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**Der Kanzler**

**Sicherheitswesen,**

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### **Instructions for employees of childbearing age regarding occupational restrictions and possible dangers for expectant or nursing mothers**

Pursuant to Section 10 of the Maternity Protection Act (MuSchG), the University of Potsdam must assess the hazards to which an expectant or nursing woman, or a child, is or can be exposed in terms of type, extent and duration, and, taking into account the result of the hazard assessment, to determine whether

- a) no protective measures will be required,
- b) an adjustment of working conditions is necessary, or
- c) a continuation of the woman's work at this workstation will not be possible.

Expectant or nursing mothers may not be employed in jobs for which the assessment has revealed that the safety or health of the mother or child is endangered by hazardous chemical substances, biological agents, physical effects, onerous work environment conditions, physical strains or mechanical effects, psychological strains, or working conditions (Sections 11 and 12 MuSchG).

This letter draws attention to the fact that, effective immediately, you may not have any professional contact with children, nor exercise any activities during which you come into contact with potentially infectious material (such as blood, bodily secretions, etc.) until you can prove with a medical certificate your immune protection as regards infectious diseases relevant to pregnancy.

Furthermore, you may not come into contact with hazardous substances that have mutagenic, carcinogenic, and/or teratogenic properties. Carcinogenic and teratogenic substances are specially marked in the TRGS 900 "Occupational Exposure Limit Values." TRGS 905 contains a list of carcinogenic, mutagenic or teratogenic substances. Pursuant to the CLP Directive (Directive (EU) 1272/2008/), these hazardous substances are designated with the pictogram "health risk," the signal words "danger" and/or "warning," as well as the following H-class sentences:

- H340 May cause genetic defects.
- H341 Suspected of causing genetic defects.
- H350 May cause cancer.
- H350i May cause cancer by inhalation.
- H351 Suspected of causing cancer.
- H360 May damage fertility or the unborn child.
- H360F May damage fertility.



- H360D May damage the unborn child.
- H360FD May damage fertility. May damage the unborn child.
- H360Fd May damage fertility. Suspected of damaging unborn child.
- H360Df May damage the unborn child. Suspected of damaging fertility.
- H361 Suspected of damaging fertility or the unborn child.
- H361f Suspected of damaging fertility.
- H361d Suspected of damaging the unborn child.
- H361fd Suspected of damaging fertility. Suspected of damaging the unborn child.
- H362 May cause harm to breast-fed children.

The same applies for new substances if, on the basis of corresponding assessments, the effects referred to above are likely.

Indications on whether you can come into contact with these substances are provided by the central hazardous substances register of the University of Potsdam. Expectant and nursing women may not be employed in rooms that are designated with this symbol in the GK.UP.



Please note the attached form on the individual assessment of risks to protect mother and child. During pregnancy and nursing, your activities must be adapted to the protection to be granted to you and your child. Please fill out the form jointly with your manager and have him/her assess it, sign it, and send it back to the Safety Unit. Using the conclusive assessment, the form can be adequately filled out for compulsory notification to the responsible occupational health and safety authority (Section 27 MuSchG).

The University of Potsdam is obligated to offer expectant or nursing mothers a discussion about further adaptations of their working conditions. Should you wish to schedule a conversation, please speak to your manager.

For questions we are at your disposal. Please talk to us.

Sincerely,

Ulf Lepszy  
 – Chief Occupational safety specialist –

## Individual hazard assessment:

drawn up on the basis of Sections 10ff MuSchG; Section 4ff of the  
*Gefahrstoffverordnung* [Ordinance on Hazardous Substances];

CLP Regulation

as of: Jan. 1, 2018



Last name, first name:

born on:

Department / Institution:

Address:

Employed since:

as (job title):

Employment relationship:

permanent

temporary until:

Pregnancy exists according to

my own indication

medical certificate

Date of notification to the company:

Probable date of delivery / beginning of the term of protection:

Specification of the job carried out:


Daily working hours (from - to)

Mon.-Thurs. .... to .....

