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Legislative Series
1934 — Danz. 1

DANZIG 1

Order: Employment of Women before and after Childbirth

Verordnung über die Beschäftigung weiblicher Arbeitnehmer vor und nach der Niederkunft. Vom 16. März 1934. (Gesetzblatt für die Freie Stadt Danzig — Ausgabe A, den 28. März 1934, Nr. 23, S. 199.)

Order respecting the employment of women workers before and after childbirth. Dated 16th March, 1934.

1. *Scope of the Order.*

- 1) The Order shall apply to the employment of women workers who are liable to sickness insurance.
- (2) The Order shall not apply to the following employments:—
 1. employment in undertakings in agriculture and forestry, stock breeding and fisheries, including undertakings subsidiary to the undertakings to which the Order applies;
 2. employment in undertakings subsidiary to the undertakings exempted under no. 1, which by their nature fall within the scope of the Order and in which as a rule not more than three persons are employed;
 3. domestic work, including personal services performed in the household of the employer.
- (3) The Senate may issue special provisions concerning the question whether or not particular classes of undertakings or employments shall be considered as falling under subsection (2).

2. *Cessation of work.*

- (1) A pregnant woman shall be entitled to cease to perform the work incumbent upon her under her contract of employment if she produces a medical certificate stating that her confinement will probably take place within six weeks.
- (2) A pregnant woman or nursing mother shall not be employed for more than eight hours in the day.
- (3) A lying-in woman shall not be employed during the six weeks immediately following her confinement; she shall not be permitted to resume work unless she produces proof that at least six weeks have elapsed since her confinement. During a further period of six weeks she shall be entitled to suspend the performance of the work incumbent upon her under her contract of employment if she produces a medical certificate stating that she is prevented from working by a malady which is a result of her pregnancy or confinement or has been materially aggravated thereby.
- (4) The employer shall not be bound to pay remuneration for the time during which no work has been performed unless this has been expressly agreed upon.

3. *Breaks for nursing.*

During a period of six months after her confinement every nursing mother shall on her request be granted breaks for the time necessary
ice 1½d. (3 cents)

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for nursing her child, provided that such breaks shall not exceed half an hour twice a day or one hour once a day. The obligation of the employer to pay remuneration shall not be affected by this provision.

4. *Prohibition of dismissal.*

(1) It shall not be lawful for an employer to give a woman employee notice to leave during a period extending from six weeks before to six weeks after her confinement, if at the time of the notice the employer was aware of the pregnancy or confinement or if the woman employee acquaints him with the fact immediately upon receipt of notice to leave. If on the expiry of the said period the woman employee is prevented from working by a malady which according to a medical certificate is a result of her pregnancy or confinement or has been materially aggravated thereby, the said period shall be prolonged for the duration of such hindrance, but not in any case for more than an additional six weeks.

On the expiry of the period of protection lasting six weeks or prolonged on account of sickness, for a further period of three months a fortnight's notice shall be necessary for dismissal.

(2) If notice to leave has been given and expires on a date falling within the period of protection mentioned in subsection (1), the date of the termination of the contract of employment shall be postponed until the close of the period of protection.

(3) The validity of notice to leave given for grave reasons unconnected with pregnancy or confinement shall not be affected by this provision.

(4) The provisions of subsections (1) and (2) shall not apply in cases where the contract of employment has been expressly concluded for some special purpose and this purpose has been accomplished at the date for which notice has been given.

5. *Supervision.*

(1) Section 139b of the Industrial Code shall apply, *mutatis mutandis*, to the supervision of the administration of this Order.

(2) The authorities exercising general service supervision shall be responsible for supervision of the establishments and administrative departments of public bodies.

6. *Penal provisions.*

(1) An employer who wilfully or through negligence fails to comply with the provisions of subsection (2) or the first sentence of subsection (3) of section 2, or of the first sentence of section 3, shall be liable to a fine not exceeding 1,000 gulden.

(2) An employer who within a period of three years after an enforceable sentence under these provisions wilfully contravenes them again shall be liable to a term of imprisonment not exceeding six months in addition to or in place of the fine.

(3) The provisions of section 151¹ of the Industrial Code shall apply.

¹ This section relates to the enforcement of penalties and the liability of employers and their agents respectively.

7. *Coming into operation of the Order.*

(1) The Order shall come into operation on 1st April, 1934. On the same date the sixth paragraph of section 137 of the Industrial Code, no. 5 of the fifth paragraph and no. 14 of the second paragraph of the Notification concerning the administrative regulations issued by the Federal Council for the employment of young persons and women in workplaces equipped with motor power, dated 13th July, 1900 (Reichsgesetzblatt, p. 566), and the fifth paragraph of section 4 of the Order concerning the extension of sections 135—139 and section 139b of the Industrial Code to the clothing and underclothing industry, dated 31st May, 1897 (Reichsgesetzblatt, p. 459), amended 17th February, 1904 (Reichsgesetzblatt, p. 62), shall cease to be operative.

(2) The validity of notices to leave given before the coming into operation of this Order shall be decided in accordance with the Orders hitherto in force.

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