



Maternity Leave Information

Niedersächsisches Ministerium
für Soziales, Frauen, Familie
und Gesundheit
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Niedersachsen

Maternity Leave Informationen

→ Legal Foundations

Prospective and already-nursing mothers are to be legally protected against dangers, overexertion and health hazards at the workplace.

Principally the employer is legally obliged to arrange on his/her own the necessary precautions and measures which are required to prevent hazards to the mother or child in respect to the workplace, the work procedures and working conditions.

In addition the employer must evaluate on time the kind, extent and duration of the hazard for every activity where the prospective or nursing mother could be endangered by dangerous chemical substances, biological work materials, physical damage factors, procedures or working conditions.

→ Dismissal Protection

During the pregnancy and up to the expiry of four months following childbirth, the termination of the employment contract by the employer is principally not permitted. If the employer terminates the employment contract despite this, then the dismissal is legally invalid. However, the employee must submit a claim at the labor court [Arbeitsgericht] inside of three weeks.

It is only forbidden to terminate the contract if the employer was already aware of the pregnancy or childbirth at the time the contract was terminated or if he/she was informed of the pregnancy/childbirth inside of two weeks following receipt of the notice of dismissal. It is also forbidden when, through no fault of the receiver, the two-week period is exceeded and the information is subsequently provided without delay. In special cases the regulatory agency can make an exception and declare the termination of contract as valid. The notice of dismissal must be made in writing and must include a permissible reason for termination of contract.

→ Financial Benefits During the Periods of Protection

During the periods of protection, before and after childbirth and for the delivery day, women are economically safeguarded. They receive maternity benefits (To be applied for at the health insurance

agency [Krankenkasse] or in case of resolved employments or non-state insured employees at the Bundesversicherungsamt, Mutterschaftsgeldstelle, Friedrich-Ebert-Allee 38, 53113 Bonn [German Federal Social Insurance Office]) and a subsidy from the employer in addition to maternity benefits.

→ Notification Obligation

Prospective mothers should inform their employer of their pregnancy and the anticipated day of delivery as soon as this information is known to them. If requested by the employer they should present a report from a doctor or a midwife. The employer must inform the regulatory agency immediately about the notification from the prospective mother.

→ Monitoring and Advice

In case of problems at the workplace during the pregnancy and the nursing period, in Lower Saxony you can contact the public commercial regulatory authority [Staatliche Gewerbeaufsichtsämter]. They are also responsible for monitoring.

→ Financial Benefits in the Case of Work Prohibitions

If a prospective mother must partially or fully interrupt work because of a work prohibition then the employer must continue to provide a minimum of the average income of the most recent 13 weeks or the most recent 3 months before the beginning of the month in which the pregnancy was confirmed.

→ Accessibility of Legal Information

A copy of maternity leave legal information must be made available or hung up for viewing in a suitable place in companies or offices where more than three women are employed on a regular basis.

→ Contact Person and Further Information

Your public commercial regulatory authority will be happy to help you if you require further information. You will find the addresses at www.gewerbeaufsicht.niedersachsen.de.