Friday ..... to .....

Saturday ..... to .....

Sunday ..... to .....

<b><u>Hazardous substances</u></b>	Yes	No	Note
<b>Are materials handled on the job that have the following properties (designation in GK.UP with the symbol):</b> 			
carcinogenic, mutagenic or toxic for reproduction in Category 1A/1B (H340, H350, H350i, H360, H360D, H360FD, H360Df)			
carcinogenic, mutagenic or toxic for reproduction in Category 2 (H341, H351, H360 Fd, H361, H361d, H360fd)			
effect on or through lactation with the hazard warning H362			
specific target organ toxicant after a single exposure in Category 1 with hazard warnings H370, H371			
acutely toxic in Category 1, 2 or 3 (H300, H310, H330, H301, H311, H331)			
<b>Is work carried out where:</b>			
lead or lead derivates are deployed?			
hazardous substances are deployed that are designated as substances that, even upon complying with workplace standards, may possibly lead to foetal damage?			

<b><u>Biological Agents at Work</u></b>	Yes	No	Note
<b>Are biological agents handled on the job that are in the Risk Groups referred to below?</b>			
Risk Groups 2 and 3: can cause (serious) disease in humans, but the disease is treatable or preventable.			
Risk Group 4: are likely to cause serious or lethal human disease for which preventive or therapeutic interventions are not usually available, e.g., Ebola virus, Marburg virus.			
<b>Is contact with the following substances possible (except in cases in which protection through immunization is proved):</b>			
toxoplasma or rubella virus?			
<b>Does the expectant mother ...</b>			
have occupational contact to children and young people (0-18 years of age)? (irresponsible hazard until clarification of the immunization status as regards infectious diseases relevant to pregnancy)			
unprotected handling of potentially infectious material (e.g., blood, bodily secretions, laundry, bandages, infected persons)?			
close occupational contact to children with disabilities (nursing measures, contact with bodily fluids, activities that can cause injuries, risk of unpredictable behavior)?			
contact with animals?			
risk of being bitten by ticks?			

<b><u>Physical effects</u></b>	Yes	No	Note
<b>Is the employee exposed to the following detrimental effects?</b>			
impact, joltings, vibrations, or noise (>80 dB(A) or >135dB(C))			
ionizing and non-ionizing radiation			
extreme heat, cold, or damp			

<b><u>Working environment conditions</u></b>	Yes	No	Note
<b>Does the employee carry out activities</b>			
in rooms with pressure of more than 0.1 bar compared to the atmospheric pressure?			
in rooms with an oxygen-reduced atmosphere?			
in underground mines?			

<b><u>Physical strains</u></b>	Yes	No	Note
<b>Is the employee in particular exposed to the following working conditions? Work where ...</b>			
on a regular basis more than 5 kg weight or occasionally loads of more than 10 kg are lifted, moved or conveyed			
loads have to be lifted, held, moved or conveyed by hand with mechanical aids			
after the end of the fifth month of pregnancy, they are predominantly carried out standing for more than four hours a day with little movement			
she frequently has to stretch, bend, squat, stoop or take other forced postures			
she is deployed on means of transport if this constitutes an irresponsible hazard for her or her child			
accidents, particularly by slipping, falling or tumbling, or conduct are to be feared that constitute an irresponsible hazard for her or her child			
she has to wear protective equipment and wearing it constitutes a burden			

<b><u>Other working conditions</u></b>	Yes	No	Note
<b>Is the employee in particular exposed to the following working conditions?</b>			
night work between 8 p.m. and 6 a.m. (exceptions possible pursuant to Section 5 MuSchG)			
on Sundays and holidays (exception possible, Section 6 MuSchG)			
lecturing for more than max. 8.5 hrs./day or 90 hrs./two weeks (exception possible, Section 4 MuSchG)			
piecework, assembly line work with proscribed working tempo?			

