

English

DGB

Knowledge protects you!
What refugees need to know
about working in Germany

Bienvenue

أهلاً وسهلاً

Willkommen

Welcome

خوش آمدید

A guide for people who have fled their homelands and live and work in Germany. The information contained in this guide is meant to help people find work under fair conditions and avoid exploitation.

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Foreword by Annelie Buntentbach

You have fled your homeland hoping to escape from war and persecution. And you are now seeking refuge and a new perspective for yourself and your family in Germany. We – colleagues from the member trade unions of the Deutscher Gewerkschaftsbund (German Trade Union Confederation, DGB) – wish to welcome you and offer you our support in your efforts to find your way in the German labour market.

Perhaps your petition for asylum has already been approved. If so, you now have the right to work in Germany and can apply for a job or a training programme. If your petition for asylum is still pending, you may be entitled under certain circumstances to request permission from the Ausländerbehörde (Alien and Immigration Authority) to accept employment or begin a course of training. The procedure involved in obtaining a work permit is complicated. We offer a number of helpful tips on this matter on the following pages, but would urgently recommend that you seek individual counselling!

If you are granted permission to work or undergo vocational training, you should find out as much as you can about your rights as a worker or trainee. We know that the jobs of many people who have recently immigrated to Germany are entirely in order. Yet we frequently learn of employment situations in which migrant workers are forced to work under unacceptable conditions and are subject to extreme forms of exploitation. As trade unions, we advocate good working conditions for all workers – both those who are already employed in Germany and those who have just arrived in this country. Newcomers often know nothing about their rights and options. Many of them speak very little German and do not know where to turn when they encounter difficulties in the labour market. This brochure is intended to serve as a first guide. It offers tips about things you should keep in mind as well as sources of assistance and support in Germany.

I also recommend that you consider joining one of the member trade unions of the DGB. A union is capable of offering you support and protection. And as the national umbrella organisation, we serve as advocates for better worker-protection regulations for all employees

vis-à-vis the German government. You should also know that the member trade unions of the DGB are classified by industry. To learn which union is the right one for you, simply consult with one of the union offices listed in the appendix.

We trade unions are guided by two fundamental principles: 1. Everyone who lives in Germany must be given the chance to earn a living. That also applies to refugees, regardless of their residence status. 2. Workers must not be exploited or subjected to discrimination; all workers are entitled to the same wages paid to colleagues who perform the same duties. We make no distinction in this context between people who have recently arrived in Germany and those who have lived here for many years.



Annelie Buntenschach

Member of the Executive Board
of the German
Trade Union Confederation

1 Refugees' right to work and undergo training – some important tips

If you have fled to Germany, your right to work depends on the status of your asylum proceedings and the residence permit that has been issued to you. These matters are covered briefly in the first section below. This information is based on currently applicable laws and regulations, which are currently changing at a rapid pace, however.

We therefore urge you to determine for yourself whether the regulations set forth in this brochure are still applicable.

1.1 Employment permitted ('Erwerbstätigkeit gestattet')

You have the right to work and undergo training, provided you have a certain type of residence permit specifying that you are entitled to work ('Erwerbstätigkeit gestattet').

The following persons have unrestricted access to every type of employment:

- **persons granted asylum** (individuals whose asylum petitions have been approved);
- **refugees** with international protected status (including in particular individuals granted refugee status in accordance with the Geneva Convention on Refugees);
- **persons granted subsidiary protection** (individuals exposed to the threat of severe harm, such as torture or inhumane treatment, in the country of origin; and
- **refugees with temporary residence permits** (individuals granted resident status for humanitarian or personal reasons or in the public interest and individuals whose deportation has been suspended).

1.2 Employment prohibited ('Erwerbstätigkeit nicht gestattet')

If a person is prohibited from working or undergoing vocational training, the following entry is made in his or her residence permit:

'Erwerbstätigkeit nicht gestattet'.

Certain groups of refugees are banned from pursuing gainful employment. The Ausländerbehörde may also prohibit individuals from engaging in gainful employment under certain conditions.

