

# PROTECTING MATERNITY



## What is maternity leave? Who is eligible?

Pregnant employees have the right to take a leave of absence from work for 120 days, keeping their job and maintaining their salary. Maternity leave can be extended by 60 days if the employer is part of the Programa Empresa Ciudadã (Citizen Company Program).

## How do I apply for maternity leave?

The employee must submit a medical certificate and let her employer know when she will begin her leave of absence. This leave can be taken anytime between the twenty-eighth (28th) day before delivery and the delivery date.

## Can anyone who adopts or has obtained legal guardianship for the purposes of adopting a child or teenager request maternity leave?

Yes. However, maternity leave will only be granted upon submittal of a legal guardianship or adoption decree to the employer. Only one of the adopters or guardians may request maternity leave in the case of adoption or joint custody.

## What happens in the event of the death of a pregnant employee?

In the event of the death of a pregnant employee, the spouse or partner employed is guaranteed leave for the entire period of maternity leave or for the remaining time to which the mother would be entitled, except in the event of the death of the child or its abandonment. The same applies to an employee who adopts or obtains legal guardianship for adoption purposes.

## Can a pregnant employee be fired or dismissed?

The arbitrary or unjustified dismissal of a pregnant employee from the confirmation of pregnancy up to 5 months after delivery is prohibited. In the event of dismissal within this period, the employee is entitled to reinstatement or equivalent compensation.

## Can a pregnant or breastfeeding employee perform any tasks that are considered unhealthy?

A change in position is guaranteed when activities are considered unhealthy or when the health of the pregnant or breastfeeding employee so requires. The employee is assured that she can return to her former role after the pregnancy/breastfeeding period. When it is not possible for pregnant or breastfeeding women on leave from unhealthy activities to carry out their activities in a healthy place, they will be entitled to maternity pay for the entire period of leave.

## What happens if the employee has a miscarriage?

The employee will be entitled to a paid rest period of two weeks in the event of a miscarriage, and is entitled to return to work after this period.

## Can the pregnant employee be absent from work to attend medical appointments? Can she be absent to accompany the child?

A pregnant employee is entitled to take time off for the time necessary to go on at least 6 medical appointments and other complementary medical exams during the period of pregnancy, accompanied by a spouse or partner. Likewise, she can be absent for 1 day a year to accompany her child of up to 6 years old to a doctor's appointment.

## Is a breastfeeding employee entitled to breaks for breastfeeding?

Yes. A breastfeeding employee is entitled to two breaks over the working day, of half an hour each, to breastfeed her child up to the age of 6 months. When the child's health requires it, the 6-month period may be extended at the discretion of the relevant authority.

## OTHER MATERNITY PROTECTION RIGHTS

- An appropriate place in the company for childcare under supervision and assistance during the breastfeeding period, when the establishment employs more than 30 women over the age of 16, either directly or through agreements with other public or private entities, or by providing a childcare reimbursement benefit.
- Priority in work-from-home, remote or distance working vacancies and in the adoption of differentiated working hours, for pregnant women and employees with a child, stepchild or foster child up to six (6) years of age or with a person under legal guardianship with a disability, with no age limit.
- Priority for early vacation and part-time work for employees, up to 2 years after the birth of a child or stepchild, adoption or legal guardianship.
- Have the working day reduced by 50% for a period of 120 days, replacing the extension of maternity leave.

## NOTE

The adoption of maternity protection measures is considered public policy and does not justify, under any circumstances, a reduction in salary.



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