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Applying for deviation from regulations on night working hours

Heruntergeladen am 22.07.2025

<https://fimportal.de/xzufi-services/637881414/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99006006017000, 99006006017000
Leistungsbezeichnung I	Applying for deviation from regulations on night working hours
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Sonderregelungen der Arbeitszeit (2030700)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	16.06.2025
Fachlich freigegeben durch	Lower Saxony Ministry of Social Affairs, Labor, Health and Equal Opportunities
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbzg/_15.html https://www.gesetze-im-internet.de/arbzg/_6.html https://www.gesetze-im-internet.de/arbzg/_15.html
Teaser	Are you planning longer night working hours for your employees? If so, you can have these approved by the local occupational health and safety office under certain conditions.
Volltext	<p>You need a permit from the local authority responsible for occupational health and safety if you want to work longer hours at night in your company.</p> <p>Authorization for extended night work is required by law for</p> <p>Continuous shift operations</p> <p>Construction and assembly sites</p> <p>Seasonal and campaign operations, if the extension of working hours is compensated by a reduction in working hours on other days</p> <p>Maximum limits apply for certain exceptions.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Risk assessment (in particular with regard to the stress caused by the longer daily working hours) • 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	Working hours may not exceed 48 hours per week on average over 6 calendar months or 24 weeks.

Modul

Sachverhalt

Kosten

- 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

You can apply in writing for authorization to deviate from night work. The following steps must be carried out:

- You submit an informal application.
- You send this by post or email to the locally 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 will usually be sent to you with the decision.

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.

Modul	Sachverhalt
	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). Depending on the examination effort (usually a few weeks after submission of the complete documents).
Frist	<ul style="list-style-type: none"> If you have submitted an application, extended working hours are only permitted once you have received approval. Retroactive approval cannot be granted.
weiterführende Informationen	https://www.bmas.de/SharedDocs/Downloads/DE/Publikationen/a120-arbeitszeitgesetz.pdf?__blob=publicationFile&v=1
Hinweise	
Rechtsbehelf	<p>Appeal: An appeal against the decision can be lodged with the local authority responsible for occupational health and safety within one month of notification.</p> <p>An unsuccessful appeal is subject to a fee.</p>
Kurztext	<ul style="list-style-type: none"> Deviation from regulations on night working hours Authorization In the following cases, the local authority responsible for occupational health and safety may authorize additional night work: <ul style="list-style-type: none"> for shift operations to achieve additional free shifts for construction and assembly sites for seasonal and campaign operations Application required <p>Responsible: locally competent authority for occupational health and safety</p>
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</p>

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	<p>personnel of legal entities that are under the supervision of the administrative districts.</p> <p>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</p>
Zuständige Stelle	<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> <p>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</p>
Formulare	
Ursprungsportal	<p>Abweichen von Regelungen zur Nachtarbeitszeit beantragen, Applying for deviation from regulations on night working hours</p>