The following persons are prohibited from pursuing gainful employment:

Asylum-seekers

- **For the first three months of their stay in Germany:**

The three-month period begins on the date on which the petition for asylum is filed. In actual practice, however, a work permit will not be issued until a petition for asylum has been filed. This may take longer than 3 months.

- **During their stay in a preliminary reception centre:**

Ordinarily for a period of six months.

- **From so-called safe countries of origin – until their asylum proceedings are concluded if their petitions for asylum were filed after 31 August 2015:**

The following countries are currently classified as safe countries of origin: Albania, Bosnia und Hercegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal and Serbia (as of 24 October 2015)

Individuals

- **from the aforementioned safe countries of origin granted suspension of deportation, provided their petitions for asylum were filed after 31 August 2015;**

- **for whom the Ausländerbehörde has ruled that deportation must be suspended for personal reasons.**

Please note: Working without employment entitlement or a work permit is prohibited. Both workers and their employers may be subject to penalties.

1.3 Work permit ('Beschäftigung nur mit der Erlaubnis der Ausländerbehörde')

As a general rule, **asylum-seekers** are eligible to receive work permits three months after entering Germany. The waiting period begins on the date the petition for asylum is filed with the relevant authority in Germany or with the German Federal Police at the border crossing point.

You are required to apply for a work permit at the **local office of the Ausländerbehörde** yourself. Neither employers nor companies are permitted to apply for work permits.

Individuals granted suspension of deportation are also entitled to apply for and receive a work permit.

The Ausländerbehörde can issue a work permit at its own discretion in accordance with applicable law. This applies, for example, to admission to a certified vocational training programme. In other cases, the Ausländerbehörde must obtain approval from the Bundesagentur für Arbeit (Federal Labour Agency).

Important note: When you apply for a work permit, you must submit a letter from your prospective employer confirming that a job or training opportunity has been offered to you. You are also required to submit information pertaining to wages, working hours and working conditions (and a draft of the employment contract, if possible). It is also important to specify whether the position in question has been reported to the Bundesagentur für Arbeit.

Please note: The statutory requirements pertaining to the process of granting a permit to pursue gainful employment or vocational training are highly complex and have changed several times during the past 12 months. Different regulations apply to different types

of work. You or your prospective employer can obtain further information from an office of the Bundesagentur für Arbeit. A description of the current legal situation is provided in the MIA information sheet entitled 'Arbeitsmarktzugang von Flüchtlingen' (Labour market access for refugees) published by the Executive Committee of the DGB at www.dgb.de.

2 Workers' rights in Germany

2.1 Employment contracts

Oral employment contracts are possible, and such agreements are enforceable. However, your employer is obliged in all cases to provide information about the job in question, including the nature of the work to be performed, how many hours you are expected to work each day and the amount of wages you will be paid.

You have the right to demand a written employment contract from your employer. Once you have signed this written employment contract, you will be issued a copy of the document. Your employer is not required by law to translate the employment contract into English or your native language. If you cannot read the contract, you will need to find someone who can translate it for you.

The law requires a written employment contract in one case only, namely if your employer wishes to employ you for a limited period of time. Such fixed-term employment contracts must always be concluded in written form!

The employment contract must contain the following information:

- Name and address of the employer as well as your name and address
- Beginning date and term of employment
- Type of work to be performed and a description of your duties
- Location of the workplace
- Amount of wages (usually the gross wage amount; → 2.3.1 'Gross wages')
- Working hours
- Leave (→ 2.8 'Leave')
- Mandatory advance notice periods for termination of employment
- References to applicable collective bargaining agreements or other agreements of relevance to the employment relationship

Please note: Do not sign anything you don't understand!

