

What rights do I have as a posted worker in Germany?

You are considered a posted worker if your employer is based in another country and sends you to work in Germany for a temporary assignment.

As a posted worker, the labour law of the country from which you were posted applies. However, some provisions of German labour law also apply if they are more favourable to you. **This means that the labour law rights mentioned in this leaflet also apply to you!** The minimum wage of 12.00 euros per hour, for example. If you are posted by your employer, he must bear the full costs of your accommodation in Germany and may not deduct them from your wages.

Social security in the sending country

As a posted worker, you are not covered by social insurance in Germany, but in the country from which you were posted. **You have to prove that by presenting an A1 certificate in Germany.** This A1 certificate is issued by the social insurance of your posting country. In Germany, you can use the European Health Insurance Card (EHIC) to get medical treatment in case of an accident or illness. The costs will be reimbursed by your health insurance fund in your home country.

Without a valid A1 certificate, you risk high costs in case of illness or accident. Check whether you have a valid „A1 certificate“, whether your status as a worker is ticked correctly and whether the name and address of your real employer are stated correctly. If you have any doubts, call our hotline.

IG BAU trade union – Become a member of a strong community

If you want to take advantage of membership in the competent trade union, register with Industriegewerkschaft Bauen - Agrar - Umwelt (IG BAU). The trade union supports you in conflicts with your employer and also in social security matters, for example in the case of an accident at work.



You can also send an e-mail to: mobil@igbau.de (in all languages)

IG Bauen-Agrar-Umwelt

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60439 Frankfurt/Main
Phone: +49 69 95 73 70

www.igbau.de

Contact on site:

Fair mobility – Advisory centres for workers from Central and Eastern Europe

Paula-Thiede-Ufer 10
10179 Berlin
kontakt@faire-mobilitaet.de



www.faire-mobilitaet.de

- / **Bosnian-Croatian-Serbian**
0800 0005776, upit@faire-mobilitaet.de
- / **Bulgarian**
0800 1014341, konsultacia@faire-mobilitaet.de
- / **Czech**
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- / **Hungarian**
0800 0005614, tanacsadas@faire-mobilitaet.de
- / **Polish**
0800 0005780, doradztwo@faire-mobilitaet.de
- / **Romanian**
0800 0005602, consiliere@faire-mobilitaet.de

Information on labour law matters in your language can be found at:

www.fair-arbeiten.eu

You can find the direct contact to our advisory centres at:

www.faire-mobilitaet.de/beratungsstellen

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Your rights when you work in Germany.



Your rights as a construction worker in Germany



Ihre Rechte als Bauarbeiter in Deutschland



Minimum wage

A statutory minimum wage applies to all employees in the construction industry - including to those who are posted to Germany from abroad by their employer. This minimum wage is **12.00 euros per hour gross (12.41 euros per hour from 1 January 2024)**. Taxes and social security contributions are deducted from the gross wage.

You are entitled to an additional payment (also called a “hardship supplement”) for work that is particularly difficult (e.g. work at great heights, in excavations or with special protective clothing).

Collectively agreed wages

If you are a member of the IG BAU trade union and your employer is a member of an employers’ association, you are entitled to a significantly higher gross wage per hour, depending on the job.

Payroll

Wages must be paid by the middle of the following month at the latest and are usually transferred to your bank account. The employer must give you a **pay slip every month**. The pay slip says how much you have earned and the amounts that have been deducted for taxes and social security.

Working time

Normal working hours in the construction industry are 38 hours per week from December to March and 41 hours per week from April to November. In exceptional cases, the weekly working time can be increased to up to 60 hours, but only if this overtime is compensated in the following months. Breaks do not count as working time and are not paid accordingly. After finishing your work, you are entitled to at least 11 hours of rest.

Supplements for overtime

If you work outside the working hours specified in your contract, you will receive extra pay in addition to your hourly wage:

- / For each hour of overtime worked, you will receive an additional 25% of your hourly wage.
- / For every hour you work at night, you receive an additional 20% of your hourly wage.
- / For every hour you work on Sundays, you will receive an additional 75% of your hourly wage.

Workers in the construction industry are often cheated out of their wages. What can you do about that?

1. Don't sign anything you don't understand.
2. Write down the start, end and duration of your hours worked every day, including breaks.
3. Write down the names and telephone numbers of colleagues who can testify to your statements.
4. Take photos of the construction site and the sign describing the construction project.
5. Write down important dates:

- / Address of the construction site
- / Name of the employer
- / Name of the general contractor

Allowance for long distance

For each day you are absent from your accommodation for more than 8 hours and work on a construction site, you are entitled to a **meal allowance** of at least 6 euros (from 1 January 2024 at least 7 euros). If you work on a construction site that is at least 75 km away from your employer’s headquarters and if the journey from your place of residence to this construction site takes more than 75 minutes, you are entitled to a meal allowance of 24 euros per day, and the employer must also provide you with free accommodation. If you spend the night away from the construction site, you will receive an additional 4 euros per day on top of the 24 euros.

In addition, you are entitled to a **travel time allowance** for each distance travelled between your home and this construction site in addition to the reimbursement of travel expenses:

- / 9 Euro from 75 kilometre distance
- / 18 euros from 200 kilometres distance
- / 27 Euro from 300 kilometres distance
- / 39 euros from 400 kilometres distance

Health and safety at the construction site

Very strict regulations apply at your workplace in order to prevent falls, accidents with machinery and other hazards. The employer must comply with these regulations. Call our hotline if you have any questions.

Holidays

If you work in Germany, you are entitled to paid leave with SOKA-BAU (social funds of the construction industry). **For every 12 days worked you are entitled to one day of paid leave**. In total, you are entitled to 30 days of leave per year. The number of entitled days remain even if you change employer!

You can still take days of one year’s outstanding leave in the following year. In the year after next, this holiday entitlement expires, but you can still apply for compensation and get the outstanding holiday pay. **Once every year SOKA-BAU will send you an account statement**. This statement is based on your employers’ data and lists how many days you have worked, what wages you have received and how many days of leave you have taken.

Check the data on the account statement regarding your working/absent days and report to your employer in writing within 2 months if the statement contains any incorrect information. In case of problems, contact SOKA-BAU directly or call our hotline.

Health insurance

If you are employed in Germany and subject to social insurance contributions, you are entitled to health insurance. You will receive a health insurance card and can go to the doctor with it. Medical treatment is then normally free of charge.

In case you fall ill, you will receive full payment of your wage by your employer for up to 6 weeks if you have worked for that same employer for more than 4 weeks. To receive full pay, you must provide your employer with a sick note from your doctor.

Accident insurance

The employer is obliged to register you with the Employer’s Liability Insurance Association (BG BAU) when you start work. This way you are insured against accidents that occur during work and on the way to or from work.

Don't get involved in moonlighting!

construction workers are frequently not registered with social security. Even if you are promised more pay, don't go for it. You run a high risk that a possible medical treatment will be very expensive if you get sick or injured. And you run the risk of not getting paid for the time you have worked undocumented.