



## CHECKLIST FOR ENTERPRISES

# DURING PREGNANCY

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.

**Congratulate your employee!**

Inform your employee about the [risk analysis](#).

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

If there are specific risks, check and discuss with your employee and the occupational physician whether **alternative work, a transfer** to another (risk-free) department or **possibly removal from work** is possible and preferable. In the event of a transfer to another (risk-free) department, we refer to a “partial removal from work”.

An employee who carries out adapted work during a period of maternity protection receives a benefit from her health insurance fund. This benefit is calculated according to a rule of cumulation of the benefits with the income from the adapted work. In such cases, you declare the income received for the previous month (gross amount, without deduction of social security contributions paid by the employee). For this, complete the [online form](#) of the Social Security.

If there is no alternative or if a partial removal from work is not possible, you may decide to remove your employee from work during her pregnancy (in order to protect her). You will have to explain the maternity protection measures taken in respect of her and add a copy of the medical examination report completed by the occupational physician. In this case, you will not have to pay her salary. She will receive compensation from her health **insurance. For this, complete the [online form of the Social Security](#).**

- ✓ **Prohibit** night work or working overtime for your **pregnant employee** and **adapt her work schedule** during her pregnancy if necessary.

Pregnant employees are not allowed to work more than 9 hours a day or 40 hours a week. Night work (between 8 pm and 6 am) is strictly prohibited during the 8 weeks before the expected delivery date and until maximum 4 weeks after the end of the maternity leave. If your pregnant employee can present a medical certificate stating that this type of work is prohibited because of her health or her baby's health, this also applies to the remaining period of the pregnancy (before 8 weeks before the expected delivery date).

You will therefore have to propose day-time work for your pregnant employee, or, if this is not possible, remove her from work altogether (see the previous point for more information on the specific provisions on this subject).

Discuss and check this with the employee's team in order to facilitate her transfer (if any) and the transfer of her tasks in the best possible way.



**TIP** Discuss with your employee whether she would like **additional measures** to keep the workload feasible, separately from the risk analysis.

For example, allow your pregnant worker to benefit more regularly from teleworking (this may, for one, relieve her from long journeys) or adapt her start and end times (useful in case of morning sickness). You can also reserve a parking space for pregnant employees close to the entrance.



✓ **Do not fire your employee** on account of her pregnancy!

The right to dismiss an employee is restricted from the moment you are informed of the pregnancy, until the month following the end of the postnatal leave (see Labour Law).

During this protected period, you can only dismiss your employee for reasons that are unrelated to her pregnancy or the birth. You must provide proof of the reasons you invoke to justify the dismissal.

The same applies to non-renewal of the employment contract, which is also not permitted on the grounds of a pregnancy.

✓ Give your employee **time off for prenatal examinations**.

Your female employee has the right to be absent for prenatal consultations if these cannot be organised outside working hours. In order to retain her right to salary, she must inform you of these consultations in advance and provide a medical certificate afterwards.



**TIP** Allow your employee to **work at home** on the day of the prenatal examinations. That way, she/he wins travel time (to your advantage) and can more easily combine work and private life.

✓ **Consult with your employee and plan her maternity leave.**  
Also discuss her possible replacement.

How many weeks of prenatal leave does she want to take? How can her tasks be covered during her maternity leave?

A pregnant employee is entitled to 15 weeks of maternity leave. She may have 6 weeks of prenatal rest, one of which is compulsory, and 9 to 14 weeks of postnatal rest, 9 of which are compulsory. She may also add days of parental leave, see [checklist no. 7](#).

It is important to be prepared as thoroughly and rapidly as possible. Therefore, do not postpone this discussion for too long.

✓ Add **important dates** to the agenda, related to settling **administrative matters**.

The actual dates can be calculated via online tools. You can ask your social secretariat for assistance in this regard. More information can be found on the website of the [National Institute for Health and Disability Insurance](#).

- Your employee must provide you with a medical certificate indicating this date **(at the latest) 7 weeks before the expected delivery date**. She also needs to send this certificate to her health insurance fund, which will provide her with an [information form](#) to be completed by you [online](#). Based on this form, the health insurance fund will calculate the benefit for your pregnant employee. You do not have to pay your pregnant employee's salary during her maternity leave; she receives a benefit from her health insurance fund.
- Your employee can take her prenatal leave **from 6 weeks before the expected delivery date**. The first 5 weeks of this are optional and can be carried over to the period after the birth (postnatal leave).
- Your employee is obliged to stay at home during the **7 calendar days prior to the expected delivery date**.
- If your employee gives birth before the **expected delivery date**, the days she did not take of the week of compulsory prenatal rest are lost. If she gives birth later, the postnatal leave is extended, starting from the 6 weeks envisaged for prenatal rest (if these have not yet been taken).
- **During the first 9 weeks after giving birth**, the employee is not allowed to work and is on compulsory maternity leave or postnatal leave.  
This can be supplemented with 7 weeks, if these were not taken before the birth.
- **No more than 8 days after the employee resumes work**, she must inform the health insurance fund that she has gone back to work. You must complete the [online form](#) of the Social Security in this regard.

The above periods vary in the case of a [multiple birth](#) or if the [child falls ill after the birth](#).



**TIP** Provide for **additional pay** for your employee during her maternity leave.

During her maternity leave, a pregnant employee is entitled to maternity benefits. As a result, she loses part of her income (these benefits amount to 82% of her gross salary and drop further after 30 days to 75% of her income). Additional pay will therefore certainly be welcome.



- ✓ Consult with your pregnant employee about **communication during her postnatal rest.**

It is important to limit contact during her maternity leave. This is a special period in which the family needs to adapt to the new situation and fully enjoy the new family member.

For the practical arrangements relating to her return, such as planning her first workday/week, you can contact her a few days before her resumption of work in order to coordinate the return.

- ✓ When your employee **returns** from maternity leave, you give her the **same or equivalent work** as before.

However, if the [risk analysis](#) shows that her job involves risks for the breastfeeding period (up to a maximum of 5 months after the birth), you can, in the interests of your employee, choose to give her an alternative function, a transfer to another (risk-free) department, or a removal from work. In the latter case we refer to **[lactation leave](#)**. Your employee will then receive a benefit from the health insurance fund; you do not pay anything.

Contact the occupational physician for this. Your employee must apply for a certificate from her health insurance fund. You need to complete part of this certificate.

- ✓ **Do not discriminate against pregnant employees and employees who have given birth.**

Pregnancy and childbirth are protected grounds in the Gender Act of 10 May 2007. This means that employees cannot be treated unfavourably on account of their pregnancy or childbirth.

Discrimination in the workplace can take **various forms**, including different treatment, harassment, ineligibility for a promotion, not hiring someone because she is/may become pregnant, dismissing someone because of prolonged absence during maternity leave, and so on. You can conduct prevention campaigns to raise awareness among your workers or to help them discern prejudices and discriminatory behaviour.

More information can be found in the brochure [‘Pregnant at work. Guide for Employees and Employers to Discrimination-Free Treatment’](#).



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