2.2 Collective agreements

A collective agreement is a contract between an employer or an employers' association and a trade union (parties to the collective agreement). A collective agreement contains, among other things, specifications regarding working conditions and wages/salaries for a single company or an entire branch of industry. The conditions set forth in a collective agreement apply above all to members of the union that negotiates the terms of the agreement with a company or branch of industry, provided the company is also a member of the employers' association. Many collective agreements are declared legally binding upon all employees if so requested by the parties to the agreement. In these cases, the agreements apply to all employees in a given industry or industrial segment, regardless of whether they belong to a union or not.

Tip: Trade unions are assigned responsibility for specific branches of industry. Check with the union responsible for your branch of industry to find out whether your job is subject to the provisions of a collective agreement.

2.3 Pay

The first principle is 'No work without pay'!

Important note: Your employer is obliged to pay you your wages regardless of whether you have an employment contract or other employment documentation! Do not allow yourself to be intimidated by your employer or forced to work without pay. You have the right to be paid for your work!

As a rule, your wages will be paid by bank transfer to your account. You may open an account with the bank of your choice. All you need is valid identification. It often happens that proper identification cannot be provided – when, for example, asylum proceedings are still pending – in which case banks have refused to open an account in the past. However, banks are now obliged (since September 2015) to open an account for any individual who presents documents with the letterhead of a domestic Ausländerbehörde containing relevant identification data (photograph, name, date and place of birth, nationality and address). These documents must bear the seal/stamp of the Ausländerbehörde and a corresponding signature.

A new law which took effect on 1 January 2016 states that refugees as well as individuals without a fixed place of residence have the right to open a bank account.

The first principle cited above also applies when dealing with banks: Do not sign anything you don't understand! Banks often hand out additional documents when opening new accounts, such as applications for insurance or credit cards.

Your employer is required by law to issue a wage and tax statement every month. This document shows how much you have earned and indicates all amounts deducted for taxes and insurance contributions. Income taxes are always deducted by the employer and forwarded directly to the Finanzamt (Tax Authority).

In Germany, we distinguish between gross and net pay:

2.3.1 Gross pay

Gross pay is the amount of wages/salary specified in the employment contract. Gross pay is listed along with net pay on the pay slip. Various amounts are deducted from gross pay:

- income tax
- church tax (for members of Christian churches)
- solidarity surcharge (contribution allocated to the German unification fund)
- Social security contributions: pension insurance, unemployment insurance, health insurance, nursing care insurance

Employees and employers each pay 50% of contributions to pension insurance, unemployment insurance and nursing care insurance. The same applies to the basic health insurance contribution. So-called supplemental contributions must be paid by employees alone, and rates vary from one health insurance provider to another.

2.3.2 Net pay

Net pay is the amount of pay remaining after deduction of all taxes and insurance contributions.

2.3.3 Minimum wages

The statutory minimum wage for employees age 18 and above was set at 8.50 EUR per hour in Germany effective 1 January 2015. Exceptions are made for persons who have been unemployed for extended periods of time during the first six months following the resumption of employment and for newspaper deliverers. The latter currently earn a minimum of 7.23 EUR per hour, which will be raised to 8.50 EUR in 2017. Minimum wage rates based on collective agreements for certain industries take precedence over the statutory minimum wage. In several industries/sectors (such as agriculture, for example) trade unions and employers have agreed upon minimum wages of less than 8.50 for a transition period ending on 31 December 2016. Yet the minimum wages in most branches/sectors are higher than 8.50 EUR. These include the construction, building-cleaning, electrical and nursing care sectors.

The standard gross hourly wage for unskilled labourers in the construction industry in the western German states¹ and in Berlin was set pursuant to a collective bargaining agreement at 11.25 EUR effective 1 January 2016.

Check with an office of the DGB to learn which minimum wage applies to you!

Caution: Employers often make wages dependent on the fulfilment of certain requirements. That is not always permitted by law. Have your employment contract reviewed by your union! Your wages must not be lower than the applicable minimum wage!

Example: If you are employed to clean rooms in a hotel, your employer may specify the number of rooms you are expected to clean in an hour. But the employer is not permitted to reduce your wages to an amount below the applicable minimum wage. Always write down the number of hours you have worked and save any evidence that will help you back up your claim. Your employer must pay for every hour you work, regardless of how many rooms you clean.

