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Maternity Protection in Germany — Rights, Deadlines and Maternity Benefit

Complete guide to Mutterschutz: protection periods before and after birth, employment ban, maternity benefit and dismissal protection.

Deutsche Begriffe: Mutterschutz | Mutterschutzgesetz | Beschäftigungsverbot | Mutterschaftsgeld | Kündigungsschutz | Mutterschutzfrist

What is Mutterschutz?

Mutterschutz protects expectant and new mothers in the workplace. The **Mutterschutzgesetz (MuSchG)** regulates:

- **Protection periods** before and after birth (work prohibition)
- **Employment bans** where there are health risks
- **Dismissal protection** during pregnancy and after birth
- **Mutterschaftsgeld** as income replacement

The law applies to **all employees** — including part-time workers, minijob employees, trainees and fixed-term workers. **Nationality does not matter** — Mutterschutz applies to all women working in Germany.

Protection Periods

Before Birth — 6 Weeks

- **6 weeks before the estimated date of birth** the Mutterschutzfrist (maternity protection period) begins
- You **may** work during this time if you explicitly wish to — however, your employer **cannot require you to do so**
- You **can withdraw your consent at any time**

After Birth — 8 Weeks (or 12)

- **8 weeks after birth** there is an **absolute employment ban** — you cannot work, even if you want to!
- For **premature births**: 12 weeks after birth + the days not taken before birth
- For **multiple births** (twins, etc.): 12 weeks after birth
- For **children with disabilities**: 12 weeks (on request)

Calculating the Protection Period

Example	Estimated Date	Protection from	Protection until
Normal	June 15, 2026	May 4, 2026	August 10, 2026
Premature birth (2 weeks early)	June 15, born June 1	May 4, 2026	August 24, 2026
Twins	June 15, 2026	May 4, 2026	September 7, 2026

Beschäftigungsverbot (Employment Bans)

Beyond the protection periods, there are **general and individual employment bans**:

General Employment Ban

The employer must exempt pregnant women from certain activities:

- **Heavy physical work** (regularly lifting more than 5 kg or occasionally more than 10 kg)
- **Night work** (between 8 p.m. and 6 a.m.) — prohibited!
- **Sunday work** — prohibited (exceptions: catering, care services, with explicit consent)
- **Assembly line work** at a set pace
- **Hazardous substances** (chemicals, radiation, infection risks)
- **Piece work**

Individual Employment Ban

A **doctor** may issue an individual employment ban if:

- The health of the mother or child is endangered
- Pregnancy complications occur

- Working conditions are unreasonable

You submit the medical certificate to your employer. They must **immediately exempt you** — with full wage continuation.

Mutterschaftsgeld (Maternity Benefit)

Who Receives Maternity Benefit?

Employees insured with statutory health insurance receive Mutterschaftsgeld from:

1. Health insurance fund: max. €13/day (net)

2. Employer: top-up to full net salary (difference between insurance amount and actual income)

Result: You receive your **full net salary** during the protection period.

Privately Insured and Minijob Employees

- **Privately insured** — one-time max. €210 from the Federal Social Security Office + employer top-up

- **Minijob employees** — Mutterschaftsgeld from Federal Office + possible employer top-up

- **Unemployed** — Mutterschaftsgeld equal to unemployment benefit from health insurance

How to Apply for Maternity Benefit?

1. Medical certificate of expected date of birth (earliest 7 weeks before the date)

2. Application to health insurance — online or by post (form on your insurance website)

3. After birth: Send birth certificate to health insurance (for post-birth period)

Processing time: Usually 2-4 weeks.

Kündigungsschutz (Dismissal Protection)

When Does Dismissal Protection Apply?

The employer **cannot dismiss:**

- During the entire **pregnancy**

- Up to **4 months after birth**
- During **parental leave** (on request)

What Should You Do?

- **Notify of pregnancy** — inform your employer as soon as possible (preferably in writing)
- If dismissal comes before notification: You have **2 weeks** to notify of pregnancy — the dismissal will then be ineffective

Exceptions

Only in **extreme cases** can the employer apply for dismissal permission with the competent authority (Factory Inspectorate/Government President) — e.g. in case of business closure or serious misconduct.

Employer Obligations

The employer must:

- 1. Conduct risk assessment** — check the workplace for risks to pregnant women
- 2. Adjust working conditions** — if necessary, assign different workplace
- 3. Allow time for medical appointments** — without wage deduction
- 4. Wage continuation during employment ban** — full salary
- 5. Notification to authorities** — pregnancy must be reported

Checklist for Expectant Mothers

Immediately After Confirming Pregnancy

- **Inform employer** (preferably in writing via email)
- **Get maternity record** from gynecologist
- **Attend prenatal appointments**

7 Weeks Before Estimated Date of Birth

- **Request medical certificate** for due date
- **Apply for Mutterschaftsgeld** with health insurance

- [] **Prepare for Elterngeld** (parental allowance) — prepare application (submit after birth)
- [] **Plan parental leave** — submit request to employer at latest 7 weeks before start date

After Birth

- [] **Apply for birth certificate** (vital statistics office, within 1 week)
- [] **Apply for Kindergeld** (child allowance) from Family Office
- [] **Health insurance** — register child with parent's statutory health insurance (free family insurance)
- [] **Apply for Elterngeld** (within 3 months)

Mutterschutz and Residence Status

For **foreign employees**:

- Mutterschutz applies **regardless of residence status**
- Even with **tolerated stay** you are entitled to Mutterschutz
- You receive **Mutterschaftsgeld** if you are statutorily health insured
- Birth of a child can have **effects on residence status** — seek advice (migration counseling, immigration office)

Important Differences: Mutterschutz vs. Parental Leave

	Mutterschutz	Parental Leave
Who?	Mothers only	Mothers and fathers
Duration	6+8 weeks (fixed)	Up to 3 years (flexible)
Salary	Full net salary	No salary (but parental allowance possible)
Mandatory?	Yes (after birth)	No (voluntary)
Application?	Automatic	Written application required

Tips

- 1. Notify of pregnancy early** — the earlier, the better

2. Put everything in writing — notification to employer, applications, medical certificates

3. Use available support — equality officer, works council, pro familia

4. Meet deadlines — parental leave 7 weeks in advance, parental allowance within 3 months

5. In case of problems: Contact the competent authority (Factory Inspectorate) — it supervises compliance with the Mutterschutzgesetz

--- As of March 2026. All information without warranty.