The questions above are meant to identify permissible and prohibited activities and working conditions. If you answered **YES** to any questions, then we must determine protective measures, e.g., restructuring of working conditions or a job change. If this is not possible or acceptable, a partial or operational employment ban must (and may) be granted by the employer. In cases of doubt, the occupational health physician can be consulted.

Should a medical employment ban already have been granted by the treating doctor, a job analysis is unnecessary.

Even the wish of the expectant mother to continue the work carried out previously does not release the employer from the obligation to comply with employment bans. A voluntary takeover of the risk by the expectant or nursing mother is not possible for her own protection, and constitutes an offense.

<b><u>Assessment pursuant to Section 13 MuSchG (to be filled out by the manager)</u></b>	
The employee may continue to carry out the activities in full.	
The employee may continue to carry out the activities after making adjustments to her workstation.	
The employee may be deployed at another workstation with different activities.	
The employee will receive an operational employment ban.	

<b><u>Following adjustments were undertaken: (to be filled out by the manager)</u></b>

Date:

\_\_\_\_\_

Employee

\_\_\_\_\_

Manager

Notice taken, date:

\_\_\_\_\_

Medical Officer

\_\_\_\_\_

Occupational safety specialist

Excerpt from

**MuSchG - Maternity Protection Act**  
**Law on Protection of Mothers on the Job, during Training and While Studying**

dated May 23, 2017

(BGBl. [Federal Law Gazette] No. 30 dated May 29, 2017 p. 1228 Coming into force)  
Journal of Laws no.: 8052-5

**Section 1 Area of application, objective of maternity protection**

(1) This law protects the health of the woman and her child at work, training and while studying during pregnancy, after birth and while nursing. The law enables the woman to continue her employment or other activity in this time period without endangering her health or that of her child, and counteracts disadvantages during pregnancy, after birth and while nursing. Provisions in other labor protection laws remain unaffected.

(2) This law applies for women in an employment in the meaning of Section 7 subsection 1 of Volume IV of the German Social Insurance Code. Regardless of whether there is such an employment relationship, this law also applies for

1. women in vocational training and interns in the meaning of Section 26 of the Vocational Training Act,
2. women with disabilities who are employed in a sheltered workshop for disabled persons,
3. women who are working as development aid workers in the meaning of Development Aid Workers Act, with the provision, however, that the Sections 18 to 22 are not to be applied to them,
4. women who are acting as volunteers in the meaning of the Jugendfreiwilligendienstgesetz (act on the promotion of youth voluntary services) or the Bundesfreiwilligendienstgesetz (federal act on the promotion of voluntary services),
5. women who as a member of a spiritual association, as deaconesses, or as members of a similar community work for these with a position or on the basis of a contract, also during the time period of their extracurricular training there,
6. women who are employed in home-based work, and those who are equivalent to them in the meaning of Section 1 subsections 1 and 2 of the law regarding homeworkers, as long as they work at one stretch, with, however, the provision that Sections 10 and 14 are not to be applied to them, and Section 9 subsections 1 to 5 are to be applied to them accordingly,
7. women who are to be seen as quasi-subordinate persons because of their economic dependency, with, however, the provision that Sections 18, 19 subsection 2 and Section 20 are not to be applied to them, and
8. schoolchildren and students, if the training institution obligatorily specifies the place, time and sequence of the training sessions, or who are participating in an internship that is obligatorily set in the scope of their school or university training, with, however, the provision that Sections 17 to 24 are not to be applied to them.

(3) The law does not apply to civil servants and judges. The law also does not apply to soldiers even if the prerequisites of Clause 2 are satisfied, unless they are working outside of the sphere of the Federal Ministry of Defense on the basis of an official order or permission.

(4) This law applies to each person who is pregnant, has given birth to a child, or is nursing. Subsections 2 and 3 apply accordingly.

