

# Social Policy and Women (1989)

## Abstract

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This table provides an overview of labor and social policy measures specifically targeting the needs of women and mothers. Underscoring the importance of these measures in both German states, the table reveals similarities (e.g., benefits for pregnant women) and differences (e.g., the greater availability of day care in East Germany).

## Source

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### Work and Social-Policy Regulations and Basic Conditions Specific to Women

#### GDR

##### *Basics*

Constitutionally guaranteed right of all to a position of free choice in keeping with social demands and individual qualifications;  
 Duty to perform socially useful work: right and duty of all young people to learn a profession;  
 legal duty of the company to continue the employment; if a company terminated an employment contract, it was obligated to offer the terminated employee an alternative or transitional contract for a different acceptable job; independent decision of the woman regarding the continuation of a pregnancy during the first trimester [*Fristenregelung*]

##### *I. Protection Regulations*

– Largely fixed by the Labor Code

- 1.** Fundamental fixation of the special protection for women when taking up and exercising professional activity
- 2.** Occupational safety provisions for women corresponding to their special physical and physiological features (carrying standards, etc.), or special provisions in case of pregnancy and maternity (prohibition of night work and overtime work for pregnant women and nursing mothers, etc.)

– Provisions generally did not have a disadvantageous effect

#### FRG

##### *Basics*

Basic Law guarantees free right of choice regarding training, occupation and workplace;  
 Possible obligation of the company to continue the employment after completion of training;  
 Possible termination by the employer for operational or personal reasons, unless it is socially unjustified;  
 Expanded medically (socially) indicated abortion [*Indikationsregelung*], according to which an abortion will not be punishable during the first trimester, if medical (social) grounds are indicated and counseling was received.

##### *I. Protection Regulations*

– No uniform code of law; labor law as part of private or civil law

- 1.** Fixation of protective rights in the Maternity Protection Act, the Working Time Regulations, etc.
- 2.** Employment prohibitions on the grounds of women's safety (e.g., in building construction trades) and safety regulations in the performance of occupational activities (e.g. ban on night work for female workers) as well as norms of the Maternity Protection Act for pregnant women and nursing mothers (ban on night, overtime and holiday work, etc.)

– Protection rights are a handicap to hiring and promotion, since taking them into consideration can bring disadvantages for the calculation of personnel costs.

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**3. Provisions for protection during pregnancy and motherhood**

– Pregnancy leave and maternity leave from 6 weeks before to 20 weeks after delivery (pay: average net earnings)

– Protection against job termination for pregnant women, nursing mothers, mothers with children up to 1 year old; mothers/fathers on parental leave (“baby year,” see also no. 4) and single parents with children up to 3 years

**4. Provisions on time off from work and duration of working time**

– Paid release from work after the maternity leave (in exceptional cases also for the child’s father or grandmother)

\* for the 1st and 2nd child: 1 year

\* for the 3rd and additional children: 18 months

\* for single parents: up to the child’s third birthday, to the extent that no daycare was available (unpaid for married parents) (pay: 70-90% of average net earnings)

– Far-reaching rights to return to the previous or an equivalent job after the period of release from work

– One paid day per month for household duties for women working full-time with their own household, if they were married, if at least 1 child up to 18 years old or family members in need of care lived in the household, or if she had reached her 40th birthday (for men only if they were single parents or had a wife in need of care)

**3. Provisions for protection during pregnancy and motherhood**

– Pregnancy leave and maternity leave from 6 weeks before to 8 weeks after delivery (*starting in 1994* this time period is the EU minimum standard) (maternity leave pay: generally average net earnings)

– Protection against job termination for pregnant women and up to the end of the 4th month after delivery, and, as a rule, during the parental leave (see no. 4.)

**4. Provisions on time off from work and duration of working time**

– Federal Parent Allowance and Parental Leave Acts (mothers and fathers eligible)

– 18 months parental leave for each child

– parental allowance for interrupted gainful employment or reduction to a maximum of 19 hrs/week

– DM 600 for 6 months independent of income; after that, income-dependent (limit for 1 child: DM 29,400 annual income, plus DM 4,200 for each additional child) is not credited against welfare or unemployment benefits or housing allowance, but is credited against the motherhood allowance

– Single parents receive full parental allowance for the entire period of parental leave (up to an annual net income of DM 23,700 for one child plus DM 4,200 for each additional child)

– Starting *Jan. 1, 1992*: for children born in 1992 or later, parents can take 3 years of parental leave; extension of the parental allowance period for births from *Jan. 1, 1993*, on from 18 to 24 months (income-dependent as of the first month)

– No entitlement to return to the previous job, but to an equivalent one

– Later return to career is difficult due to insufficient daycare facilities (part-time work is a widespread strategy)

– Regulations on a “household” day varied from state to state, which is hardly applicable anymore due to the prescribed working hours

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– Paid release from work to care for sick children up to 14 years old (in exceptional cases also available for fathers or other persons)  
\* 4 weeks/year for 1 child (for single parents)  
\* 6 weeks/year for 2 children  
\* 8 weeks/year for 3 children  
\* 10 weeks/year for 4 children  
\* 13 weeks/year for 5 or more children (pay: 70–90% of average net earnings)

– Reduction of the weekly working hours from 43.75 to 40 hours at full pay, if at least 2 children under 16 lived in the household or with triple-shift work (double-shift work: 42 hours)

– Paid release from work to care for sick children at a rate of at least 80% of the average net earnings up to 5 workdays per parent and per child up to the age of 8 years (entitlement cannot be transferred between parents)  
– *Starting Jan. 1, 1992*: increased entitlement to sick pay for each child up to 12 years of age up to 10 workdays per calendar year (per parent for married couples, up to 20 workdays per child for single parents)  
– *Starting Jan. 1, 1993*: paid release from work until the child is 14.

– Dependent on the collective bargaining agreement, weekly working hours of 40 hours or less (average weekly working hours about 38.5 hours)

Source: Heike Trappe, *Emanzipation oder Zwang? Frauen in der DDR zwischen Beruf, Familie und Sozialpolitik*. Berlin: Akademie Verlag, 1995, pp. 40–45.

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