

## Construction workers are often cheated out of their pay. What can you do about it?

1. Do not sign anything that you do not understand.
2. Note the beginning, end and duration of your daily working hours, as well as your breaks.
3. Write down the names and telephone numbers of colleagues who can witness your statements.
4. Take photos of the construction site and the sign describing the construction project.
5. Write down important data:
  - Address of the construction site where you are working
  - Name of the company for which you are working and of its owner
  - Name of the general contractor

You can sue for your wages in front of the German court, even if your employer is based abroad! In case of irregularities in your wage payment, ask for help in good time before you leave Germany. For example, you can call our hotline. Members of the IG BAU trade union receive free legal aid also for lawsuits in front of the German courts.

## Caution: Fake posting?

Correct posting is questionable,

- if you do not have a valid “A1 certificate”.
- if boxes on the “A1 certificate” are ticked incorrectly, e.g. your status as an employee/self-employed person.
- if you were recruited and employed in Germany for a job on a construction site in Germany.
- if your company does not operate in your home country (letterbox company).

If you have any doubts, contact your trade union IG BAU as a member or call our hotline.

## Trade union IG BAU – become a member of a strong community!

If you want to receive the membership benefits of the trade union responsible for construction workers, register with Industriegewerkschaft Bauen-Agrar-Umwelt (IG BAU). The trade union supports you in conflicts with your employer or also in social law matters, for example in the case of accidents at work.

Here is where you can get information in your language:

+49 391 4085-105 for English/German  
+49 391 4085-106 for Bulgarian  
+49 391 4085-107 for Romanian  
+49 391 4085-108 for Polish  
+49 391 4085-114 for Bosnian-Croatian-Serbian  
+49 391 4085-921 for Russian  
+49 391 4085-922 for Hungarian

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

**IG Bauen-Agrar-Umwelt**  
Olof-Palme-Str. 19  
60439 Frankfurt/Main  
Telefon: +49 69 957370  
Fax: +49 69 95737800  
[www.igbau.de](http://www.igbau.de)

Local contact on-site:



Vi.S.d.P.: Anja Piel, DGB-Bundesvorstand, Henriette-Herz-Platz 2, 10178 Berlin | Stand: 08/2022

## Faire Mobilität – Advisory Centres for workers from Central and Eastern Europe

[www.faire-mobilitaet.de](http://www.faire-mobilitaet.de)  
[kontakt@faire-mobilitaet.de](mailto:kontakt@faire-mobilitaet.de)

If you have a labour law problem at your workplace in Germany contact the free hotline of Faire Mobilität:

**Bosnian-Croatian-Serbian**  
0800 0005776 / [upit@faire-mobilitaet.de](mailto:upit@faire-mobilitaet.de)

**Bulgarian**  
0800 1014341 / [konsultacia@faire-mobilitaet.de](mailto:konsultacia@faire-mobilitaet.de)

**Czech**  
[poradenstvi@faire-mobilitaet.de](mailto:poradenstvi@faire-mobilitaet.de)

**Hungarian**  
0800 0005614 / [tanacsadas@faire-mobilitaet.de](mailto:tanacsadas@faire-mobilitaet.de)

**Polish**  
0800 0005780 / [doradztwo@faire-mobilitaet.de](mailto:doradztwo@faire-mobilitaet.de)

**Romanian**  
0800 0005602 / [consiliere@faire-mobilitaet.de](mailto:consiliere@faire-mobilitaet.de)

For a direct contact to one of our advisory centres please go to:  
[www.faire-mobilitaet.de/beratungsstellen](http://www.faire-mobilitaet.de/beratungsstellen)



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des Deutschen Bundestages

**fair DGB**

Arbeitnehmerfreizügigkeit  
sozial, gerecht und aktiv

## You work in the construction industry and are posted to Germany

### What rights do you have?



englisch

Industriegewerkschaft  
Bauen-Agrar-Umwelt



## What is posting?

You are considered posted if your employer sends you to work in another EU country (e.g. Germany) for a temporary assignment.

