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Applying for an exemption from the ban on working on Sundays and public holidays

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/6022839/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99006001006000
Leistungsbezeichnung I	Applying for an exemption from the ban on working on Sundays and public holidays
Leistungsbezeichnung II	Applying for an exemption from the ban on working on Sundays and public holidays
Typisierung	3a - Bundesaufsichtsverwaltung: Regelung, Land: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>[Arbeitszeitgesetz (ArbZG):](https://www.gesetze-im-internet.de/arbzg/index.html#BJNR117100994BJNE002305377)</p> <ul style="list-style-type: none"> • § 13 Ermächtigung, Anordnung, Bewilligung • § 15 Absatz 2 Bewilligung, Ermächtigung
Teaser	<p>As an employer, you require authorisation from the local authority responsible for occupational health and safety if you wish to work on a Sunday or public holiday.</p> <p>You can apply for authorisation to work on Sundays or public holidays if you:</p>
Volltext	<p>As an employer, you require authorisation from the local authority responsible for occupational health and safety if you wish to work on a Sunday or public holiday.</p> <p>You can apply for authorisation to work on Sundays or public holidays if you:</p> <ul style="list-style-type: none"> • Wish to hold in-house and order fairs for commercial resellers, • want to prevent disproportionate damage to a business due to special circumstances, for example due to a very high sickness rate or a late delivery of materials, • want to carry out the legally required stocktaking if this cannot be done on a weekday. <p>If there are other reasons, these will also be examined and work on Sundays or public holidays will be authorised if necessary.</p>

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Certain activities are exempt from the general ban on working on Sundays and public holidays, such as

- Services of general interest:
 - for example, caring for the sick or looking after animals,
- Services:
 - for example in restaurants or with taxi companies, and
- Leisure activities:
 - for example in theatres, football or leisure facilities,
- Use in emergencies and exceptional cases:
 - for example, work that cannot be postponed, such as repairs to burst pipes or storm damage to roofs.

Maximum limits apply for certain exceptions.

Erforderliche Unterlagen

- For all companies:
 - Details of the activity
 - Necessity of the activity: Please state why the activity can only be carried out on a Sunday or public holiday and not on a regular working day. Describe what measures you have taken so far to avoid working on Sundays.
 - Number of employees for whom authorisation is to be granted
 - Contact person in the company with contact details
 - Statement from the works council (if available)
 - Every employee who is employed on a Sunday or public holiday must have an alternative day of rest on a working day (Section 11 (3) ArbZG).
 - In addition, in the case of work due to special circumstances in the commercial sector (Section 13(3)(2a) ArbZG):
 - Please describe the special circumstances.
 - Additionally in the case of work on Sundays and public holidays - work to avoid disproportionate damage (Section 13(3)(2b) ArbZG)
 - The applicant should check beforehand whether the employment is not already authorised by law without an application on the basis of the provisions of Section 10(1) to (4) ArbZG or Section 14 ArbZG. In these cases, authorisation by the State Labour Inspectorate is not

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necessary, please explain the reasons in detail. Explain why it is necessary to work on Sundays or public holidays, the special circumstances (what they are) and what disproportionate damage would be caused (by non-authorisation). Not only the type of damage must be described and the amount quantified; the damage is disproportionate if it significantly exceeds the loss incurred by the company as a result of not working on Sundays and public holidays (financial loss, loss of profit, loss of customers and so on ; it must above all be presented in relation to other variables or key figures in order to be able to assess the alleged "disproportionality".

Please indicate the Sundays and public holidays for which you have received exemption authorisations in accordance with Section 13 (3) (2) (b) ArbZG for the above named business premises, part of the business or construction site in the 365 days prior to the requested date.

- In addition, for work that requires uninterrupted continuity (Section 13 (4) of the Working Hours Act ArbZG) Please describe the procedure used. Please explain why the uninterrupted continuation of work is necessary.
- Additionally, in the case of work for competitiveness with other countries (Section 13 (5) ArbZG)
- Please state why the work can only be carried out on a Sunday or public holiday and not on a regular working day. Provide evidence of your extensive utilisation of the legally permissible weekly operating hours of 144 hours.

Please explain what the unreasonable impairment of competitiveness consists of, how the competition abroad actually works and how you have utilised the working hours. Explain how employment can be secured through the exemption authorisation (forecasts for job security).

Additionally, in the case of a notice of determination pursuant to Section 13 (3) (1) ArbZG

Please state which exception according to § 10 ArbZG you are referring to.

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Voraussetzungen

You can apply for authorisation for the following reasons:

1. Work due to special circumstances in the commercial sector (Section 13(3)(2a) of the Working Hours Act (ArbZG)). Special circumstances in the commercial sector require extended business operations (a maximum of 10 Sundays and public holidays per year are eligible for authorisation).
2. Work to prevent disproportionate damage (Section 13(3)(2b) ArbZG) This application can be made if special circumstances require the employment of workers to prevent disproportionate damage (a maximum of 5 Sundays and public holidays per year can be authorised)
3. Work due to stocktaking (§ 13 paragraph 3 number 3c) ArbZG). A legally prescribed stocktaking must be carried out in the company (a maximum of 1 Sunday per year can be authorised, not possible on public holidays).
4. Work that requires uninterrupted continuity (Section 13 (4) ArbZG). Chemical, biological, technical or physical reasons require work to continue without interruption, including on Sundays and public holidays.
5. Work for competitiveness with other countries (Section 13 (5) ArbZG) Despite extensive utilisation of the legally permissible weekly operating hours, competitiveness is unreasonably impaired. The reason for this is the longer operating hours of competitors abroad. The authorisation can secure employment.
6. Application for a declaratory judgement (§ 13 Paragraph 3 Number 1 ArbZG). Your work on Sundays and public holidays is permitted and listed in § 10 ArbZG. You would like a determination that the work is authorised.
7. Public interest (Section 15 (2) ArbZG). If you claim an urgent public interest for your activity, the supervisory authority can authorise further exceptions in this case.

Kosten

The amount of the fees depends on the municipal fee regulations.

Verfahrensablauf

You can apply for authorisation to work on Sundays and public holidays in writing.

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- You submit an informal application (in writing or electronically).
- You send this to the local competent authority for occupational health and safety, including the necessary documents.
- If the documents or information required for processing are incomplete, you will be contacted by the processing department.
- The local competent authority 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 notification of fees will usually be sent to you later.

Bearbeitungsdauer

The processing time depends on the amount of work involved in the examination. As a rule, you will receive your decision a few weeks after you have submitted all the documents.

Frist

- none
- If you have submitted an application, work on Sundays and public holidays is only permitted once you have received authorisation. Retroactive authorisation cannot be granted.

weiterführende Informationen
Hinweise

None

Rechtsbehelf

- Opposition
- Action
- Application for interim relief

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal