



# CHECKLIST FOR ENTERPRISES

## MEDICALLY ASSISTED REPRODUCTION

This checklist compiles the legal obligations, but also additional actions you can take (see “tips”) to make your organisation more family-friendly. Obviously, you start by reviewing what is necessary and possible at your company. This checklist is not exhaustive but a first tool to get started.

- ✓ Inform yourself about your **legal obligations** regarding medically assisted reproduction.

What is medically assisted reproduction? According to the law, medically assisted reproduction covers the medical techniques that involve artificial insemination or the treatment of an egg cell and/or embryo, e.g. in vitro fertilization (IVF).

- ✓ Inform your employee about the **risk analysis**.

Provide her/him with information about the risk factors and dangers to which she/he is exposed in the performance of her/his duties and indicate what measures you will take in this respect.

Also advise your employee to submit a request to the occupational physician for a **spontaneous health check**.

- ✓ If there are certain risks, check and discuss with your employee and the occupational physician whether **alternative work** is possible and preferable.

For women or men who are undergoing medically assisted reproduction, there is no legal framework that requires a transfer of service or a removal from work. No benefits will therefore be paid in this regard. If you opt for one of these measures, please note that you will be fully responsible for the related costs.

Discuss this with the occupational physician.



**TIP** Ask your employee to **formally inform you** about her/his treatment for medically assisted reproduction and **plan** for any possible absence.

As soon as you have been informed of the medical treatment by your employee or by the occupational physician, you record this formally and in writing.

Being informed by your employee and making agreements about her/his possible absence indicates that you want to help them think of ways to better combine work and private life. In addition, it also gives you more time to arrange possible replacements and to adjust the planning accordingly.



✓ Is your **employee pregnant** and has she informed you?

Consult [checklist no. 3: 'During pregnancy'](#). During her pregnancy, your employee enjoys specific protection, for example in the event of pre-natal consultations, discrimination or dismissal. There are also administrative matters and leave arrangements that you need to consider.

✓ **Do not discriminate against employees undergoing medically assisted reproduction.**

Medically assisted reproduction is a protected ground in the Gender Act of 10 May 2007. This means that employees undergoing IVF or other fertility treatment cannot be treated unfavourably on account of their wish to have children or their absence as a result of treatment.

Discrimination in the workplace can take **various forms**, such as different treatment, harassment, not hiring someone because they are undergoing IVF treatment, dismissing someone because of absences relating to IVF treatment, and so on. You can conduct prevention campaigns to raise awareness among your workers or to help them discern prejudices and discriminatory behaviour.

**TIP** Give your employee **time off**, paid by you as employer, **for the medical consultations** associated with medically assisted reproduction that cannot be organised outside working hours.

Treatment in the context of medically assisted reproduction is **legally subject to the same rules** as other medical treatments. If your employee is incapacitated for work, she/he must inform you and possibly justify her/his absence with a (medical) certificate.

You can grant a **separate leave** in this regard (such as [occasional leave](#)). In addition, you can give your employee permission to **work at home** on the day of the medical treatment. That way she/he wins travel time (to your advantage) and can more easily combine work and private life.