2.3.4 If your employer fails to pay your wages

You are always entitled to payment of your wages – even if you have been issued notice of termination or do not have a written employment contract. You must claim unpaid wages yourself (preferably with the help of an attorney or a trade union). Neither the police nor any other government agency is responsible for filing such claims.

Begin by demanding payment of outstanding wages from your employer in writing. You may be able to avoid court proceedings by doing so.

1 The western German states are Baden-Württemberg, Bavaria, Bremen, Hamburg, Hessen, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland and Schleswig-Holstein. The eastern German states are Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia.

Write a letter to your employer. Your letter must contain the following:

- A) a list showing how many hours you worked for him, where and in what capacity you worked
- B) the exact amount of wages your employer owes you
- C) Set a deadline of two weeks for payment.
- D) Include the data for the bank account to which the outstanding wages are to be paid.

Important note: You must sign the letter and mail it (preferably by registered mail) to your employer. Alternatively, you can ask a person you trust to submit the letter to your employer in person. Courts will not recognise demands for payment made orally or by telephone, e-mail or SMS.

Retain a copy of the letter and a post-office receipt as proof that you have actually sent the letter.

After receipt of your letter, the employer has two weeks to pay your outstanding wages. If he fails to meet the deadline you have set, your next step should be to file suit against him with a German labour court.

Tip: If you are a union member, union attorneys can assist you in legal disputes with your employer.

Your best option is to contact your union as soon as you determine that your employer is not going to pay.

Important note: Keep a daily record of your work and break times, the location(s) at which you work and the tasks you have completed in a notebook. Note down the name and address of your employer, the company or client to which you are assigned and the names of colleagues who can confirm the work you have done. The more information and evidence you have, the better your chances of compelling your employer to pay.

In many branches and sectors, such as the construction and food-processing industries, you may be working for an employer who has

concluded a contract with another employer. Gather all the information and documentary evidence you can about your employer's client, as you may be able to claim payment of your wages from the client if your employer cannot pay.

Warning: Do not wait too long! There are statutory limits on the length of time you have to claim payment of your wages from your employer or in court. You have little chance of receiving payment of your wages once the limitation period has elapsed.

Here as well: Turn to your union for assistance.

2.4 Working hours / work schedules

German law specifies how many hours per day and week you are allowed to work. You are permitted to work a maximum of 8 hours per day. Your daily working hours may be extended to a maximum of 10, provided your total average daily working time does not exceed 8 hours over a period of 24 weeks or six months.

Please note: A binding collective agreement for the construction industry specifies different working hours for winter and summer. Employees are expected to work 38 hours per week from December to March and 41 hours per week from April to November. Different provisions regarding working hours also apply in the agricultural sector. Check with your union to learn which provisions regarding working hours apply in your industry/sector.

Overtime must be ordered and paid by the employer.

Compliance with rules regarding breaks is required: breaks of at least 30 minutes for employees who work between 6 and 9 hours and at least 45 minutes for employees who work longer than 9 hours.

Important note: Working hours include every hour in which you are available to your employer!

That also includes periods of time spent waiting for deliveries of material at a construction site or on break at a highway rest area, for instance. Working hours also include stand-by duty, e.g. the hours you spend on call to provide care for elderly and sick patients. Check with your union for assistance.

Tip: Record the hours you have worked and your break times every day, and have the document signed by a supervisor or someone who can confirm the work you have done!

2.5 Health insurance

In Germany, the costs of health care/medical treatment are covered by health insurance. When you visit a doctor, you must either present a health insurance card or pay the costs of treatment yourself. Your employer is required to register you with a health insurance provider. A portion of your wages will be deducted and paid to your social security insurance providers (health, nursing care, pension and unemployment insurance). You will be issued a health insurance card for presentation to medical practitioners.