**Section 4 Ban on Overtime; Rest Periods**

(1) The employer may not employ an expectant or nursing woman who is 18 years of age or older with work that the woman has to carry out for more than eight and a half hours a day or more than 90 hours in two weeks. The employer may not employ an expectant or nursing woman who is under 18 years of age with work that the woman has to carry out for more than eight hours a day or more than 80 hours in two weeks. The two-week period shall include Sundays. The employer may not employ an expectant or nursing woman to such a scope that the contractually agreed weekly working time exceeds the average over the month. In case of more than one employer, the working times are to be added together.

(2) The employer must grant the expectant or nursing woman an uninterrupted rest period of at least eleven hours after ending the daily working time.

**Section 5 Ban on Night Work**

(1) The employer may not employ an expectant or nursing woman between 8 p.m. and 6 a.m. He may employ her until 10 p.m. if the prerequisites of Section 28 are satisfied.

(2) The training institution may not let an expectant or nursing woman work in the meaning of Section 1 subsection 2 sentence 2 number 8 between 8 p.m. and 6 a.m. in the scope of school or university education. The training institution may let her participate in training events until 10 p.m. if

1. the woman expressly declares her willingness,
2. participation at this time is necessary for training purposes, and

3. in particular, any irresponsible hazard by working alone is excluded for the pregnant woman or her child.

The expectant or nursing woman can revoke her declaration pursuant to sentence 2 number 1 at any time with future effect.

### **Section 6 Ban on Working on Sundays and Holidays**

(1) The employer may not employ an expectant or nursing woman on Sundays and holidays. He may only employ her on Sundays and holidays if

1. the woman expressly declares her willingness,
2. an exception from the general ban on working on Sundays and holidays is permissible pursuant to Section 10 of the Working Hours Act,
3. the woman is granted each week, following an uninterrupted night rest period of at least eleven hours, a substitute rest day, and
4. in particular, any irresponsible hazard by working alone is excluded for the pregnant woman or her child.

The expectant or nursing woman can revoke her declaration pursuant to sentence 2 number 1 at any time with future effect.

(2) The training institution may not let an expectant or nursing woman work in the meaning of Section 1 subsection 2 sentence 2 number 8 on Sundays and holidays in the scope of school or university education. The training institution may let her participate in training events on Sundays and holidays if

1. the woman expressly declares her willingness,
2. participation at this time is necessary for training purposes,
3. the woman is granted each week, following an uninterrupted night rest period of at least eleven hours, a substitute rest day, and
4. in particular, an irresponsible hazard for the pregnant woman or her child by working alone is excluded.

The expectant or nursing woman can revoke her declaration pursuant to sentence 2 number 1 at any time with future effect.

### **Section 7 Release for Medical Examinations and for Nursing**

(1) The employer is to release a woman for the time period that is necessary to conduct medical examinations in the scope of health benefits of statutory health insurance during pregnancy and maternity. This applies correspondingly in favor of a woman who is not insured by statutory health insurance.

(2) The employer is to release a nursing woman upon her request during the first twelve months after giving birth for the time required for nursing, at least, however, twice a day for half an hour or once a day for an hour. For working time of more than eight consecutive hours, upon the woman's request, a nursing period is to be granted of at least twice 45 minutes or, if there is no opportunity for nursing close to the workplace, a nursing period of at least once 90 minutes. The working time is considered consecutive if it not interrupted by a break of more than two hours.

### **Section 9 Structuring the working conditions; irresponsible hazard**

(1) The employer has, when structuring the working conditions of an expectant or nursing woman, to take all measures necessary on the basis of the hazard assessment pursuant to Section 10 for the protection of her physical and psychological health, as well as that of her child. He is to verify the measures' effectiveness and, if necessary, adapt to the changing circumstances. Insofar as it is acceptable pursuant to the provisions of this law, the woman is to be enabled to continue her activities also during pregnancy, after giving birth, and when nursing. Disadvantages due to pregnancy, giving birth, or nursing should be avoided or offset.

