

Applying for a different rest period

Under certain conditions, as an employer you can obtain permission for employees in your company to have rest periods that deviate from working time regulations.

Competent Department

- [Gewerbeaufsicht des Landes Bremen | Dienstort Bremen](#)
- [Gewerbeaufsicht des Landes Bremen | Dienstort Bremerhaven](#)

Basic information

Employees must have an uninterrupted rest period of at least 11 hours after the end of the daily working time. As an employer, you can apply for rest periods that deviate from the regulations on working hours for your employees in your company under certain conditions, namely

- 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
- 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.

The exception is at the discretion of the employer. You are not entitled to an exemption.

Requirements

- The employees are employees on standby, on-call duty or on-call duty in the public service of general interest or public safety and order or there is a shift operation.

What documents do I need?

- Risk assessment (particularly with regard to mental stress due to the different position of the rest period)
- Statement from the company doctor
- Statement from the staff or works council (if available)
- Proof that flexible deployment of employees is necessary either for reasons of public safety and order or for the provision of services of general interest
- Schedules for night shifts, which in particular also show the break options
- Proof that the deviating rest period enables a regular weekly shift change
- The competent supervisory authority may request further information and documents if necessary.

Procedure

You can apply in writing for rest periods that deviate from the Working Hours Act. The following steps must be taken:

- You submit an informal application.
- You submit all the documents required for a decision on your application.
- The documents you submit will be checked for completeness and, if necessary, additional documents will be requested.
- Once the official review has been completed, you will receive a notice of approval or a notice of rejection.
- The locally responsible district government will send you the notification by e-mail or post.
- The notification of fees will usually be sent to you together with the decision.

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

Legal bases

- [§ 15 Absatz 1 Nummern 3 und 4 Arbeitszeitgesetz \(ArbZG\)](#)

More information

There are no indications or special features.

What deadlines must be paid attention to?

There are no deadlines to be observed.

How long does it take to process

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

What are the costs?

129,00 EUR bis 2.400,00 EUR The current cost rates apply as amended. The current cost ordinance can be found in the legal bases.