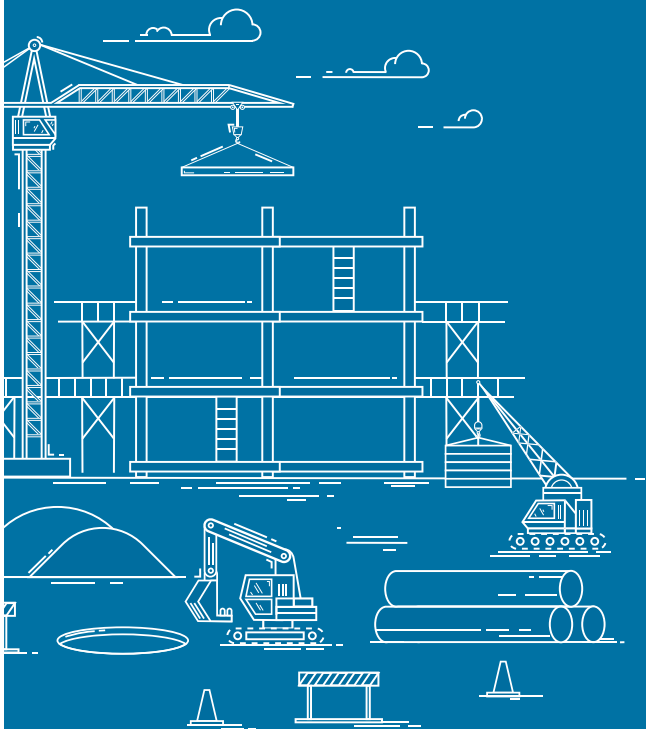


Englisch

fair **DGB**

Arbeitnehmerfreizügigkeit
sozial, gerecht und aktiv

You are a construction worker
and have been posted to
Germany – **what rights do
you have?**





What does it mean to be "posted"?

You are considered a posted worker when your employer sends you to a different European Union country (such as Germany) for a limited period of time.



Which labor laws apply to you?

As a posted worker, you are subject to the labor laws of your home country.



However, the following minimum provisions of German labor law also apply to you:

Minimum wage in the construction industry	from 1 January 2018 (gross)	from 1 March 2019 (gross)
For unskilled workers who perform simple duties	11.75 euros in Germany	12.20 euros in Germany
For skilled workers or workers who are qualified to perform duties requiring prior training	West Germany	
	14.95 euros	15.20 euros
	East Germany	
	11.75 euros	12.20 euros
	Berlin	
	14.80 euros	15.05 euros

Wages are to be paid for each hour worked (including overtime hours). Taxes and social security (pension, health, unemployment and home nursing care insurance) contributions are deducted from gross wages. Minimum wage must not be undercut! No other deductions may be made from the minimum wage, such as those for accommodations, transportation to and from the construction site or for the costs of tools, supplies or safety clothing.

Working hours: Posted workers are also subject to the working-hour provisions of the relevant collective agreements, which provide for a 40-hour work week.

Rest periods: After the end of your workday, you are entitled to at least 11 hours (10 hours in exceptional cases) of rest.

Workplace safety: Your employer is required to comply with certain safety regulations that also apply to your workplace.

Ban on discrimination: Your employer must ensure that employees do not suffer discrimination. For example, men and women must be treated equally.

Leave: Foreign companies that post workers to Germany also take part in the "Urlaubskassenverfahren" (leave fund process) established by the German construction industry. The process is organized by the "Sozialkasse des Baugewerbes" (SOKA-BAU). You earn one day of paid leave for every 12 days of work (your total entitlement is 30 days of leave per year). Should you transfer to a different construction firm, your leave entitlement will be carried over to the new firm. That also applies when you transfer to a German construction firm. If you do not take all of the leave days you have earned in a given year, you may take the remaining days of leave until December of the following year, after which your entitlement expires, unless you apply for compensation!

The SOKA-BAU will send you an account statement containing at least the following information once each year:

- The names of employers for whom you have worked
- The number of days on which you were employed
- Your gross wage amounts as reported by your employer(s)
- Your leave entitlement and the number of days of leave you have taken

This wage account statement is based on the data your employer(s) has/have reported to the SOKA-BAU. You should check these data and notify your employer of any incorrect data within two months of receipt of the wage account statement. Contact the SOKA-BAU immediately if you experience any problems.

Caution: Some employers have leave pay to which their employees are entitled paid out to them, even when these employees have neither requested nor taken leave. Check your documents carefully. If you suspect improper behavior, contact an Advisory Center or the SOKA-BAU.

Where are you insured?

You remain insured in your home country for up to 24 months. You must show proof of social insurance coverage in Germany by presenting an A1 certification issued by the social security administration in your home country. This means that you remain covered by your home country's health insurer. You can receive medical treatment in Germany following an accident or in cases of acute illness by presenting the European Health Insurance Card. The costs will be covered by your health insurer in your home country.

Before you depart for Germany

you should check the following

where you are going to live; will your accommodation be paid for by your employer?;

- where are you going to work?; check the name of the company you will work for in Germany;
- what will be your salary and does it correspond to the minimum wage?

Obtain the following documents:

- Form A1,
- a European Health Insurance Card (EHIC),
- Insist on a written employment contract from your employer and a written posting agreement.

As a citizen of the EU or a person with a registered domicile in an EU Member State, you do not need a work permit to work in Germany.

After your arrival in Germany

Register as a resident with your local town or city administration. Do this yourself, and do not leave it up to your employer!



Workers are often cheated out of their wages in the construction industry. What can you do to protect yourself against wage fraud?

- Note the beginning and ending times and the total time you work each day, including breaks and any overtime hours.
- Note the names and telephone numbers of colleagues who can verify your statements.
- Note the addresses of the construction sites at which you work.
- Note the name of the firm for which you work and its contact data. Also note the name of the managing director of this firm and other individuals who give you instructions.
- Note the name of the firm that acts as general contractor and its contact data.
- Write down the name of the construction site manager and the relevant contact data.
- Take photographs of the construction site and specifically of the sign on which the construction project is described.
- Do not sign anything you don't fully understand.

You can file suit for payment of outstanding wages in a German court, even if your employer is based abroad! If you suspect irregularities in the payment of your wages, contact an Advisory Center or IG-BAU for assistance before you leave Germany.



Proper, legal posting?

You may not have been properly or legally posted if

- you do not have a valid A-1 certification,
- you were first recruited and hired for your construction job in Germany,
- your company does not actually operate in your home country (letter-box company).

If you are in doubt about anything, ask for advice at an Advisory Center or from a trade union representative.

Faire Mobilität

Advisory Centers for workers from Central and Eastern Europe

www.faire-mobilitaet.de

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