

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

Write down...

- ... the beginning and ending times and the total hours worked each day, including breaks;
- ... the addresses of construction sites at which you work;
- ... the name and address of the firm and the general contractor for the construction site;
- ... the names and contact data of fellow workers and the name and contact data of your boss or foreman.

Take photographs of the construction site and the board on which the construction project is described.

Do not sign anything you don't understand.

You are entitled to sue for your wages in a German court, even if your employer is based abroad! If you detect irregularities in the payment of your wages, contact an Advisory Centre or a representative of IG-BAU (the union representing all workers in the construction industry) before leaving Germany.

Visit an Advisory Centre if you are employed as a posted worker in the construction industry and ...

- ... were recruited and hired for the job only after coming to Germany;
- ... your employer does not actually do business in your home country (mailbox company).

You may also have additional rights in the event that your posting is assessed as illegal.

Advisory Centers for workers from Central and Eastern Europe

www.faire-mobilitaet.de | www.fair-arbeiten.eu

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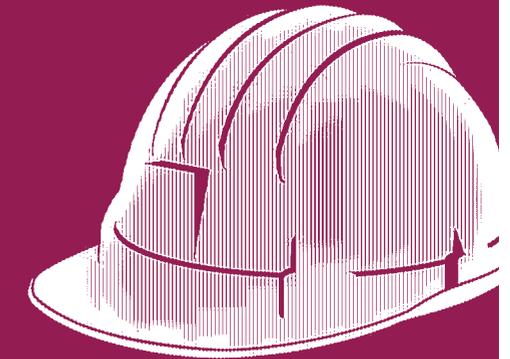
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fair
Posting

DGB

Posted workers in the construction industry

You have rights!



englisch

What is posting?

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

What rights do you have?

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

However, you are covered by the following minimum provisions of German labour law:

Minimum wage

Workers in Germany are entitled to the statutory minimum wage.

The construction industry has adopted its own minimum wage scale.

Wages differ according to construction site location, the difficulty of assigned duties and the period in question.

Minimum wage in the construction industry	Since 1 January 2018	Effective 1 March 2019
For workers who perform simple tasks which require no prior training	€ 11.75 (gross) in all German states	€ 12.20 (gross) in all German states
For skilled workers and tasks requiring prior training and/or special qualifications	West € 14.95 (gross) East € 11.75 (gross) Berlin € 14.80 (gross)	West € 15.20 (gross) East € 12.20 (gross) Berlin € 15.05 (gross)

These wage rates are gross amounts in euros and are payable for every hour worked – including overtime hours. Taxes and social security insurance contributions are deducted from gross wages.

The minimum wage may not be reduced by the following costs ...

- ... accommodation costs
- ... costs for transportation to the construction site
- ... work materials/equipment (e.g. tools)
- ... safety clothing

In other words, **you may not receive less than the minimum wage for your industry.**

Working hours

According to the law, you may not work more than 8 hours per day.

10 hours are permissible as long as you do not work more than an average of 8 hours per day within a six-month period.

Rest periods

You must be given at least 11 hours of rest time after the end of the workday.

You may not return to work until this rest period has elapsed.

Workplace safety

Employers are responsible for ensuring workplace safety.

Paid leave

You earn one day of paid leave for every 12 days of work. You are entitled to a total of 30 days of paid leave per year.

You haven't taken any paid leave during your assignment in Germany?

Then you can request payment of the amounts to which you are entitled from social security fund for the construction industry (SOKA-BAU) after you return to your home country. Non-German firms that post workers also pay contributions for their employees into the SOKA-BAU. For further information contact SOKA-BAU.

SOKA BAU has set up an information service in a number of different languages.

- +49 (0) 611 707 4053 Polisch
- +49 (0) 611 707 4056 Bulgarian, Bosnian, Croatian, Macedonian, Serbian, Slovenian
- +49 (0) 611 707 4058 Romanian
- +49 (0) 611 707 4059 Hungarian

Caution: Some employers take money from SOKA-BAU even when an employee has neither requested nor received paid leave and without paying amounts earned during leave to the employee. Check your wage statements and contact SOKA-BAU if you need clarification.

Where are you covered by social security insurance?

You are covered by social security insurance in your home country for up to 24 months. Your employer is required to apply for an A1 certificate before you are posted. The certificate serves as proof that you are insured in your home country. Ask your employer to confirm that you are registered!

You must be in possession of a European health insurance card issued by your health insurer in your home country.

Before departing for Germany

You need to determine...

- ... where you are going to live (will your accommodations be financed by your employer?);
- ... where you are going to work (what is the name of the firm to which you will be assigned in Germany?);
- ... how much you will earn (does this wage rate match the minimum wage in Germany?).

Obtain ...

- ... a copy of Form A1 from your employer;
- ... a European health insurance card;
- ... a written employment contract and a written posting agreement from your employer;
- ... a Vander-Elst visa if you are not citizen of the EU. Only citizens of third countries with long-term residence permits who do not work for more than three months within a 12-month period are exempt from this requirement. Citizens of the EU or permanent residents of an EU Member State do not need a work permit to work in Germany.