(2) The employer is to structure the working conditions so that hazards for a pregnant or nursing woman or her child are to be avoided if possible and an irresponsible hazard is excluded. A hazard is irresponsible if the likelihood of occurrence of an adverse health effect is not acceptable in light of the severity of the possible harm to health. An irresponsible hazard is considered excluded if the employer complies with all guidelines that, in all probability, lead to the health of an expectant or nursing woman or her child not being negatively impacted.

(3) The employer is to ensure that the expectant or nursing woman can briefly interrupt her activity at the workplace if it is necessary for her to do so. In addition, he is to ensure that the expectant or nursing woman during her breaks and work interruptions can lie down, sit down and rest under suitable conditions.

(4) All measures of the employer pursuant to this subsection, as well as the assessment of the working conditions pursuant to Section 10, must correspond to the state of the art of occupational medicine and hygiene, as well as other established scientific findings. The employer is to take into account for his measures the rules and findings of the Committee for Maternal Protection and published, pursuant to Section 30 subsection 4, in the Joint Ministerial Gazette; upon compliance with these rules and by paying heed to these insights, it is to assume that the requirements posed in this law are satisfied.



(5) The employer can engage in writing reliable and knowledgeable persons to carry out tasks he is responsible for pursuant to this subsection on his or her own responsibility.

(6) The employer may not levy costs for measures pursuant to this law from persons that he employs. The costs for testimonials and certificates that the expectant or nursing woman is to present upon request of the employer are borne by the employer.

### **Section 10 Assessment of the working conditions; protective measures**

(1) In the scope of the assessment of the working conditions pursuant to Section 5 of the Working Conditions Act, the employer is to assess for each activity

1. the hazards in terms of type, extent and duration to which an expectant or nursing woman or her child is or can be exposed, and,
2. taking into account the result of the assessment of the hazard pursuant to Number 1, whether for an expectant or nursing woman or her child presumably
  - a. no protective measures will be necessary,
  - b. a restructuring of the working conditions pursuant to Section 13 subsection 1 number 1 will be necessary, or
  - c. a continuation of the woman's activity at this job will not be possible.

In case of equivalent working conditions, the assessment of one job or activity is adequate.

(2) As soon as a woman has communicated to her employer that she is pregnant or nursing, the employer is to immediately determine the necessary protective measures according to the hazard assessment pursuant to subsection 1. In addition, the employer is obligated to offer the woman a conversation about further adjustments in her working conditions.

(3) The employer may let an expectant or nursing woman engage only in those activities for which he has taken the necessary protective measures pursuant to Section 2 sent. 1.

### **Section 11 Inadmissible activities and working conditions for pregnant women**

(1) The employer may not let a pregnant woman engage in any activities and expose her to any working conditions where she is or can be exposed to hazardous substances to an extent that this represents an irresponsible hazard for her or for her child. An irresponsible hazard in the meaning of sentence 1 shall be deemed to exist in particular if the expectant woman carries out activities or is exposed to working conditions where she is or can be exposed to the following hazardous substances:

1. Hazardous substances that, based on the criteria of Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Official Gazette No. L 353 from Dec. 31, 2008 p. 1) are to be assessed
  - a. as toxic for reproduction according to Category 1A, 1 B or 2 or according to the additional category for effects on or through lactation,
  - b. as mutagenic according to Category 1A or 1 B,
  - c. as carcinogenic according to Category 1 A or 1 B,
  - d. as specific target organ toxicant after a single exposure in Category 1, or
  - e. as acutely toxic in Category 1, 2 or 3
2. lead and lead derivatives, if the danger exists that these substances are absorbed by the human body, or
3. hazardous substances that are designated as substances that, even when complying with workplace standards, may possibly lead to foetal damage.

