time with effect for the future. For the calculation of the period of protection before childbirth, the expected date of delivery is the deciding factor, as derived from the medical certificate or the certificate issued by a midwife or obstetric nurse. If you do not give birth on the calculated expected date of delivery, the period of protection before childbirth will be reduced or extended accordingly.

The period of protection after childbirth is extended to twelve weeks

1. in the event of a premature birth;
2. in the event of a multiple birth; and
3. if the child is medically diagnosed with a disability within the meaning of Sect. 2(1) Sentence 1 of the Ninth Book of the Social Code within eight weeks after delivery.

In the event of a premature birth, the period of protection after delivery is generally extended by the reduction of the period of protection before delivery according to No. 3, if you submit an application to this effect.

You have the right to release time for medical check-ups in connection with the pregnancy and for breastfeeding – at least twice a day for half an hour during the first twelve months after childbirth. Disadvantages due to pregnancy, childbirth or breastfeeding are to be avoided or compensated for (Sect. 9(1) Sentence 4 MuSchG).

* provided that it can be issued free of charge.

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Studiervverbote

Study bans

In the evening or at night (Sect. 5(2) MuSchG)

If you are a pregnant or breastfeeding student, the University may not require you to be active between 8pm and 6am as part of your studies. You may attend courses until 10pm if

1. you expressly declare your willingness to do so;
2. attendance is required at that time for study purposes; and
3. in particular, there is no irresponsible risk to you as a pregnant student or your child from working alone.

As a pregnant or breastfeeding student, you may withdraw your declaration at any time with effect for the future. You are not allowed to attend courses after 10pm.

On Sundays and public holidays (Sect. 6(2) MuSchG)

If you are a pregnant or breastfeeding student, the University may not require you to be active on Sundays or public holidays as part of your studies. You may attend courses on Sundays and public holidays if

1. you expressly declare your willingness to do so;
2. attendance is required at that time for study purposes;
3. you are granted an alternative day of rest each week following an uninterrupted night's rest of at least eleven hours; and
4. in particular, there is no irresponsible risk to you as a pregnant student or your child from working alone.

As a pregnant or breastfeeding student, you may withdraw your declaration at any time with effect for the future. Please submit your declaration to your faculty's study office.

Risks and hazards (Sect. 9–14 MuSchG)

As a pregnant or breastfeeding student, you may be exposed to risks during your studies in some courses or modules, such as

- hazardous substances,
- biological agents (including potentially infectious substances, e.g. blood, bodily secretions),
- radiation (artificial optical radiation, X-rays, radioactive substances),
- other physical impacts (e.g. heat, cold, noise, heavy lifting),

or other factors that could pose a risk to you and your child. These risks and hazards must be assessed and, if necessary, eliminated by means of risk assessments for all courses and examinations to be taken in the relevant semesters.

Risk assessment is the responsibility of the module supervisor. With the support of the Office for Environmental Protection and Occupational Safety, this person decides whether there are any risks and hazards and whether any protective measures need to be taken. If irresponsible risks cannot be ruled out by changing the study conditions, you may be banned from attending courses or examinations (Sect. 9, 11 and 12 MuSchG).

The study office will inform you of the outcome of the risk assessment. You should also speak to the relevant lecturers or academic adviser so that you can, if necessary, discuss the possibility of changing the study conditions or compensating for disadvantages in the event of a study ban.

By signing on completion of the risk assessment, you confirm that you have been informed of the results of the risk assessment and, where risks and hazards exist, that you are aware of the individual risk assessments applicable to you and the corresponding protective measures.

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Datenschutz- und Einwilligungserklärung

Data protection and declaration of consent

The relevant study offices collect data for the purpose of complying with the Maternity Protection Act (Mutterschutzgesetz, MuSchG) in order to protect pregnant and breastfeeding students. The collection and processing of data is necessary in accordance with Sect. 15(1) No. 1 and 2 of the Saxon Higher Education Act (Sächsisches Hochschulgesetz, SächsHSG) in order to carry out the degree programme and for admission to examinations.

Once the form "Mitteilung der Schwangerschaft/Stillzeit sowie Erklärung der Teilnahme an Ausbildungsveranstaltungen" has been submitted, the data provided will be processed by the relevant study office. Depending on the student's declaration, she may be admitted to courses and/or examinations that take place between 8pm and 10pm (Sect. 5 MuSchG), on Sundays and public holidays (Sect. 6 MuSchG) or within the periods of protection (Sect. 3 MuSchG). For the purposes of the statutory risk assessment, the courses and examinations listed on the form will be forwarded by the relevant study office to the module supervisor. The study office will forward the form to the competent supervisory authority (Landesdirektion Sachsen, occupational health and safety department) via the Office for Environmental Protection and Occupational Safety. At the same time, a copy of the form will be kept on file in the relevant study office.

Freely given consent and withdrawal

The information is freely given. I am aware that I have the right to object, in whole or in part, to the aforementioned processing of my data and to request that any data be erased immediately. In these cases, it will no longer be possible to carry out a degree programme or attend courses and examinations, or it may no longer be possible to do so properly.

Data transfers

Unless otherwise required by law or you have expressly consented in individual cases, no personal data will be transferred to third parties.

Storage period

In compliance with Sect. 18(2) of the Saxon Regulation on Personal Data in Higher Education (Sächsische Hochschulpersonendatenverordnung, SächsHSPersDatVO), the data relating to your pregnancy notification will be erased eighteen months after you have exmatriculated.

Right of access

You may at any time request information about the personal data processed concerning you as well as the possible recipients of such data to whom it has been transferred. You are entitled to receive a response within one month of receipt of the request for information. You also have the right to restriction of data processing and to rectification of inaccurate personal data.

Students are aware that they can contact Leipzig University's data protection officer as well as the competent supervisory authority for data protection at any time if they believe that their right to the protection of their personal data has been infringed.

Commissioner for Data Privacy

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