

Women

Employment of pregnant workers, workers who have recently given birth or are breastfeeding

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Special provisions regulate the protection of pregnant workers, workers who have recently given birth or are breastfeeding. Employers are obliged to comply with these regulations.

Obligatory reporting

The employer has to directly inform the competent authority (labour inspection = Arbeitsinspektion) in written form about the pregnancy of one of his/her employees.

A copy of this report has to be forwarded to the pregnant worker and the occupational physician.

The following information has to be enclosed: name, age, kind of tasks, work place and expected date of delivery.

Risk assessment

The employer has to assess all safety and health risks and every possible effect on pregnancy or breastfeeding (e.g. chemical, physical and biological agents). On this basis adequate measures have to be taken.

Measures like: adjusting working conditions and/or working hours move the worker to another job or grant leave for the worker concerned for the whole of the period necessary to protect her safety or health.

Prohibited and restricted occupations

Eight weeks before assumed birth it is strictly forbidden for pregnant workers to work.

a) before birth:

- Handling of loads - limit of weight:
 - on regular basis 5 kg
 - occasionally 10 kg
- permanent standing work: seats for short rest breaks should be provided
- from the 21st week of pregnancy on it is not allowed to do standing work for more than 4 hours a day
- work with a risk of occupational disease (e.g.: noise)
- employment with health hazards (e. g.: dusts, gases, vapours, radiation and biological substances)
- working with machines using the feet to a high extent
- driving or working on board of vehicles (e. g.: taxi, bus)
- piecework (starting from 21st week of pregnancy)
- tasks with a special accident risk
- constant sitting
- extreme heat or cold
- excessive lifting or bending
- strong vibrations
- psychological risks
- offensive smells
- protection against tobacco smoke

b) after birth

Eight weeks after having given birth workers are strictly forbidden to work. In case of premature birth, Caesarean, twin or multiple births, this period of time is extended to **12 weeks**.

Some bans or restrictions are also valid during the period of **breastfeeding**.

Night work

Pregnant and breastfeeding workers must not be employed from 8.00 p.m. to 6.00 a.m.

Exceptions from this rule (work to 22.00 p. m.) exist for employees in transport and communication, theatres, entertainment, cinemas, hospitals and companies with shift - work.

Work on sundays and holidays

Pregnant and breastfeeding workers must not be employed on Sundays and holidays.

Exceptions from this rule exist for employees in companies with continuous shift-work, gastronomy, theatres, entertainment, small companies with Sundaywork and in companies with –days of rest during the week.

Working overtime

Overtime is forbidden for pregnant and breastfeeding workers. Allowed:

Daily work: maximum 9 hours

Weekly work: maximum 40 hours.

Ante-natal examination

Pregnant workers must be entitled to attend ante-natal examinations, without loss of pay, if such examinations have to take place during working hours.

Rest facilities

Pregnant and breastfeeding workers should have the possibility to lie down in the workplace or at the construction site to rest during work.

Suspension from work

In case of danger to health and safety for the pregnant worker or her unborn child suspension from work is possible due to a special medical certificate issued by a public health officer (Amtsarzt) or an occupational physician of the local labour inspectorate (Arbeitsinspektionsarzt).

Prohibitions of dismissal

The dismissal of pregnant workers from beginning of their pregnancy is prohibited or restricted to severe reasons. Also the dismissal of workers who have given birth is prohibited during a period of four months after delivery or during one month after the end of the maternity leave.

If you have any questions about payment, lump sum, holiday entitlement, maternity allowance, maternity leave, part time work or protection against dismissal please consult the Chamber of Labour (ARBEITERKAMMER) (phone nr. 50165 – 0, www.arbeiterkammer.at).

Statutory basis

Mutterschutzgesetz (law for maternity protection), BGBl.Nr. 221/1979

Angestelltengesetz (law for salaried employees), BGBl.Nr. 292/1921

Further information will be given to you by the local labour inspection

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