

99006001006000

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/78355/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99006001006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Sundays and public holidays; application for a permit for the employment of workers
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

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Fachlich freigegeben am	09.05.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Familie, Arbeit und Soziales (Bavarian Bavarian State Ministry for Family, Labour and Social Affairs)
Handlungsgrundlage	https://www.gesetze-im-internet.de/arbzg/_13.html https://www.gesetze-im-internet.de/arbzg/_13.html
Teaser	As an employer, you require an official permit if you want to work on a Sunday or public holiday in your company or business, unless there is a legal exception.
Volltext	<p>Apart from a few statutory exceptions, the employment of workers on Sundays and public holidays is subject to approval.</p> <p>Provided that the work cannot be carried out on weekdays, authorization for work on Sundays or public holidays is required by law for exceptions in accordance with Section 13 (3) No. 2 a), b), c) of the Working Hours Act (ArbZG):</p> <ul style="list-style-type: none"> • to prevent disproportionate damage in a company if special circumstances make this necessary • for the organization of in-house and order fairs for commercial resellers • for the legally prescribed stocktaking on one Sunday a year, if this cannot be carried out on a weekday.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • in the case of publicly noticeable work: Statement of the municipality responsible for the place of employment • in the case of an existing staff delegation, information on its decision to submit an application • Work on Sundays and public holidays for other clients: statement by the client on the necessity of work on Sundays and public holidays • Justification that the work scheduled on Sundays and public holidays is not possible on weekdays
Voraussetzungen	<p>You can only apply for permission to work on Sundays and public holidays if you are an employer and the work cannot be carried out on weekdays.</p> <p>A permit for working on public holidays is required for</p>

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the federal state in which a public holiday is celebrated and in which work is to be carried out. The company headquarters principle applies.

Provided that the work cannot be carried out on working days, a permit may be issued in accordance with Section 13 (3) No. 2 a), b), c) of the Working Hours Act (ArbZG) if

- special circumstances arise in a business that cause disproportionate damage (on up to five Sundays and public holidays per year),
- in the commercial sector, special circumstances necessitate extended business operations (e.g. for in-house and order fairs organized exclusively for commercial resellers) on up to ten Sundays and public holidays per year and
- the statutory stocktaking is to be carried out and cannot be carried out on a working day (one Sunday per year).

Kosten

The fees are

- for 1 Sunday/holiday: at least EUR 50.00
- for up to 100 employees per employee: EUR 3.00
- for more than 100 employees per additional employee: EUR 1.50
- for applications for several Sundays and public holidays from the 2nd Sunday and public holiday: 75% of the above costs

Verfahrensablauf

- You can apply for a permit to work on Sundays and public holidays in writing or online.
- If the requirements for a permit are met, you will receive a notice of approval. If the application documents show that the application cannot be approved, you will be asked to withdraw the application. If the application is not withdrawn, you will receive a rejection notice.
- If the documents or information required for processing are incomplete, you will be contacted by the competent authority.

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Written submission

- Send the informal application with the required documents to the trade supervisory office (or the mining authority if the company is subject to the Federal Mining Act) responsible for the company headquarters.
- For foreign applicants without a registered office in Germany, the trade supervisory office (or the mining authority if the company is subject to the Federal Mining Act) in whose supervisory district the place of employment is located is responsible.

Electronic submission

- The application can be submitted digitally to the competent authority using the online procedure.
- The attachments are uploaded in electronic form (files in PDF format).

Bearbeitungsdauer

The processing time is on average 2 days, depending on the completeness of the required information.

Frist

The application can only be processed if it is received by no later than 12:00 noon on the penultimate opening day of the Trade Supervisory Office or Mining Authority preceding the Sunday or public holiday in question.

weiterführende Informationen

<https://www.gewerbeaufsicht.bayern.de/>
<https://www.gewerbeaufsicht.bayern.de/>
https://www.gewerbeaufsicht.bayern.de/arbeitsschutz/sozialer_arbeitsschutz/arbeitszeitrecht/index.htm
https://www.gewerbeaufsicht.bayern.de/arbeitsschutz/sozialer_arbeitsschutz/arbeitszeitrecht/index.htm
<https://www.bmas.de/SharedDocs/Downloads/DE/Publikationen/a120-arbeitszeitgesetz.pdf>
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Hinweise

- Every employee who is employed on a Sunday or public holiday must be granted a substitute rest day.
- The employee's working time may not exceed 10 hours.

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- If the employee's working time exceeds six hours, he/she must be granted a rest break of at least 30 minutes. If the working time exceeds nine hours, he/she must be granted a rest break of at least 45 minutes.
- The name and duration of employment of the employee working on a Sunday or public holiday must be recorded.
- A separate exemption in accordance with Art. 5 of the Act on the Protection of Rest on Sundays and Public Holidays (Public Holidays Act - FTG) is not required.
- Exceptions to the prohibition of employment on Sundays and public holidays result from the ArbZG itself as well as various other legal regulations (e.g. Shop Closing Act, Ordinance on the Needs of the Trade, etc.).

Rechtsbehelf

administrative court action

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal

BayernPortal, BayernPortal