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Working on Sundays and public holidays: apply for an exemption

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/110416826/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99006001006000, 99006001006000
Leistungsbezeichnung I	Working on Sundays and public holidays: apply for an exemption
Leistungsbezeichnung II	Applying for an exemption from the ban on working on Sundays and public holidays
Typisierung	2/3a - Bund: Regelung, Land: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Genehmigung (006)
SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen — auch für entsandte Arbeitnehmer — (einschließlich Informationen über

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	Arbeitsstunden, bezahlten Urlaub, Urlaubsansprüche, Rechte und Pflichten bei Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	08.12.2020
Fachlich freigegeben durch	Ministry of Economics, Labor and Health Mecklenburg-Vorpommern
Handlungsgrundlage	<p>§ Section 13 (3) nos. 2a, 2b and 2c of the Working Hours Act (ArbZG)</p> <p>§ Section 13 (4) and (5) of the Working Hours Act (ArbZG)</p> <p>You can find the legal basis on the Internet on the page Laws on the Internet <https://www.gesetze-im-internet.de/arbzbz/_13.html></p>
Teaser	If you, as an employer, wish to work on a Sunday or public holiday in your company or business, you require a permit to do so.
Volltext	<p>As an employer, you require a permit if work is to be carried out on a Sunday or public holiday in your company or business.</p> <p>Authorization to work on Sundays or public holidays is required by law for</p> <ul style="list-style-type: none"> • holding in-house and order fairs for commercial resellers • the prevention of disproportionate damage in a business due to special circumstances (very high sickness rate, late delivery of materials) • the statutory stocktaking, if this cannot be carried out on a weekday. <p>If there are other reasons, these will also be examined</p>

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and Sunday or public holiday work will be approved if necessary.

The general ban on working on Sundays and public holidays does not apply to activities that serve to meet the daily needs of the population or those that are particularly prominent on Sundays and public holidays, such as

- Services of general interest (for example in the care of the sick or the care of animals),
- services (for example in restaurants or cab companies) and
- recreational activities (for example in theaters, soccer or leisure facilities),
- work in emergencies and exceptional cases (work that cannot be postponed, such as repairs to burst pipes or storm damage to roofs).

In Germany, there is a general rest period on Sundays and public holidays. For **employees** working on Sundays and public holidays is therefore generally prohibited under the Working Hours Act. There are numerous exceptions (for example for emergency and rescue services, hospitals, the utility industry, buses and trains). In individual cases, working on Sundays and public holidays may be permitted to a limited extent, for example in special circumstances to prevent disproportionate damage, by the (Mecklenburg-Vorpommern State Office for Health and Social Affairs - LAGuS) for a maximum of five days per year. Special circumstances exist, for example, if an unexpectedly large number of employees fall ill at the same time or material is delivered late and an order cannot be completed on time as a result. Damage may include financial loss, loss of profit or loss of customers.

****General information:****

1. Expectant and nursing mothers may not be required to work on Sundays or public holidays.
2. Employees must be granted breaks and rest

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periods in accordance with the provisions of the Working Hours Act.

3. At least 15 Sundays per year must remain free of work.

4. For employment on a Sunday, each employee must be granted a substitute day of rest within the two-week period that includes the day of employment.

5. For employment on a public holiday that falls on a working day, each employee must be granted a substitute day of rest that falls within the eight-week period that includes the day of employment.

6. The extent to which employees are obliged to perform the work authorized by this permit is determined by the labor law provisions applicable to the individual employee, such as, for example applicable to the individual employee, e.g. individual employment contract, works agreement, collective agreement.

7. This permit does not affect any further requirements arising from legal provisions for which the occupational health and safety authority is not responsible.

<https://www.bmas.de/DE/Service/Medien/Publikationen/a120-arbeitszeitgesetz.html>

<https://www.lagus.mv-regierung.de/Arbeitsschutz/Standorte-und-Kontakt>

<https://www.bmas.de/DE/Service/Medien/Publikationen/a120-arbeitszeitgesetz.html>

<https://www.lagus.mv-regierung.de/Arbeitsschutz/Standorte-und-Kontakt>

Erforderliche Unterlagen

You can find out which documents are required in your case on the application form from the local competent authority.

