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Deviation from regulations on shift time authorization

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/121297775/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99006005017000, 99006005017000
Leistungsbezeichnung I	Deviation from regulations on shift time authorization
Leistungsbezeichnung II	Apply for deviating regulations for shift operation
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
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, Rechte und Pflichten in Bezug auf Überstunden,

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	Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	Sonderregelungen der Arbeitszeit (2030700)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	11.11.2022
Fachlich freigegeben durch	Ministry of Labor, Health and Social Affairs of the State of North Rhine-Westphalia
Handlungsgrundlage	http://www.gesetze-im-internet.de/arbzbz/_15.html https://www.gesetze-im-internet.de/offshore-arbzbz/_16.html http://www.gesetze-im-internet.de/arbzbz/_15.html https://www.gesetze-im-internet.de/offshore-arbzbz/_16.html
Teaser	As an employer, you can apply for shift times that deviate from working time regulations for employees in your company under certain conditions.
Volltext	<p>As an employer, you can apply for approval for different shift times or longer daily working hours for employees in your company under certain conditions.</p> <p>You must submit an informal application for this. Approval is provided for by law for</p> <ul style="list-style-type: none"> • continuous shift operations • Construction and assembly sites • Seasonal and campaign operations • special activities for the construction, modification or operation of structures, artificial islands or other installations at sea (offshore activities) <p>For continuous shift operations, you may be granted longer daily working hours in order to obtain additional shifts off.</p> <p>For seasonal and campaign operations, you may be</p>

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granted longer daily working hours for the duration of the season or campaign. The increase in working hours will be compensated by a corresponding reduction at other times.

For construction and assembly sites, longer daily working hours in excess of 8 hours may be approved without special conditions.

For health protection reasons, daily working hours of more than 12 hours are not permitted.

You are not entitled to a permit.

The application for deviating shift times must be justified and submitted to the locally responsible district government.

Erforderliche Unterlagen

For all companies:

- Reasons why different shift times are required
- 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 (in particular with regard to mental stress caused by longer working hours or different shift times)
- Statement from the company doctor on the effects of deviating shift times in relation to the workplace and the planned activities
- Statement from the works council (if available)

Additionally for continuous shift operations:

- Duty/shift schedules showing that the extension of working hours will result in additional shifts off
- Schedules for day and night shifts, showing in particular the opportunities for breaks

Additionally for construction and assembly sites:

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- Risk assessment supplemented by information on the nature and severity of the work, in particular due to strain when lifting and carrying as well as forced postures and one-sided movements; noise exposure at the workplace
- Information on the nature and severity of the work
- Organization of working hours
- Distance between place of work and place of residence
- Length of rest period at home

Additionally for seasonal and campaign operations:

- Risk assessment supplemented by information on the nature and severity of the work, in particular due to strain when lifting and carrying as well as forced postures and one-sided movements
- 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 free shifts 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.

You can only apply for approval if you are an employer.

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Kosten	<p>EUR 320 up to 5,000. The granting of approval or the rejection of your application for an extension of working hours is subject to a fee. The fees are calculated according to the administrative costs in accordance with the General Administrative Fee Regulations (AVerwGebO NRW) or depend on the number of employees and the duration of the permit (e.g. up to 3 months or up to several years).</p>
Verfahrensablauf	<p>You can apply in writing for approval for deviations from shift times. The following steps must be carried out:</p> <ul style="list-style-type: none"> • You submit an informal application • You send this to the locally responsible district government, including the "required documents" mentioned above • If the documents or information required for processing are incomplete, you will be contacted by the processing department. • Once the official review has been completed, you will receive a notice of approval or a notice of rejection. • The locally responsible district government will send you the notification by e-mail or post. • The notification of fees will usually be sent to you together with the decision <p>The decision of the responsible district government is made at its own discretion.</p> <p>As part of this decision, a balance is struck between the interests of protecting the health and safety of your employees and the operational interests of the employer.</p>
Bearbeitungsdauer	Depending on the examination effort (usually a few weeks after submission of the complete documents).
Frist	<p>none If you have submitted an application, extended working hours or different shift times are only permitted once you have received approval. Retroactive approval cannot be granted.</p>

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weiterführende Informationen	
Hinweise	<p>The organization of night work and shift work is regulated in the Working Hours Act.</p> <p>If there are other reasons, these are examined and longer working hours are approved if necessary.</p>
Rechtsbehelf	
Kurztext	<p>Deviation from shift time regulations Authorization</p> <p>The following exceptions to the regulations on working hours may be approved for</p> <ul style="list-style-type: none"> • continuous shift operations • Construction and assembly sites • seasonal and campaign operations • special activities for the construction, modification or operation of structures, artificial islands or other installations at sea (offshore activities) <p>are possible.</p> <p>A permit must be applied for for this, which is only granted under certain conditions.</p> <p>The permit is limited in time.</p> <p>If there are other reasons, these are examined and longer working hours are approved if necessary.</p> <p>responsible: District government. The district government in whose supervisory district the company you work for is located is always responsible.</p>
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	<p>Abweichen von Regelungen zur Schichtzeit Bewilligung, Deviation from regulations on shift time authorization</p>