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Maternity protection: apply for exemption from the ban on overtime and night work

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/215251175/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99006054273000, 99006054273000
Leistungsbezeichnung I	Maternity protection: apply for exemption from the ban on overtime and night work
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Arbeitsschutz (006)
Verrichtungskennung	Ausnahmebewilligung (273)
SDG-Informationsbereich	Gesetzlich oder durch Rechtsverordnung geregelte Beschäftigungsbedingungen — auch für entsandte

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	Arbeitnehmer — (einschließlich Informationen über Arbeitsstunden, bezahlten Urlaub, Urlaubsansprüche, Rechte und Pflichten bei Überstunden, Gesundheitskontrollen, Beendigung von Verträgen, Kündigung oder Entlassungen)
Lagen Portalverbund	Schwangerschaft und Elternschaft (2030600), Sonderregelungen der Arbeitszeit (2030700)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	28.02.2023
Fachlich freigegeben durch	Thuringian State Office for Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/muschg_2018/_29.html https://www.gesetze-im-internet.de/muschg_2018/_29.html https://www.gesetze-im-internet.de/muschg_2018/_29.html https://www.gesetze-im-internet.de/muschg_2018/_29.html
Teaser	Exceptions to the ban on overtime, night work or piecework by a pregnant or breastfeeding woman must be approved by the competent authority.
Volltext	<p>You are prohibited from employing a pregnant or breastfeeding woman in night work or overtime. You are also prohibited from employing pregnant or breastfeeding women in the following activities:</p> <ul style="list-style-type: none"> • Assembly line work • piecework • clocked work, which leads to danger due to the prescribed pace of work • Other work in which a higher rate of pay can be obtained in return for a higher rate of work. <p>You can apply for an exception to this rule to the competent authority if urgent reasons require a deviation in an individual case and you can prove that</p>

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despite the deviation an irresponsible endangerment of the woman and her child is excluded.

Night work is referred to when employment between 10 p.m. and 6 a.m. is sought.

You are talking about overtime if you intend to employ a pregnant or breastfeeding woman of 18 years or older under the following conditions:

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

For a pregnant or breastfeeding woman under 18 years of age, she is considered to be working overtime if she:

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

works.

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

Erforderliche Unterlagen

- Evidence of the special requirement of the deviating employment in the individual case.
 - Documentation of the risk assessment
 - Medical certificate
 - Consenting declaration by the pregnant or breastfeeding woman. The woman can revoke her declaration at any time.

Voraussetzungen

- You can only submit the application if you are an employer.
 - It must be proven that an exceptional operational situation urgently requires the deviation in an

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individual case.

- The documentation of the risk assessment in the individual case must prove that, despite the deviation, there is no irresponsible risk to the pregnant or breastfeeding woman and her child.
- The pregnant or breastfeeding woman expressly agrees to this.
- A medical certificate must not speak against night work and additional work.
- An irresponsible endangerment for the pregnant woman and the child by working alone is excluded.

Kosten
Verfahrensablauf

You may apply in writing for an authorization for exemption from the prohibition of overtime, from the prohibition of night work or from the prohibitions on the pace of work.

You can apply for the permission in writing:

- To do so, describe your request informally.
- Send your application to the Thuringian State Office for Consumer Protection, including the required documents and evidence.
- If the required documents or information for processing are incomplete, you will be contacted immediately by the processing department.
- The Thuringian State Office for Consumer Protection will check the documents.
- If the requirements for approval are fulfilled in the individual case, you will receive an approving notice.
- Only then may employment deviating from the regulations take place.
- If the requirements for approval are not met, you will receive a rejection.

Bearbeitungsdauer

1 - 3 Woche(n)

Once the prerequisites have been examined in each individual case, a decision is made by means of an official notice. Only after receipt of an affirmative decision can a deviating employment take place.

Frist

3 Tag(e)

weiterführende

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Informationen	
Hinweise	This procedure for granting exceptions to overtime or night work or to the pace of work does not replace the notification under the Maternity Protection Act. For this purpose, use the appropriately available forms or this online service.
Rechtsbehelf	Objection, lawsuit
Kurztext	<ul style="list-style-type: none"> • Exceptions to the ban on overtime, night work, assembly line work, piecework or similar for a pregnant or breastfeeding woman <ul style="list-style-type: none"> • An exception for the employment of a pregnant or breastfeeding person at night work, with overtime or with a specified work pace may be granted by the competent body. • Request may be made in writing or online. • Requirements: <ul style="list-style-type: none"> • Only employers may submit an application. • It must be proven that an exceptional operational situation urgently requires the deviation in an individual case. • Documentation of the risk assessment in the individual case must prove that, despite the deviation, there would be no irresponsible risk to the pregnant or breastfeeding woman and her child. • The pregnant or breastfeeding woman must expressly agree to this. • A medical certificate must not speak against night work and additional work. • There is no irresponsible risk to the pregnant woman and her child from working alone. • Responsible: competent regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) Occupational Safety and Health Department
Ansprechpunkt	Please contact the responsible regional inspectorate of the Thuringian State Office for Consumer Protection (TLV) Department of Occupational Safety.
Zuständige Stelle	
Formulare	<p>Written form required: Yes</p> <p>Informal application possible: Yes</p>

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	<p>Personal appearance required: No</p> <p>Online services available: No</p>
Ursprungsportal	<p>Maternity protection: apply for exemption from the ban on overtime and night work, Mutterschutz: Ausnahme vom Verbot der Mehrarbeit und vom Verbot der Nachtarbeit beantragen</p>