- completed application for work on Sundays and public holidays in accordance with § 13 Para. 3 No. 2 b) ArbZG
- If applicable, evidence to substantiate the requirements and Statement from the works/staff council, if available

Voraussetzungen

You can only apply for authorization to work on Sundays and public holidays if you are an employer.

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Authorization can be granted if

- the statutory stocktaking is to be carried out and cannot be carried out on a working day (1 Sunday per year),
- special circumstances in the commercial sector require extended business hours (e.g. for in-house and order fairs organized exclusively for organized exclusively for commercial resellers) on 10 Sundays or public holidays,
- special circumstances arise in a business that cause disproportionate damage.
- Special circumstances exist, for example, if an unexpectedly large number of employees fall ill at the same time or material is delivered late and an order cannot be completed on time as a result.
- cannot be completed on time (on 5 Sundays).

If there are other reasons for working on Sundays or public holidays, these will also be examined and authorization will be granted if necessary.

Kosten

Approval and rejection of the application for authorization to work on Sundays and public holidays are subject to a fee. The amount of the fees is based on the fee schedule of the locally competent authority.

Fees of EUR 70.00 to EUR 500.00 and expenses are incurred for the decision on applications for authorization to work on Sundays and public holidays and for ordering the working hours.

Verfahrensablauf

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

- You complete the relevant application form in full and send it to the local competent authority, including the documents listed in the application.
- If the documents or information required for processing are incomplete, you will be contacted by the processing department.
- If the requirements for approval are met, you will receive a notice of approval, otherwise a notice of

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	<p>rejection.</p> <ul style="list-style-type: none"> • Depending on the local authority responsible, the notification will be sent to you by e-mail or by post. • The notification of fees will usually be sent to you later. <ol style="list-style-type: none"> 1. Application 2. Examination by the State Office for Health and Social Affairs (LAGuS) 3. Possible request for further or missing documents 4. Decision by the LAGuS (approval or rejection)
Bearbeitungsdauer	Depending on the capacity utilization of the local competent authority. 3 days
Frist	Please submit the application for authorization to work on Sundays or public holidays at least 4 working days before the intended date of Sunday or public holiday work.
weiterführende Informationen	https://www.bmas.de/DE/Service/Medien/Publikationen/a120-arbeitszeitgesetz.html https://www.bmas.de/DE/Service/Medien/Publikationen/a120-arbeitszeitgesetz.html
Hinweise	
Rechtsbehelf	<ul style="list-style-type: none"> • Appeal <p>An appeal against the decision may be lodged with the competent authority/office within one month of notification.</p> <p>The unsuccessful appeal procedure is subject to a fee.</p>
Kurztext	<ul style="list-style-type: none"> • Exemption from the ban on working on Sundays and public holidays Authorization • Only the employer can submit the application • The following exceptions are eligible for approval <p>In-house and order fairs for commercial resellers, special circumstances that could cause disproportionate damage to a business (very high sickness rate, late delivery of materials) or statutory stocktaking if it cannot be carried out on a weekday</p>

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- If other reasons are presented, these will be examined and Sunday or public holiday work will be approved if necessary
- Responsible: locally competent authority for consumer protection
- In Germany, Sundays and public holidays are generally closed.
- For **employees** working on Sundays and public holidays is therefore generally prohibited under the Working Hours Act.
- There are exceptions that can belimited extent in individual cases be granted on application for a maximum of five days per year.
- Special circumstances exist, for example, if an unexpectedly large number of employees fall ill at the same time or material is delivered late and an order cannot be completed on time as a result.
- Damage can include financial loss, loss of profit or loss of customers.

Ansprechpunkt

Zuständige Stelle

State Office for Health and Social Affairs

Formulare

- Please obtain the application form from the local competent authority
 - Online procedure possible: no
 - Written form required: yes
 - Personal appearance required: no
- <https://www.lagus.mv-regierung.de/Arbeitsschutz/Sozialer-Arbeitsschutz/Arbeitszeit/>
<https://www.lagus.mv-regierung.de/Arbeitsschutz/Sozialer-Arbeitsschutz/Arbeitszeit/>

Ursprungsportal

Working on Sundays and public holidays: apply for an exemption, Sonn- und Feiertagsarbeit:
Ausnahmegenehmigung beantragen