An irresponsible hazard in the meaning of sentence 1 or 2 is considered specifically precluded

1. when
  - a. for the respective hazardous substance the workplace-related guidelines are complied with and it is a hazardous substance that is designated as a substance that, upon compliance with the workplace-related guidelines as regards foetal damage, is assessed as safe, or
  - b. the hazardous substance is not able to cross the placental barrier, or for other reasons it is precluded that foetal damage occurs, and
2. if the hazardous substance, according to the criteria of Annex I of Regulation (EC) No 1272/2008, is not to be assessed as toxic for reproduction according to the additional category for effects on or through lactation.

The scientific findings determined by the Committee on Maternal Protection are to be observed.

(2) The employer may not let a pregnant woman engage in any activities and expose her to any working conditions where she comes or can come into contact with biological substances of the Risk Group 2, 3 or 4 in the meaning of Section 3 subsection 1 of the German Ordinance on Biological Working Agents to an extent that this represents an irresponsible hazard for her or for her child. An irresponsible hazard in the meaning of sentence 1 shall be deemed to

exist in particular if the expectant woman carries out activities or is exposed to working conditions where she comes or can come into contact with the following biological substances:

1. with biological substances that are to be categorized in Risk Group 4 in the meaning of Section 3 subsection 1 of the German Ordinance on Biological Working Agents, or
2. with rubella virus or with toxoplasma.

Sentences 1 and 2 also apply if the contact with biological substances in the meaning of sentence 1 or 2 makes or can make therapeutic measures necessary which themselves constitute an irresponsible hazard. An irresponsible hazard in the meaning of sentence 1 or 2 is considered specifically precluded if the expectant woman has adequate immune protection.

(3) The employer may not let a pregnant woman engage in any activities and expose her to any working conditions where she is or can be exposed to physical effects to an extent that this represents irresponsible hazard for her or for her child. As physical effects in the meaning of sentence 1, the following are to be taken into account in particular:

1. ionising and non-ionising radiation,
2. joltings, vibrations, and noise, as well as
3. heat, cold, and damp.

(4) The employer may not let a pregnant woman engage in any activities and expose her to any working conditions where she is or can be exposed to a harmful working environment to an extent that this represents an irresponsible hazard for her or for her child. The employer may in particular not let a pregnant woman engage in any activities

1. in rooms with pressure in terms of Section 2 of the German regulations for working with compressed air,
2. in rooms with oxygen-reduced atmosphere, or
3. in underground mines.

(5) The employer may not let a pregnant woman engage in any activities and expose her to any working conditions where she is or can be exposed to physical strains or mechanical effects to an extent that this represents an irresponsible hazard for her or for her child. The employer may in particular not let a pregnant woman engage in any activities where

1. she has to on a regular basis lift by hand, hold, move, or convey without the use of mechanical aids loads of more than 5 kg weight or occasionally loads of more than 10 kg,
2. she has to lift by hand, hold, move, or convey loads using mechanical aids and in so doing her physical strain corresponds to that of work under Number 1,
3. she after the end of the fifth month of pregnancy predominantly has to stand constantly with little movement and if this activity exceeds four hours a day,
4. she frequently has to stretch, bend, squat continually, stoop, or take other forced postures,
5. she is deployed on means of transport if this constitutes an irresponsible hazard for her or for her child,
6. accidents, particularly by slipping, falling or tumbling, or conduct are to be feared that constitute an irresponsible hazard for her or for her child,
7. she has to wear protective equipment and wearing it constitutes a burden, or
8. an increase in pressure in the abdominal cavity is to be feared, particularly in the case of activities with strain on the feet.

(6) The employer may in particular not let a pregnant woman engage in the following activities:

1. piecework or other work in which higher compensation can be generated by an increased work tempo,
2. work on an assembly line, or
3. timed work with a prescribed working tempo if the type of work or the work tempo constitutes an irresponsible hazard for the expectant woman or for her child.

## **Section 12 Inadmissible activities and working conditions for nursing women**

The employer may not let a nursing woman engage in any activities and expose her to any working conditions where she is or can be exposed to hazardous substances to an extent that this represents an irresponsible hazard for her or for her child. An irresponsible hazard in the meaning of sentence 1 shall be deemed to exist in particular if the nursing woman carries out activities or is exposed to working conditions where she is or can be exposed to the following hazardous substances:

1. hazardous substances that, according to the criteria of Annex I of Regulation (EC) No 1272/2008, are to be assessed as toxic for reproduction according to the additional category for effects on or through lactation, or
2. lead and lead derivatives, if the danger exists that these substances are absorbed by the human body.

(2) The employer may not let a nursing woman engage in any activities and expose her to any working conditions where she comes or can come into contact with biological substances of the Risk Group 2, 3 or 4 in the meaning of Section 3 subsection 1 of the German Ordinance on Biological Working Agents to an extent that this represents an irresponsible hazard for her or for her child. An irresponsible hazard in the meaning of sentence 1 shall be deemed to exist in particular if the nursing woman carries out activities or is exposed to working conditions where she comes or can come

into contact with biological substances that are to be categorized in the Risk Group 4 in the meaning of Section 3 subsection 1 of the German Ordinance on Biological Working Agents. Sentences 1 and 2 also apply if the contact with biological substances in the meaning of sentence 1 or 2 makes or can make therapeutic measures necessary which themselves constitute an irresponsible hazard. An irresponsible hazard in the meaning of sentence 1 or 2 is considered precluded if the nursing woman has adequate immune protection.

(3) The employer may not let a nursing woman engage in any activities and expose her to any working conditions where she is or can be exposed to physical effects to an extent that this constitutes an irresponsible hazard for her or for her child. As physical effects in the meaning of sentence 1, in particular ionising and non-ionising radiation is to be taken into account.

(4) The employer may not let a nursing woman engage in any activities and expose her to any working conditions where she is or can be exposed to a harmful working environment to an extent that this represents an irresponsible hazard for her or for her child. The employer may in particular not let a nursing woman engage in any activities

1. in rooms with pressure in the meaning of Section 2 of the German regulations for working with compressed air, or
2. in underground mines.

(5) The employer may in particular not let a nursing woman engage in the following activities:

1. piecework or other work in which higher compensation can be generated by an increased work tempo,
2. work on an assembly line, or
3. timed work with a proscribed working tempo if the type of work or the work tempo constitutes an irresponsible hazard for the expectant woman or for her child.

### **Section 13 Ranking of the protective measures: Restructuring the working conditions, changing jobs, and operational ban on employment**

(1) If irresponsible hazards in the meaning of Section 9, Section 11 or Section 12 are determined, the employer is to take protective measures for each activity of an expectant or nursing woman in the following ranking:

1. The employer is to restructure the working conditions for the expectant or nursing woman by means of protective measures pursuant to Section 9 subsection 2.
2. If the employer cannot exclude irresponsible hazards for the expectant or nursing woman by restructuring the working conditions pursuant to Number 1, or if a restructuring is not reasonable because of the demonstrably disproportionate effort, the employer is to deploy the woman at another suitable workstation if he can provide such a workstation and this workstation is reasonable for the expectant or nursing woman.
3. If the employer can exclude irresponsible hazards for the expectant or nursing woman neither through protective measures according to Number 1 or by changing jobs according to Number 2, he may no longer employ the expectant or nursing woman.

(2) The contracting authority or overseer may not issue any home-based work to expectant or nursing women if irresponsible hazards cannot be excluded through protective measures pursuant to subsection 1 number 1.

