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Apply for deviating regulations for shift operation

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/489167819/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99006005017000, 99006005017000
Leistungsbezeichnung I	Apply for deviating regulations for shift operation
Leistungsbezeichnung II	Apply for deviating regulations for shift operation
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
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	13.09.2023
Fachlich freigegeben durch	Lower Saxony Ministry for Social Affairs, Labor, Health and Equality
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/offshore-arbzbv/_16.html https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/offshore-arbzbv/_16.html
Teaser	As an employer, you can, under certain conditions, apply for rest periods for employees in your company that deviate from working time regulations during shift work.
Volltext	<p>In principle, employees have their tried and tested 8-hour day. After the end of the working day, employees are entitled to an uninterrupted rest period of 11 hours. Under certain conditions, as an employer you can have rest periods for employees in your company that deviate from working time regulations approved by the competent supervisory authority in your federal state, namely</p> <p>for standby duty, on-call duty and on-call duty in the public sector, if there are special circumstances, for example for winter services, and</p> <p>twice within 3 weeks for shift work in order to achieve a regular weekly shift change. This applies both to the rest period after work on weekdays and after work on Sundays and public holidays.</p> <p>You are not entitled to an exemption permit.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Risk assessment (in particular with regard to the

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	<p>stress caused by the longer daily working hours)</p> <ul style="list-style-type: none"> • Proof of the offer of a preventive medical check-up in relation to the longer daily working hours applied for • Shift plan • Detailed description of the activities for which the longer daily working hours are requested <p>The competent supervisory authority may request further information and documents if necessary.</p>
Voraussetzungen	<p>You can apply for a different rest period for your employees under the following conditions:</p> <p>For an authorization in accordance with Section 15 (1) No. 3 ArbZG:</p> <ul style="list-style-type: none"> • The employees are engaged in standby duty, on-call duty and on-call duty in the public sector. • Flexible deployment of employees must be necessary for reasons of public safety and order or public services.
Kosten	<p>Gebühr: 200€ - 5.200€</p> <ul style="list-style-type: none"> • A fee is payable for the granting of the permit or the rejection of your application. The fees are specific to each federal state and are calculated according to administrative costs or depend on the number of employees you wish to employ. • In Lower Saxony, the General Fee Schedule is the basis for charging fees.
Verfahrensablauf	<p>You can apply in writing for authorization for deviations from shift work. The following steps must be carried out:</p> <ul style="list-style-type: none"> • You submit an informal application. • You send this by post or email to the locally

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responsible trade supervisory office/the LBEG or, if an application in accordance with Section 13 (5) of the Working Hours Act is submitted at the same time, to the Osnabrück State Trade Supervisory Office, including the required documents.

- If the documents or information required for processing are incomplete, you will be contacted by the processing department.
- The State Trade Supervisory Office (Osnabrück)/LBEG will check the application.
- Once the examination has been completed, you will receive a notice of approval or a notice of rejection, which will be sent to you by e-mail or by post.
- The notification of fees is usually sent to you with the notification.

Online procedure:

- You log in to the online service and use it to create your application. Attach the required documents to the application.
- Responsibility is automatically determined and the application is automatically sent to the competent authority after processing.
- The remaining steps are the same as for written processing.

The decision of the competent occupational health and safety authority is made at its own discretion. As part of this decision, a balance is struck between the interests of protecting the health and safety of employees and the operational interests of the employer.

Bearbeitungsdauer

Depending on the examination effort (usually a few weeks after submission of the complete documents).

Frist

- There is no time limit.
- If you have submitted an application, extended working hours are only permitted once you have received approval. Retroactive approval cannot be granted.

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weiterführende Informationen	<p>https://www.gewerbeaufsicht.niedersachsen.de/startseite/arbeitsschutz/arbeitszeitregelungen/gesetzliche-arbeitszeitregelungen-52092.html</p> <p>https://www.gewerbeaufsicht.niedersachsen.de/startseite/arbeitsschutz/arbeitszeitregelungen/gesetzliche-arbeitszeitregelungen-52092.html</p>
Hinweise	<p>Night work and shift work are regulated by the Working Hours Act.</p> <p>For other reasons, these are checked and longer working hours are approved if necessary.</p> <p>In Lower Saxony, this online service will be available again shortly.</p>
Rechtsbehelf	Contradiction
Kurztext	<ul style="list-style-type: none"> • Deviation from regulations on rest periods Authorization <ul style="list-style-type: none"> • Exceptions to the regulations on rest periods are possible and can be approved: <ul style="list-style-type: none"> • for standby duty, on-call duty and on-call duty in the public sector, provided there are special circumstances, for example for winter services, and • for shift work twice within 3 weeks in order to achieve a regular weekly shift change. This applies both to the rest period after work on weekdays and after work on Sundays and public holidays. • Responsible: locally responsible State Trade Supervisory Office; for activities and facilities subject to the Federal Mining Act: State Office for Mining, Energy and Geology (LBEG); in cases of applications in the presence of foreign competition: State Trade Supervisory Office Osnabrück)
Ansprechpunkt	<p>State Trade Inspectorate of Lower Saxony</p> <p>For activities and facilities subject to the Federal Mining Act: State Office for Mining, Energy and Geology (LBEG)</p> <p>The administrative districts are responsible for the personnel of legal entities that are under the supervision of the administrative districts.</p>

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	Insofar as an application is also submitted for employment on Sundays and public holidays due to competition from abroad in accordance with Section 13 (5) of the Working Hours Act: State Trade Supervisory Office Osnabrück
Zuständige Stelle	
Formulare	
Ursprungsportal	Abweichende Regelungen zum Schichtbetrieb beantragen, Apply for deviating regulations for shift operation