Important note: If you have been in Germany for less than 15 months and are not earning more than 450 EUR per month and thus not required to pay social security contributions, you are covered by the provisions of the Asylbewerberleistungsgesetz (Asylum-Seekers' Benefits Act). This means that you are entitled only to emergency medical care, which must be approved in advance by the Sozialamt (Social Services Authority). You will not be issued an electronic health insurance card or become eligible for health care benefits until you have been in Germany for 15 months. If you work at a so-called 'mini-job' during this 15-month period and earn less than 450 EUR per month, your employer must pay a flat-rate health insurance contribution for you (→ 3.1 'Mini-jobs').

2.6 Industrial accidents and accident insurance

Every gainfully employed person is insured for accidents which occur on the way to or from work or at work through the Berufsgenossenschaft (employers' liability insurance association). Your employer is required to register you with the Berufsgenossenschaft when you start working.

Important note: If you are injured in an industrial accident, you must inform the doctor that the accident occurred at your workplace.

Caution: If your employer advises you to say that the accident was not work-related, he has probably not insured you with the Berufsgenossenschaft. Seek advice from your local union representative in such cases.

If you don't speak German well enough to communicate effectively, request to have someone translate for you at the hospital.

2.7 Pension insurance

Your employer must register you with the German Rentenversicherung (national pension insurance fund). You will be issued a social security insurance number, which you must keep in your records. This number remains unchanged, even when you change employers. Some employers may refuse to pay wages, arguing that you have not submitted a social security insurance number. That is not correct! Your employer is required by law to register you with the pension insurance fund. If he fails to do so, ask your union representative for help.

You can address questions directly to the Deutsche Rentenversicherung:
Service telephone: 0800 1000 4800

2.8 Leave

In Germany, individuals who work 6 days per week are entitled to 24 workdays of paid leave per year; those who work 5 days per week are entitled to 20 workdays of paid leave per year. Your employer is required to grant you this leave. Your employment contract may specify more leave days, but not fewer. This also applies to persons working at so-called mini-jobs.

If you work part-time, you can calculate the number of leave days to which you are entitled as follows:

Multiply the number of individual work days per week by 20 (= total leave entitlement in workdays) and divide the result by 5 (= usual workdays, Monday through Friday).

Important note: If you work on five workdays per week, you are entitled to at least 20 leave days, even if you only work 10 hours per week.

If you work at least 2 days a week for a total of 10 hours, you are entitled to at least 8 leave days per year: 2 (workdays) times 20 (leave entitlement in workdays) divided by 5 (= usual workdays, Monday through Friday).

You must submit a leave request to your employer, who may approve or deny your request. Apply in writing and save a copy of your request. If you cannot take all of the leave to which you are entitled by the end of the calendar year, you must use the remaining leave by no later than 31 March of the following year.

Warning: You may be required to have unused leave carried forward to the next year, which must be confirmed in writing. If you fail to do this, your entitlement to the unused leave may expire.

Important note: You are entitled to the full amount of leave even if your employment is terminated during the second half of the year, provided you were employed for at least six months!

If your employment is terminated and you have not taken all of the leave to which you are entitled, your employer is required to pay you for the remaining leave days.

Please note: Here as well, there are limits to the length of time you have to claim payment for unused leave! The periods in question are often very short, so you should contact your union representative as soon as possible if your employer refuses to pay you for your unused leave.

2.9 Illness

If you have worked for an employer for more than 4 weeks, you are entitled to payment of your full wages for up to 6 weeks during periods of illness. In order to qualify for payment of wages during periods of illness, you must submit an Arbeitsunfähigkeitsbescheinigung (certificate of incapacity for work) issued by your doctor to your employer.

Please note: You must notify your employer immediately of your incapacity for work and indicate the length of time you expect to be incapacitated. If you are ill and unable to work for more than 3 days, an Arbeitsunfähigkeitsbescheinigung issued by a physician must be submitted to your employer no later than the first workday following the third day of your incapacity for work. However, your employer is entitled to demand that you submit the Arbeitsunfähigkeitsbescheinigung as early as the first day of illness (and is not required to state the reason for this demand).

