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Certify a medical ban on employment

Heruntergeladen am 20.06.2025

<https://fimportal.de/xzufi-services/6000787/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99006007000000
Leistungsbezeichnung I	Certify a medical ban on employment
Leistungsbezeichnung II	Certify a medical ban on employment
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	• § 16
Teaser	As a pregnant or breastfeeding employee, the Maternity Protection Act provides you with sufficient protection against risks associated with your employment. However, additional regulations may be necessary during the course of your pregnancy or breastfeeding period.
Volltext	<p>As a pregnant or breastfeeding employee, the Maternity Protection Act provides you with sufficient protection against risks associated with your employment. However, additional regulations may be necessary during the course of your pregnancy or breastfeeding period.</p> <p>The medical ban on employment takes into account your personal complaints as an expectant mother, which cannot be covered by the company ban on employment. The continuation of the activity due to your individual constitution must be the sole cause of the risk.</p> <p>Your doctor can then certify that you are no longer allowed to carry out certain activities. This medical ban on employment serves to protect your health as a pregnant woman and that of your child and is subject solely to medical judgement. The ban may apply to the entire activity or to partial activities and times. A medical ban on employment can also be issued if you are not fully able to work in the first few months after giving birth.</p> <p>The decision as to whether you as an expectant mother are unfit for work (incapacity for work) or - in the absence of illness - whether it is necessary to protect the life or health of you or your child (medical prohibition of employment under the Maternity Protection Act) is only made by a doctor.</p> <p>The doctor can prohibit employment by your employer in whole or in part. You may then no longer be employed to the extent specified. The prerequisite for</p>

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this prohibition of employment is a corresponding medical certificate. This can be issued by any doctor, i.e. not only gynaecologists, but also orthopaedists or neurologists, for example, are authorised to do so. The medical certificate is addressed to the employer. The medical certificate should contain information that is as precise and generally understandable as possible, in particular whether lighter work or reduced working hours remain permissible. It should be formulated in such a way that your employer can recognise the nature and extent of the risk to the woman and her child if she continues to work. Reasons and medical diagnoses do not belong in this certificate. It must be clearly worded and take into account the provisions of the Maternity Protection Act (MuSchG). The doctor must decide whether your complaints are due to the pregnancy or an illness. If the doctor determines that your symptoms are due to your pregnancy, he or she must check and decide from a medical point of view whether you are unfit for work due to complications that have arisen or whether a ban on employment is necessary due to pregnancy - without an illness being present - in order to protect your life or your health or that of your child. If your employer has reasonable doubts about the accuracy of the medical certificate, he or she may request a follow-up examination. However, you have the right to choose your own doctor. You are therefore not required to have a specific doctor carry out the follow-up examination. The costs of such a follow-up examination are borne by the employer. If you have any questions regarding the implementation of maternity protection, please contact the supervisory authority responsible for maternity protection. For the Free State of Saxony, this is the

Erforderliche Unterlagen

The written certificate must contain the following information:

- Legal basis (§ 16 Maternity Protection Act)
- expected period of validity
- Information on whether, how and to what extent the employee may still be employed

The information should be presented in a generally understandable way. This is the only way for your

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	employer to be able to employ you without endangering yourself or your child.
Voraussetzungen	A medical ban on employment is issued if the doctor classifies the health of the woman or the child as being at risk if she continues to work due to her individual state of health.
Kosten	<ul style="list-style-type: none"> • The costs for the medical certificate are borne by you as the employee if the costs are not covered by the health insurance fund. • The employer will pay for a further medical certificate at the request of the employer.
Verfahrensablauf	<p>Contact a doctor you trust about your health complaints. If a medical ban on employment becomes necessary, the doctor will arrange this accordingly.</p> <ul style="list-style-type: none"> • Present the certificate to your employer. Your employer may then only employ you within the specified framework. • The medical prohibition of employment becomes effective upon presentation to the employer. It is binding both for the employer and for you. <p>Your employer has the right to request a second certificate; you are free to choose the doctor. Until a second certificate is received, the prohibitions initially certified continue to apply.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	<p>The doctor can issue a medical ban on employment as soon as he or she has diagnosed the pregnancy. The employer may not employ a woman who, according to a medical certificate, is not fully able to work in the first few months after giving birth with work that exceeds her capacity.</p> <p>Type of employment ban / employment restrictions</p> <ul style="list-style-type: none"> • any activity is prohibited • only certain activities or times, for example <ul style="list-style-type: none"> • Reduction of daily working hours or • Transfer to another job

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	<p>Scope and duration</p> <ul style="list-style-type: none"> • "The pregnant woman is hypersensitive to certain odours." • "There is a risk of psychological stress at the workplace." • Type of hazard with as precise details as possible, such as
Rechtsbehelf	non applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	