## Which labour law applies to you?

As a posted worker, you are subject to the labour law of the country from which you were posted. In addition, some regulations of German labour law apply if they are more favourable to you.

You are entitled to the statutory minimum wage. This is 10.45 euros until 30 September 2022 and 12.00 euros from 1 October 2022.

This wage must be paid for each hour worked. Taxes and social security contributions (e.g. pension insurance, health insurance, unemployment insurance, nursing care insurance) are deducted from the gross wage. The minimum wage must not be undercut! In the case of particularly difficult or dangerous work (e.g. work in great heights, in excavations or with special protective clothing) you are entitled to a hardship allowance.

### Working hours

On your employment apply the working hours regulation of the country you are posted to. Mostly this is an average of 40 hours per week. Breaks do not count as working time and are therefore not paid.

### Rest period

After finishing your work, you are entitled to a rest period of at least 11 hours (10 hours in exceptional cases).

### Allowances

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

- For each hour of overtime 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.

### Costs for travel and accommodation

The employer must bear the costs for your travel in full in accordance with the regulations that apply in your country of origin. The employer covers the costs for adequate accommodation during your posting in accordance with collective bargaining regulations in Germany. The employer is not allowed to deduct costs for travel and accommodation from your wage.

### Costs of travel within Germany

If you work on a construction site that is at least 50 km away from your employer's place of business and if the normal time required to travel from your home to this construction site is more than 1 ¼ hours, your employer must pay you a meal allowance of 24 euros per day. From 01.01.2023, the employer must pay you an additional 4 euros per day on top of these 24 euros for overnight stays away from the construction site.

### Safety and health at work

Your workplace is subject to strict regulations to prevent falls, accidents whilst using 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, because foreign posting companies also participate in the holiday fund procedure of the Social Fund of the Construction Industry (SOKA-BAU). After every 12 days of employment you are entitled to 1 day of leave (in total you are entitled to 30 days of leave per year). You can take outstanding days of leave until December of the following year. After that, your holiday entitlements expire, but you can still apply to SOKA-BAU for compensation within the following year!

Once a year SOKA-BAU sends you a statement of account. This account statement is based on the data that your employers have sent to SOKA-BAU.

- Employers you were employed by
- Number of days you were employed
- Amount of your gross wages as reported by your employers
- Holiday entitlement and days of holiday taken

**Check this data and complain about incorrect data to the employer within 2 months of receiving the account statement. If there is a problem, contact SOKA-BAU directly or call our hotline. As a member of the IG BAU trade union you enjoy free legal insurance cover in labour law matters.**

### How and where are they insured?

Clarify whether you are covered by social security in the country from which you are posted, and in particular whether you have health insurance cover. If so, you will remain insured in the posting country for up to 24 months while working in Germany. You have to provide proof of this in Germany ("A1 certificate"). The social security authority of your posting country issues the A1 certificate. In Germany, you can use the European Health Insurance Card (EHIC) if you need medical treatment in the event of an accident or illness. The costs will be reimbursed by the health insurance in your home country.

## Before departure to Germany

### Please clarify:

- Where you will live? Is the accommodation paid by your employer?
- Where you will be working? Which construction site are you working on and what is the name of the general contractor in Germany?
- What wage you will receive? Does the wage correspond to the German minimum wage for the construction industry?

### You must obtain

- a copy of the "A1 certificate" from the employer
- the European Health Insurance Card (EHIC)
- Request a written employment contract from your employer and a written posting agreement.

If you do not have EU citizenship, you also need a work permit, even if you were posted from an EU country. As an EU citizen, you do not need a work permit to work in Germany.

## After arrival in Germany

Check whether your employer has properly registered you with the relevant registration office. If there is a problem contact your trade union IG BAU as a member or call our hotline.

