

99006053006000, 99006053006000

Maternity protection: request employment of pregnant or breastfeeding women between 8 p.m. and 10 p.m.

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/209540400/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99006053006000, 99006053006000
Leistungsbezeichnung I	Maternity protection: request employment of pregnant or breastfeeding women between 8 p.m. and 10 p.m.
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Genehmigung (006)

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.03.2023
Fachlich freigegeben durch	Thuringian Ministry of Labor, Social Affairs, Health, Women and Family Affairs
Handlungsgrundlage	https://www.gesetze-im-internet.de/muschg_2018/_28.html https://www.gesetze-im-internet.de/muschg_2018/_28.html
Teaser	Pregnant and breastfeeding women are not allowed to work between 8:00 pm and 6:00 am. An exception to this may be requested.
Volltext	<p>By way of derogation from the ban on night work between 8 p.m. and 10 p.m., the supervisory authority may, at the employer's request, authorize a pregnant or breastfeeding woman to be employed between 8 p.m. and 10 p.m..</p> <p>The procedure facilitates continued employment of the pregnant / nursing woman if this is in the mutual interest of the woman and the employer.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • "Application in accordance with Section 28 (1) of the Maternity Protection Act (MuSchG) for the employment of pregnant or breastfeeding women between 8 p.m. and 10 p.m." <ul style="list-style-type: none"> • Declaration of readiness by the woman, unless the application has been co-signed by her, • medical certificate stating that there is nothing to prevent the woman from working between 8 p.m. and 10 p.m, • confirmation by the employer that there is no irresponsible risk to the pregnant woman or her child from working alone. • Documents showing the result of the risk assessment of the woman's workplace or the concrete protective measures taken to avoid irresponsible risks

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	<p>to the pregnant or breastfeeding woman and her child (cf. also Section 14 (1) MuSchG). https://verbraucherschutz.thueringen.de/arbeitschutz/mutterschutz https://verbraucherschutz.thueringen.de/arbeitschutz/mutterschutz</p>
Voraussetzungen	The applicant has to prove the existence of the prerequisite according to § 28 MuSchG.
Kosten	The decision on the application is subject to a fee. This also applies in the case of the occurrence of the approval fiction.
Verfahrensablauf	<p>The application must be preceded by an examination by the employer as to whether the requirements for employment between 8 p.m. and 10 p.m. are met. Employment is possible from the time of application. Approval is deemed to have been granted if the supervisory authority does not reject or prohibit the employment of the pregnant or breastfeeding woman within 6 weeks.</p> <p>The application must be accompanied by all the necessary documents to enable the supervisory authority to examine the application. The supervisory authority shall notify the employer immediately upon receipt of the application if any documents are incomplete.</p> <p>Prerequisites are that the woman has demonstrably declared her consent (she can revoke it at any time), that there is a medical confirmation of the harmlessness of the employment between 8 p.m. and 10 p.m., that the employer makes a declaration on working alone and that it is proven via the risk assessment that basically no irresponsible hazards result from the activity.</p> <p>The supervisory authority may temporarily prohibit employment insofar as this is necessary to ensure the protection of the health of the woman or her child, or reject the application.</p> <p>The supervisory authority may approve the application in accordance with Section 28 MuSchG or allow the approval to be fictitious.</p>

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Bearbeitungsdauer	The supervisory authority shall notify the employer immediately upon receipt of the application if documents are incomplete. The supervisory authority shall prohibit the employment of the pregnant or breastfeeding woman between 8:00 p.m. and 10:00 p.m. within 6 weeks if the requirements are not met. If this is not done, after 6 weeks the complete fictitious approval takes effect.
Frist	Employment of a pregnant or breastfeeding woman between 20:00 and 22:00 shall be lawful from the date of submission of the complete application under the conditions of Section 28 (1). If the supervisory authority does not prohibit or reject the employment within six weeks of receipt of the complete application documents, the approval is deemed to have been granted and the application is deemed to have been approved.
weiterführende Informationen	
Hinweise	<p>A training center may allow a pregnant or breastfeeding woman (pupils and students) to participate in training events until 10 p.m. if the woman expressly declares her willingness, the participation is necessary for training purposes and, in particular, an irresponsible risk from working alone is excluded; this must be reported to the supervisory authority.</p> <p>The employer must determine all risks and necessary protective measures in an occasion-independent risk assessment prior to the commencement of an activity, irrespective of a concrete or known pregnancy.</p> <p>As soon as a woman has informed the employer that she is pregnant or breastfeeding, the employer must immediately determine specific protective measures based on this risk assessment. The woman may only continue to be employed if there is no irresponsible risk. The employer must notify the supervisory authority (in Thuringia TLV) immediately if a woman employed by him has informed him that she is pregnant.</p>

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	<p>The employer must offer the woman a discussion about further adjustments to her working conditions. https://verbraucherschutz.thueringen.de/arbeitschutz/mutterschutz https://verbraucherschutz.thueringen.de/arbeitschutz/mutterschutz</p>
Rechtsbehelf	<p>You can appeal against the decision on your application in accordance with the Administrative Court Code (objection, action before the Administrative Court if necessary).</p>
Kurztext	<ul style="list-style-type: none"> • Application for employment of a pregnant or breastfeeding woman between 8 p.m. and 10 p.m. Approval <ul style="list-style-type: none"> • Employment of a pregnant / breastfeeding woman between 8 p.m. and 10 p.m. according to MuSchG • Supervisory authority may, at the employer's request, approve that a pregnant or breastfeeding woman may be employed between 8 p.m. and 10 p.m. • Procedure facilitates continued employment of pregnant / breastfeeding woman • Is in the mutual interest of the woman and the employer. • Responsible: Regional Inspectorate of the Thuringian State Office for Consumer Protection (TLV) - Occupational Health and Safety Department.
Ansprechpunkt	<p>Contact your responsible regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) - Department of Occupational Safety and Health.</p>
Zuständige Stelle	
Formulare	<p>The application can be made informally. It is recommended to use the application according to § 28 MuSchG.</p>
Ursprungsportal	<p>Maternity protection: request employment of pregnant or breastfeeding women between 8 p.m. and 10 p.m., Mutterschutz: Beschäftigung von schwangeren oder stillenden Frauen zwischen 20 Uhr und 22 Uhr beantragen</p>