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Applying for deviation from regulations on night working hours

Heruntergeladen am 26.07.2025

<https://fimportal.de/xzufi-services/381385066/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99006006017000
Leistungsbezeichnung I	Applying for deviation from regulations on night working hours
Leistungsbezeichnung II	Applying for deviation from regulations on night working hours
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Bewilligung (017)
SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen einschließlich Arbeitsstunden, bezahlter Urlaub, Urlaubsansprüche,

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	Rechte und Pflichten in Bezug auf Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	Sonderregelungen der Arbeitszeit (2030700)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.05.2024
Fachlich freigegeben durch	Hessian Ministry of Labor, Integration, Youth and Social Affairs
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/arbzg/_6.html https://www.gesetze-im-internet.de/arbzg/_3.html https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/arbzg/_6.html https://www.gesetze-im-internet.de/arbzg/_3.html
Teaser	As an employer, you can, under certain conditions, apply for employees in your company to work hours that deviate from working time regulations (e.g. night working hours).
Volltext	<p>As an employer, you can apply for a permit for longer daily working hours, including night work, for employees in your company under certain conditions.</p> <p>Authorization is provided for by law for</p> <ul style="list-style-type: none"> • continuous shift operations • Construction and assembly sites • Seasonal and campaign operations <p>The application must be submitted to the local authority responsible for occupational health and safety.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • For all companies: Details of the activity Number of employees for whom a permit is to be issued Contact person in the company with contact details Risk assessment (especially with regard to mental stress caused by longer working hours) Statement from the company doctor Statement from the works council (if

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available)

- Additionally for continuous shift operations:
Duty/shift schedules showing that the extension of working hours will result in additional free shifts
Schedules for day and night shifts, showing in particular the opportunities for breaks
- Additionally for construction and assembly sites:
Information on the nature and severity of the work
Organization of working hours
Distance between place of work and place of residence
Duration of rest period at home
- Additionally for seasonal and campaign companies:
Information on the season or campaign
Organization of working hours
Period in which working hours are reduced

Voraussetzungen

You can apply to extend the daily working hours of your employees under the following conditions:

- For continuous shift operation, if additional shifts off are achieved. Additional shifts off are deemed to exist if the extension of working hours means that the employees concerned have more consecutive days off than before.
- For construction and assembly sites, particularly relevant if the place of work is far away from the employees' place of residence and the employees are guaranteed a correspondingly longer rest period at their place of residence for the extended working time at the construction or assembly site.
- For your seasonal or campaign operation, if there is an exceptional workload for the particular season that cannot be absorbed by other organizational measures.

Kosten

A fee is payable for the granting of the permit or the rejection of your application. The fees are country-specific and are calculated according to administrative costs or depend on the number of employees to be employed.

Verfahrensablauf

You apply for authorization in writing with the following steps:

- You submit an informal application.
- You send this to the local competent authority,

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including the required documents.

- If the documents or information required for processing are incomplete, you will be contacted by the processing department.
- The local authority responsible for occupational health and safety will review the application.
- Once the official review has been completed, you will receive a notice of approval or a notice of rejection.
- The local authority responsible will send you the decision by e-mail or post.

The decision of the competent occupational health and safety authority is made at its own discretion and involves weighing up the interests of protecting the health and safety of employees against the operational interests of the employer.

Bearbeitungsdauer

Depending on the examination effort (usually a few weeks after submission of the complete documents).

Frist

- There is no time limit.
 - If you have submitted an application, extended working hours are only permitted once you have received approval.
- Retroactive approval cannot be granted.

weiterführende Informationen

Hinweise

Rechtsbehelf

- Appeal: An appeal against the decision can be lodged with the local authority responsible for occupational health and safety within one month of notification.
- An unsuccessful appeal is subject to a fee.

Kurztext

- Deviation from regulations on night working hours Authorization
- In the following cases, the local authority responsible for occupational health and safety may authorize additional night work: for shift operations to achieve additional free shifts for construction and assembly sites for seasonal and campaign operations
- Application required
- Responsible: local authority responsible for occupational health and safety

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Ansprechpunkt	Regional councils in Hesse
Zuständige Stelle	<p>Responsibility lies with the regional councils:</p> <ul style="list-style-type: none"> • Darmstadt Regional Council - Employee protection • Regional Council Giessen - Employee protection • Regional Council Kassel - Employee protection
Formulare	
Ursprungsportal	Abweichen von Regelungen zur Nachtarbeitszeit beantragen, Applying for deviation from regulations on night working hours