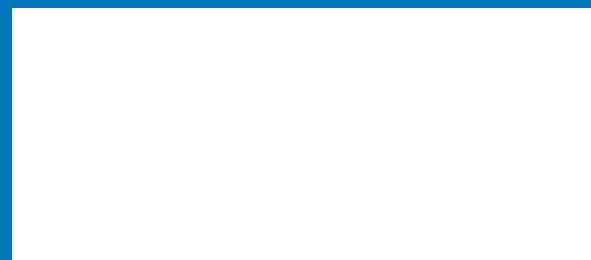


## Learn about your rights as soon as possible and get in touch with us!

Contact your union or a Fair Mobility Advisory Centre for more detailed information and answers to individual questions.



Responsibility for the project lies with the Executive Board of the German Trade Union Confederation. The project is being carried out in collaboration with the bfw – Unternehmen für Bildung, the EVW – European Migrant Workers Union, the PCG – Project Consult GmbH, the DGB Bildungswerk BUND.



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## Faire Mobilität

### Advisory centres for mobile workers from Central and Eastern Europe

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# What can you do if your employer doesn't pay you?

- You always have the right to receive your pay – regardless of your employment status and regardless of whether you have a written employment contract.
- Submit a written claim for your unpaid wages before you sue. That may persuade your employer to pay your wages and could save you a complicated lawsuit.
- In Germany, it is your responsibility to fight for your unpaid wages. Every affected person should file her/his claim with the labour court (alone or with the help of a lawyer or trade union). Neither the police, nor the customs officials responsible for financial supervision and illegal employment (Zoll/Finanzkontrolle Schwarzarbeit) can demand that your employer pays you.

## How can I protect myself?

Before you start working, make sure the wage you have been promised is correct; make sure you receive the national minimum wage of € 9.19 as of 1 January 2019. Check to see if a higher minimum wage is applicable to your industry according to a collective agreement. Enquire about this at the union or an advisory centre!

Document your work so that you have evidence in case of a lawsuit. Write down your exact working hours and breaks, the place where you worked, and the tasks you performed each day in a notebook or work time calendar! Also note the name and address of your employer, the company at which you performed your work in, the general contractor and the names of witnesses to the work you did.

## When can I claim my unpaid wages?

As soon as your regular pay date has passed (often the 15th of the following month), you can ask for wages your employer has withheld or not paid out in full.

**Caution:** Certain deadlines must be observed! Final deadlines (Ausschlussfristen) are specified in your employment contract or in the applicable collective agreement, and they are often very short. These deadlines determine how much time you have to submit a written claim (Geltendmachung) to your employer demanding your wages. Inform yourself about these deadlines! If you fail to submit a written claim for payment (Geltendmachung) within the specified period, your entitlement to payment of your wages may be affected! Seek legal advice if you have missed the deadline! It may still be possible to file a lawsuit.

## How do I make a legally valid wage claim?

Send your employer a letter indicating the basis for and the amount of your claim. The best thing to do is make a list showing where and when you worked and what tasks you performed. You must state the exact amounts of money your employer owes you. Give him a deadline of 2 weeks to pay and provide your bank account information. Ask for a sample written letter or help with the language at an advisory centre.

**Caution:** The letter must bear your original signature and be sent by post (as a registered letter, called 'Einschreiben') or be given directly to your employer by another person. Verbal demands and claims for payment by telephone, email or SMS will not be recognized by the labour court.

Keep a copy of the written letter and the postal receipt as proof!

## How much of my pay can I claim?

It is important that you claim the correct amount. The basis for your demand is always the gross hourly wage or the gross monthly salary. Take the following steps:

1. Add up your gross pay for the month you didn't receive your wages. First, multiply your total working hours by the hourly gross wage. Do the same for any extra pay for night shifts or holidays, for example.
2. Next, calculate any other outstanding amounts. For example, unjustified wage deductions or payouts for unused leave when your employment contract was terminated (so-called "Urlaubsabgeltung"). Add this to the other sum.
3. Then write down the net partial payments (Anzahlungen) you have already received for that month.
4. Claim your gross pay amount of pay you have calculated and write down the net amounts you have already received! Do not subtract the net pay you already received from the gross amounts your employer owes you!

### Example:

#### Gross Pay

Hours worked:	160 h x € 9.19 gross	= € 1,470.40 gross
+ night shift pay:	32 x (€ 9.19 x 0,25)	= € 73.52 gross
+ payout for 2 days unused vacation:	16 h x € 9.19	= € 147.04 gross
		= € 1,690.96 gross
Advance Payment:	€ 500 net	
Total claim:	€ 1,690.96 gross – € 500 net	

If you have not received your pay within 2 weeks, you must file a lawsuit against your employer in a German labor court to assert your claim. Find information how to do this in our flyer, "No Pay – How do I sue in court?". Or contact an advisory centre.

**We recommend** that you join a union on your first day in Germany! Contact the union that represents your industry. If you aren't sure, ask an advisory centre. If you are already a union member in your home country, ask if your membership will be accepted temporarily by the German trade union.