2.10 Termination and notice

Ordinarily, an employment relationship cannot be terminated with immediate effect. An advance notice period of 4 weeks effective as of the 15th or last day of a month is customary. The advance notice period is extended for employment relationships that have been in force for more than 2 years.

Important note: Notice of termination must be given in writing. Oral notices, copies or notices issued by e-mail or fax are not valid or enforceable!

Employers are not required to state the reasons for terminating an employment relationship in notices of termination.

Women are protected by law against termination during pregnancy and until the end of the 4th month following the birth of a child. However, the employer must be aware of the pregnancy or be informed of it (in writing) no later than 14 days after receipt of a notice of termination. People with disabilities are also afforded special protection against termination beginning on the first day of the 7th month of employment. If you receive a notice of termination you are unwilling to accept, you have the right to protest it.

You can request that a court determine whether the notice of termination is valid and enforceable or not.

Important note: Once you have received a notice of termination, you have only 3 weeks to file a complaint with the labour court. If you miss this deadline, the notice of termination becomes valid and enforceable, regardless of whether it is substantively correct or incorrect.

Tip: Contact a union representative as soon as possible if you have received a notice of termination from your employer.

Every labour court has a Rechtsantragsstelle (legal applications office). You can submit your complaint to this office. If you don't speak German well enough to communicate, you should take someone with you to translate for you. Or you may consult an attorney. Individuals with low incomes are eligible to apply for legal aid, which would mean that the court covers the costs of engaging an attorney.

2.11 Work on probation

Your employer may demand that you work on probation for several days before he decides whether to offer you an employment contract. He is legally entitled to do so, but ...

Caution: You are not required by law to work on probation without compensation! Once you have performed the duties associated with your prospective job in accordance with your employer's instructions you must also be paid for your work.

You may not be required to work on probation for more than one week.

2.12 Self-employment – beware of pseudo-self-employment!

If you have been issued a residence permit, you have the right to found a business as a self-employed person. In this case, you are required to register your business. Seek advice and guidance on this matter from the relevant agencies or organisations, such as the Industrie- und Handelskammern (Chambers of Commerce and Industry).

Beware of pseudo-self-employment! This is the term used to describe an employment status in which an individual acts ostensibly as an independent **entrepreneur**, but is actually not employed by himself but instead **by another employer**. Employers in Germany often use this approach in order to circumvent payment obligations and employees' rights defined in accordance with tax and social security insurance laws.

In the event that the responsible authorities determine that you are working under a pseudo-self-employment status, your client will be required to pay all outstanding social security insurance contributions, i.e. health-, nursing-care-, pension- and unemployment-insurance contributions, plus income taxes retroactively for you. You may also be required to pay your share of social security insurance contributions for the most recent 3-month period. It is also possible that you will be subject to a fine for a misdemeanour. Your client could be fined up to 500,000 EUR.

There are numerous cases on record in which colleagues were registered as self-employed persons without their knowledge and thus fraudulently denied their rights as employees.

If you do not wish to work as a self-employed person or entrepreneur, do not sign any service or fee contracts, articles of association, entries in a commercial register or business registrations.

If you suspect that you are employed under a pseudo-self-employment status, ask your union representative for advice.

3 Special types of employment

The following sections contain descriptions of two special types of employment in which employees' rights are frequently abused.

3.1 Mini-jobs

So-called mini-jobs are employment relationships in which monthly wages do not exceed 450 EUR.

This type of employment is subject to a number of special rules. The most important of these is that exceptions are made for social security insurance contributions. Here is what you need to know:

Although employers pay flat-rate social security insurance contributions, you, as an employee, are not covered by health, nursing-care or unemployment insurance and are thus not entitled to claim benefits!

You are obliged in principle to pay pension insurance contributions, although you may apply for an exemption if you wish.

