

99006007028000, 99006007028000

Compliance with maternity protection Monitoring

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/101980646/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99006007028000, 99006007028000
Leistungsbezeichnung I	Compliance with maternity protection Monitoring
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Überwachung (028)
SDG-Informationsbereich	
Lagen Portalverbund	Schwangerschaft und Elternschaft (2030600), Arbeitssicherheit (2030500)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	No technical approval. If necessary, please contact the Ministry of Labor, Social Affairs, Health, Women and Family (+49 331 866-0)
Handlungsgrundlage	https://www.gesetze-im-internet.de/muschg/_20.html
Teaser	As an employer, you can apply to the LAVG for exemptions from certain employment bans or from the ban on dismissal under the Maternity Protection Act under certain conditions.
Volltext	<p>It is not permissible to dismiss a woman</p> <ul style="list-style-type: none"> • during her pregnancy, • up to 4 months after a miscarriage after the 12th week of pregnancy and • until the end of her protection period after giving birth, • but at least until 4 months after the birth, <p>if, at the time of termination, you as the employer</p> <ul style="list-style-type: none"> • the pregnancy, • the miscarriage after the 12th week of pregnancy or • the delivery is known or • if you are notified within 2 weeks of receiving the notice of termination. <p>The LAVG may exceptionally declare termination to be permissible in special cases that are not related to the condition of the woman during pregnancy, after a miscarriage after the 12th week of pregnancy or after childbirth.</p> <p>**See also benefits relating to special regulations on working hours:**</p>

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In principle, it is prohibited to employ a pregnant or breastfeeding woman between 8:00 pm and 6:00 am. The Maternity Protection Act allows exceptions to this rule:

At your request as an employer, the LAVG can authorize employment between 8 p.m. and 10 p.m. if

- the woman expressly declares her willingness to do so,
- a medical certificate shows that there is no reason why the woman should not work until 22:00 and
- in particular, there is no irresponsible risk to the pregnant woman or her child from working alone.

****Permission to work between 10 p.m. and 6 a.m:****

In principle, it is prohibited to employ a pregnant or breastfeeding woman between 8:00 pm and 6:00 am. The LAVG may grant exceptions to the ban on night work between 10 p.m. and 6 a.m. in specially justified individual cases if

- the woman expressly declares her willingness to do so,
- a medical certificate shows that there are no objections to the employment and
- in particular, there is no irresponsible risk to the pregnant woman or her child from working alone.

This also applies to pregnant or breastfeeding pupils or students in the context of school or university education.

****Exception to the ban on overtime:****

As an employer, you may not employ a pregnant or breastfeeding woman who is 18 years of age or older to perform work that requires the woman to work more than 8.5 hours a day or more than 90 hours in a

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double week. You may not employ a pregnant or breastfeeding woman under the age of 18 for work that requires the woman to work more than 8 hours a day or more than 80 hours in a double week. Likewise, you may not employ a pregnant or breastfeeding woman to an extent that exceeds the contractually agreed weekly working hours on average for the month. The LAVG may grant exceptions to the ban on overtime in particularly justified individual cases if the woman expressly declares her willingness to do so and there is nothing to prevent her from working according to a medical certificate.

****Exceptions to the ban on piecework and continuous flow work:****

You may not allow a pregnant or breastfeeding woman to perform piecework or other work where a higher rate of pay can be achieved through an increased pace of work, as well as continuous flow work. The LAVG may grant exceptions to this if the type of work and the pace of work do not pose an irresponsible risk to the pregnant or breastfeeding woman or her child.

Erforderliche Unterlagen

In the****event of a declaration of admissibility of a termination**** :

- Application by the employer
- Address and date of birth of the employee
- (Expected) date of delivery
- Statement of reasons with a detailed description of the grounds for termination (the LAVG may exceptionally declare an intended termination admissible if a special case exists, for example in the event of a plant shutdown or breach of duty under the employment contract)

****In the case of employment between 8 p.m. and 10 p.m:****

- Application by the employer (online form of the LAVG)
- Declaration of readiness by the woman

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- Medical certificate stating that there is nothing to prevent the woman from working until 10 p.m.
- Confirmation from the employer that there is no irresponsible risk to the woman or her child - in particular from working alone
- The application must be accompanied by documentation of the assessment of the working conditions in accordance with Section 14 (1) MuSchG

****In the case of employment between 10 p.m. and 6 a.m. (night work):****

- Application by the employer
- Declaration of willingness of the woman
- Medical certificate
- Confirmation from the employer that there is no irresponsible risk to the woman or her child, in particular from working alone
- Documentation of the assessment of the working conditions according to § 14 paragraph 1 MuSchG

****In the case of overtime:****

- Application by the employer
- Declaration of willingness by the woman
- Medical certificate
- Documentation of the assessment of the working conditions according to § 14 paragraph 1 MuSchG

****In the case of piecework and continuous flow work:****

- Request from the employer
- Description of the type of work and the pace of work
- Documentation of the assessment of the working conditions according to § 14 paragraph 1 MuSchG

Voraussetzungen

As the applicant, you must prove and justify the existence of the conditions.

