

99006054273000, 99006054273000

# Applying for an exemption from the ban on overtime and night work for a pregnant or breastfeeding person

Heruntergeladen am 22.07.2025

<https://fimportal.de/xzufi-services/295045269/L100012>

| Modul                     | Sachverhalt  |
|---------------------------|--|
| Leistungsschlüssel        | 99006054273000, 99006054273000   |
| Leistungsbezeichnung I    | Applying for an exemption from the ban on overtime and night work for a pregnant or breastfeeding person |
| Leistungsbezeichnung II   | Applying for an exemption from the ban on overtime and night work for a pregnant or breastfeeding person |
| Typisierung               | 3a - Bundesaufsichtsverwaltung: Regelung, Land: Vollzug  |
| Quellredaktion            | Schleswig-Holstein   |
| Freigabestatus Katalog    | fachlich freigegeben (gold)  |
| Freigabestatus Bibliothek | fachlich freigegeben (gold)  |
| Begriffe im Kontext       |  |
| Leistungstyp              | Leistungsobjekt mit Verrichtung  |
| Leistungsgruppierung      | Arbeitsschutz (006)  |
| Verrichtungskennung       | Ausnahmebewilligung (273)  |

| Modul                         | Sachverhalt   |
|-------------------------------|---|
| SDG-Informationsbereich       | Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen — auch für entsandte Arbeitnehmer — (einschließlich Informationen über Arbeitsstunden, bezahlten Urlaub, Urlaubsansprüche, Rechte und Pflichten bei Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)   |
| Lagen Portalverbund           | Arbeitssicherheit (2030500), Schwangerschaft und Elternschaft (2030600)   |
| Einheitlicher Ansprechpartner | Nein  |
| Fachlich freigegeben am       | 11.06.2024  |
| Fachlich freigegeben durch    | Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BFSFJ)   |
| Handlungsgrundlage            | <a href="https://www.gesetze-im-internet.de/muschg_2018/_29.html">https://www.gesetze-im-internet.de/muschg_2018/_29.html</a><br><a href="https://www.gesetze-im-internet.de/muschg_2018/_29.html">https://www.gesetze-im-internet.de/muschg_2018/_29.html</a>  |
| Teaser                        | As an employer, do you employ a pregnant or breastfeeding woman? Then, under certain conditions, you can apply for an exemption from the ban on night work and overtime as well as the type and pace of work.   |
| Volltext                      | <p>The Maternity Protection Act applies to all pregnant and breastfeeding women who are in an employment relationship. A woman within the meaning of the Maternity Protection Act is any person who is pregnant, has given birth or is breastfeeding - regardless of the gender stated in the birth registration.</p> <p>Accordingly, special rules apply to pregnant and breastfeeding women when it comes to physically or mentally demanding work.</p> <p>As an employer, you may not employ pregnant or breastfeeding women in the following activities:</p> <ul style="list-style-type: none"> <li>• Night work</li> </ul> |

## Modul

## Sachverhalt

- overtime
- continuous flow work
- piecework
- other work in which higher pay can be achieved in return for a higher work rate

You can apply for an exemption from the authority responsible for occupational health and safety.

Night work is when work is carried out between 10 pm and 6 am.

If you employ a pregnant or breastfeeding woman aged 18 or over, this is considered overtime if she works

- over 8.5 hours a day
- over 90 hours in a double week (including Sundays)
- the contractually agreed weekly working hours exceed the monthly average

works more than the monthly average.

If you employ a pregnant or breastfeeding woman under the age of 18, this is considered overtime if she:

- over 8 hours a day
- over 80 hours in a double week (including Sundays)
- the contractually agreed weekly working hours exceed the monthly average

works more than the monthly average.

If there are other employers in addition to you, the working hours must be added together.

Authorization of overtime, night work, continuous or piecework does not replace the basic requirement to notify the supervisory authority that an employee is pregnant. This notification must be made as soon as the employer has been informed of the pregnancy.

## Erforderliche Unterlagen

- medical certificate stating that there is no reason why the woman should not be employed: Night work, overtime, piecework or continuous flow work.

| Modul                        | Sachverhalt   |
|------------------------------|---|
|                              | <ul style="list-style-type: none"> <li>• Declaration of consent from the pregnant or breastfeeding woman the woman can revoke her declaration at any time</li> </ul>  |
| Voraussetzungen              | <ul style="list-style-type: none"> <li>• As the applicant, you are the employer.</li> <li>• The pregnant or breastfeeding woman expressly declares her willingness to do so.</li> <li>• The medical certificate does not speak against the planned night work, overtime, piecework or continuous work.</li> <li>• An irresponsible risk to the pregnant woman due to working alone, the type of work and the pace of work is excluded.</li> <li>• There is no irresponsible risk to the child from working alone, the type of work and the pace of work.</li> </ul> |
| Kosten                       |   |
| Verfahrensablauf             |   |
| Bearbeitungsdauer            |   |
| Frist                        | You must submit the application before the pregnant or breastfeeding woman takes up employment.   |
| weiterführende Informationen | <a href="https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756">https://www.bmfsfj.de/bmfsfj/service/publikationen/leitfaden-zum-mutterschutz-73756</a><br><a href="https://www.bmfsfj.de/bmfsfj/service/publikationen/arbeitgeberleitfaden-zum-mutterschutz-121860">https://www.bmfsfj.de/bmfsfj/service/publikationen/arbeitgeberleitfaden-zum-mutterschutz-121860</a>  |
| Hinweise                     | <p>The Maternity Protection Act does not apply to:</p> <ul style="list-style-type: none"> <li>• Self-employed persons</li> <li>• Board members and managing directors of legal entities or companies (unless they are also predominantly employed)</li> <li>• housewives</li> </ul> <p>The reason for this is that they are not in an employment relationship.</p>  |
| Rechtsbehelf                 | <ul style="list-style-type: none"> <li>• Contradiction Further information on how to lodge an objection can be found in the notification of your application for approval</li> </ul>  |
| Kurztext                     | <ul style="list-style-type: none"> <li>• Exemption from the ban on overtime and the ban on night work in special cases, as well as the type of work</li> </ul>  |

**Modul**
**Sachverhalt**

and the pace of work Authorization

- Work must not endanger the health of the woman or the child
- an exception for the employment of a pregnant or breastfeeding person in physically or mentally demanding work must be approved
- Exception necessary for: Night work overtime continuous flow work piecework Other work in which higher pay can be achieved in return for a higher work rate
- Night work: work between 10 p.m. and 6 a.m. counts as overtime, if women over the age of 18 work more than 8.5 hours a day work more than 90 hours in a double week (including Sundays) the contractually agreed weekly working hours exceed the monthly average if women under the age of 18 work more than 8 hours a day work more than 80 hours in a double week (including Sundays) the contractually agreed weekly working hours exceed the monthly average
- required documents: medical certificate declaration of consent from the pregnant or breastfeeding woman
- Woman can revoke consent at any time
- Responsible: local authority responsible for occupational health and safety

**Ansprechpunkt**

To the State Occupational Safety and Health Authority at Unfallkasse Nord.

**Zuständige Stelle**
**Formulare**
**Ursprungsportal**

Ausnahme vom Verbot der Mehrarbeit und vom Verbot der Nachtarbeit für eine schwangere oder stillende Person beantragen, Applying for an exemption from the ban on overtime and night work for a pregnant or breastfeeding person