You are permitted to earn up to 450 EUR per month from a mini-job. Given a statutory minimum hourly wage of 8.50 EUR, this means that your employer may allow you to work for no more than 53 hours per month.

You have the right to work at more than one mini-job. However, your total wages may not exceed 450 EUR per month.

What many people don't know: You are entitled to paid leave; your employer is required to comply with the Working Hours Act and to pay your wages for up to six weeks if you are unable to work due to illness.

3.2 Temporary agency work

Pursuant to the most recent revised version of the Asylum Procedure Law passed in October 2015, applicants for asylum and individuals protected by suspension of deportation orders may be employed as temporary agency workers after at least 3 months and no later than 15 months.

Companies known as Leih- or Zeitarbeitsfirmen (temporary employment agencies) lend workers to other firms (known as client or assignment companies) for specified periods of time. The client companies pay a corresponding fee to the temporary employment agencies.

Important note: If you are employed as a temporary agency worker, you must sign an employment contract with the temporary employment agency. The agency is your employer and is invested with all corresponding rights and obligations.

Your wages will be paid by the temporary employment agency, which is also responsible for such matters as your working hours and leave entitlement. However, specific instructions regarding your actual duties will be given by the client company to which you are assigned.

Other things you should know: Most temporary employment agencies base their wage rates on those specified in collective agreements. Two collective agreements are currently in force: DGB-iGZ and DGB-BAP.²

The minimum gross hourly wage for temporary agency workers in accordance with the collective agreement is 8.80 EUR in the western

2 DGB-iGZ = Collective agreement between the signatory member unions of the DGB and the Interessenverband Deutscher Zeitarbeitsunternehmen e. V.

DGB-BAP = Collective agreement between the signatory member unions of the DGB and the Bundesarbeitgeberverband der Personaldienstleister e.V.

German states and 8.20 EUR in the eastern German states. Your actual wage rate may be higher and depends on the classification of your occupational qualifications, the difficulty of the work you perform and the length of your employment. You will be assigned to one of 9 wage groups. These may be supplemented by supplementary allowances specified in the collective agreement, such as overtime and night-time pay. Ask your temporary employment agency about the collective agreement that applies to you.

Most temporary employment contracts specify a 35-hour work week. Your actual working hours often depend on the shift schedules in place at the company to which you are assigned. If you work more or fewer hours than specified in your employment contract, the difference will be noted in your working hours account. This means that you can accumulate either plus or minus hours. The number of plus hours is limited by law, however: 150 plus hours under the terms of the DGB-iGZ agreement and 200 plus hours under the terms of the DGB-BAP agreement. If you have accumulated plus hours in your working hours account, you can request additional days off. If you have more than 105 plus hours, you are entitled to demand payment for those hours. Some temporary employment agencies pay out plus hours right away with each monthly wage payment. Others will pay for these hours only if you have reached the maximum limit or your contract expires or is terminated.

As a temporary agency worker, you also have the right to protest incorrectly calculated working hours or unjustified deductions. If you think you have not received the wages to which you are entitled, you have only 3 months to demand payment of the correct amount from your employer in writing. Otherwise, your claim will expire.

If the company to which you are assigned has no more work for you, the temporary employment agency is obliged to continue paying your wages as long as you clearly indicate your willingness to work. The temporary employment agency may not deduct hours from your working hours account or force you to take leave or simply terminate your contract. Your temporary employment agency is also obliged to seek work for you with another client firm.

Please note: You have only limited protection against termination during the first 6 months of your employment (often referred to as the probation period). Please ask for guidance on this matter.

3.3 Internships

An internship is not an employment relationship. Its purpose is the acquisition and enhancement of skills and qualifications. In many cases, an internship represents a doorway to employment and an opportunity for integration into the labour market. Refugees and individuals protected by suspension of deportation orders are permitted to take part in company and school internships, but require permission to do so from the Ausländerbehörde. Many companies looking for trainees and interns focus in particular on newly arrived refugees. Thus it is important to be aware of the following facts:

As a rule, interns are also entitled to payment of the statutory minimum wage of 8.50 EUR per hour.