### **Section 14 Documentation and information by the employer**

(1) The employer is to document the assessment of the working conditions pursuant to Section 10 with documents that show the following:

1. the result of the hazard assessment pursuant to Section 10 subsection 1 clause 1 number 1 and the need for protective measures pursuant to Section 10 subsection 1 clause 1 number 2,
2. the determination of the required protective measures pursuant to Section 10 subsection 2 clause 1 and the result of their verification pursuant to Section 9 subsection 1 clause 2, and
3. the offer of a discussion with the woman about further adaptations of her working conditions pursuant to Section 10 subsection 2 clause 2 or the date of such a discussion.
4. If the assessment pursuant to Section 10 subsection 1 shows that the expectant or nursing woman or her child is not or cannot be exposed to any hazard in the meaning of Section 9 subsection 2, it suffices to note this determination in a documentation of the assessment of the working conditions of the woman's workstation or for the woman's activity, pursuant to Section 5 of the Working Conditions Act.

(2) The employer is to inform all persons that are employed with him about the result of the hazard assessment pursuant to Section 10 subsection 1 clause 1 number 1 and about the need for protective measures pursuant to Section 10 subsection 1 clause 1 number 2.

(3) The employer is to inform an expectant or nursing woman about the hazard assessment pursuant to Section 10 subsection 1 clause 1 number 1 and about the associated protective measures necessary for her pursuant to Section 10 subsection 2 clause 1 in conjunction with Section 13.

## **Section 15 Notifications and Certificates of the Expectant or Nursing Women**

- (1) An expectant woman is to inform her employer about her pregnancy and the predicted day or delivery as soon as she knows that she is pregnant. A nursing woman should inform her employer as soon as possible that she is nursing.
- (2) Upon request of the employer, an expectant woman should present a doctor's certificate or the certificate of a midwife or a male midwife as evidence of her pregnancy. The certificate of the pregnancy should contain the presumed date of delivery.

## **Section 16 Doctor's Ban on Employment**

- (1) The employer may not employ an expectant woman if, according to a medical certificate, her health or that of her child is endangered by continuing the employment.
- (2) The employer may not employ a woman who, according to a medical certificate, is not fully able-bodied in the first months after delivery with work that exceed her capabilities.

## **Section 27 Disclosure and Retention Obligations of the Employer, Ban on Disclosure of the Persons Entrusted with Monitoring**

- (1) The employer is to inform the supervisory authority immediately if
1. a woman has communicated to him
    - a) that she is pregnant, or
    - b) that she is nursing, unless he has already informed the supervisory authority about this woman's pregnancy, or
  2. if he intends to employ an expectant or nursing woman
    - a) until 10 p.m. pursuant to the guidelines of Section 5 subsection 2 Clause 2 and 3,
    - b) on Sundays and holidays pursuant to the guidelines of Section 6 subsection 1 Clauses 2 and 3 or subsection 2 Clauses 2 and 3, or
    - c) with clocked work in the meaning of Section 11 subsection 6 number 3 or Section 12 subsection 5 number 3.

He may not pass this information to third parties in an authorized manner.

- (2) The employer is, upon request, to give the information that is necessary to satisfy this authority's tasks to the supervisory authority. He is to convey the information in a truthful, complete and timely manner.
- (3) The employer is, upon request, to present or send the documents for inspection on the basis of which the following can be seen:
1. the name of the expectant or nursing women he employs,
  2. the type and the duration of their employment,
  3. the remuneration that they are paid,
  4. the results of the assessment of the working conditions pursuant to Section 10, and
  5. all other information required pursuant to subsection 2.
- (4) The person obliged to give information can refuse the answer to such questions or the presentation of such documents, the answering or presenting of which would incriminate her or one of her family members designated in Section 383 subsection 1 numbers 1 to 3 of the Code of Civil Procedure because of a criminal or administrative offence. This is to be pointed out to the person obliged to give information.
- (5) The employer is to keep the documents named in subsection 3 until at least two years have elapsed after the last entry.
- (6) The persons commissioned with monitoring at the supervisory authority may only disclose the trade and business secrets that they have become aware of in the course of their monitoring activity in cases regulated by law or to prosecute crimes or to fulfill tasks regulated by law to protect the environment to the authorities responsible for it. If the trade and business secrets are information about the environment in the meaning of the Environmental Information Act, the authority to disclose them shall be based on the Environmental Information Act.