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Kosten	<p>Decisions on the above applications are subject to a fee. This also applies in the event of a fictitious approval within the framework of the procedure in accordance with Section 28 MuSchG (employment between 8:00 p.m. and 10:00 p.m.).</p>
Verfahrensablauf	<p>**In the case of a declaration of admissibility of a termination:**</p> <p>You submit an application for a declaration of admissibility of a termination in writing (informal):</p> <ul style="list-style-type: none"> • Submit the informal application to the LAVG with a detailed description of the grounds for termination • Before a decision is issued, the woman to be dismissed is given the opportunity to make a statement. <p>**In the case of employment between 20:00 and 22:00:**</p> <p>You can apply in writing for an exemption permit for the employment of a pregnant or breastfeeding woman as follows:</p> <ul style="list-style-type: none"> • Complete the LAVG online form (recommended) and attach the necessary supporting documents. • Submit the application documents to the LAVG. • Upon receipt of the application, the LAVG will confirm whether the documents required for the application are complete or inform you that documents still need to be submitted (note: this procedure may differ in other federal states). • Upon receipt of the confirmation of completeness, you may already employ the pregnant or breastfeeding woman between 20:00 and 22:00 during the ongoing application process. • The LAVG may temporarily prohibit this continued employment if this is necessary to ensure the protection of the health of the woman or her child. • If the application is not rejected within 6 weeks, it is deemed to have been approved. You will only receive an informal certificate if you request one.

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****In the case of employment between 10 p.m. and 6 a.m. (night work):****

You apply in writing for an exceptional permit to employ a pregnant or breastfeeding woman as follows:

- Submit the application documents to the LAVG.
- After receipt of the application, the LAVG will check the documents received.
- If any documents are missing, the LAVG will inform you and ask you to complete the application documents.
- Please note that it is NOT possible to continue to employ a pregnant or breastfeeding woman under this procedure once the complete application documents have been received!
- The LAVG decides on the approval of night work on a case-by-case basis.
- The pregnant or breastfeeding woman concerned will be heard before an exemption is granted.

****In the case of overtime:****

You apply in writing for an exemption permit to employ a pregnant or breastfeeding woman as follows:

- Submit the application documents to the LAVG.
- After receiving the application, the LAVG will check the documents received.
- If any documents are missing, the LAVG will inform you and ask you to complete the application documents.
- The LAVG will decide whether to approve the additional work on a case-by-case basis.
- The pregnant or breastfeeding woman concerned will be consulted before an exemption is granted.

****In the case of piecework and continuous flow**

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	<p>work:**</p> <ul style="list-style-type: none"> • Submit the application documents to the LAVG. • After receipt of the written application, the LAVG will check the documents received. • If any documents are missing, the LAVG will inform you and ask you to complete the application documents. <p>The LAVG decides on the approval based on the specific individual case. The pregnant or breastfeeding woman concerned will be heard before an exemption is granted.</p>
Bearbeitungsdauer	Official approval procedure for employment between 8 p.m. and 10 p.m. (Section 28 MuSchG): maximum 6 weeks after submission of the complete application documents to the LAVG
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Exceptions to the ban on dismissal under the Maternity Protection Act possible • Exceptions to the ban on employment of pregnant and breastfeeding women between 8 p.m. and 6 a.m. possible • Exceptions to the ban on overtime work for pregnant and breastfeeding women possible • Exceptions to the ban on piecework and continuous flow work for pregnant and breastfeeding women possible • Written form: special justification • Responsible: State Office for Occupational Safety, Consumer Protection and Health (LAVG)
Ansprechpunkt	
Zuständige Stelle	State Office for Occupational Safety, Consumer Protection and Health (LAVG)

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	Occupational Safety and Health Department
Formulare	<p>To apply for approval to employ a pregnant or breastfeeding woman between 8 p.m. and 10 p.m., we recommend using the LAVG [online form](https://secure.service.brandenburg.de/intelliform/forms/LAS/las/antrag/antrag_schwang_still_P28/index):</p> <p>Online procedure possible: yes</p> <p>Written form required: yes</p> <p>Personal appearance required: no</p>
Ursprungsportal	Compliance with maternity protection Monitoring, Einhaltung des Mutterschutzes Überwachung