However, exceptions apply to the following types of internships:

- Mandatory internships required by schools, colleges or universities
- Internships intended for the purpose of providing vocational orientation, but only for a period of **3 months**
- Voluntary internships associated with a course of study or training programme, but only for a period of **3 months** and
- Internships in connection with entry-level qualification in accordance with Art. 54a SGB III (German Social Code) or in preparation for vocational training

Here as well: Don't hesitate to seek advice and guidance!

4 Recognition of degrees, vocational training certificates and qualifications

If you have completed more than 2 years of vocational training or earned other qualifications in your home country, you should find out whether they are recognised or eligible for recognition in Germany.

If your training or qualifications are recognised in Germany, you have much better chances in the labour market! You need a training certificate or qualification that is recognised in Germany in order to work in certain protected professions.

Listed below are the addresses of advisory centres specialised in the accreditation of foreign certificates, degrees and other qualifications.

Integration through qualification (IQ-Netzwerk):

www.anererkennung-in-deutschland.de/html/de/beratungsstellen_iq_netzwerk.php

Information about the recognition of academic degrees and vocational qualifications:

http://anabin.kmk.org/no_cache/filter/anererkennungs-und-beratungsstellen-in-deutschland.html

5 German language courses

Good German language skills are essential aids to full and rapid integration into the German labour market.

Information about German language courses is provided at the following websites:

Integration courses, general information:

www.bamf.de/DE/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html

Local integration courses:

www.bamf.de/SiteGlobals/Functions/WebGIS/DE/WebGIS_Integrationskursort.html?nn=1368284

Occupational German:

www.bamf.de/DE/Willkommen/DeutschLernen/DeutschBeruf/deutschberuf-node.html

German courses for asylum-seekers:

www.bamf.de/DE/Willkommen/DeutschLernen/DeutschAsylbewerber/deutchangeboteasyl-node.html

And:

The '**Ankommen**' APP. This programme helps you learn German on your own. You will learn a lot about Germany, rules to be followed in this country and things you need to keep in mind. You will learn everything you need to know about the asylum procedure and opportunities for training and employment. All of these features are offered in five languages, free of charge and without advertisements.

Internet: **www.ankommenapp.de**, App Store or Google Play

6 Trade unions in Germany

Trade unions in Germany are democratically legitimised organisations which are funded and managed by their members. They are not affiliated with any political party and operate independent of control by government authorities. They are pluralistic and independent, but by no means politically neutral. They represent positions in the interest of working people. Unions fight for fair pay, better working conditions, fair working hours and social justice. They are empowered to organise strikes and negotiate collective agreements with employers.

The most important trade unions have joined forces within the Deutscher Gewerkschaftsbund (German Trade Union Confederation, DGB). The DGB is the political voice of its member unions and roughly 6.4 million organised employees. Other, smaller union organisations represent specific occupational groups, such as air-traffic controllers.

Freedom of association is a guaranteed right in Germany. This means that employees are allowed to organise in unions. Unions are funded from dues paid by their members. Membership dues are calculated on the basis of your monthly gross wages. Unemployed persons pay a reduced amount. Unions support their members in many different matters and offer free union legal insurance after 3 months of membership. This legal insurance policy offers support in work-related legal disputes. The social legal insurance policy – also available free of charge to members – provides assistance with other problems, such as those relating to social security insurance.

Contact any union office to find out which union is the right one for you.

6.1 Addresses of DGB unions

Unions in Germany have offices in many cities to which you can turn if you wish to become a member or have questions. Listed below are the main offices of the various unions organised within the Deutscher Gewerkschaftsbund, the umbrella organisation.

Deutscher Gewerkschaftsbund Bundesvorstand (DGB)

Henriette-Herz-Platz 2, 10178 Berlin

Telephone: +49 30 24060-0

www.dgb.de

IG Bauen-Agrar-Umwelt (IG BAU)

Olof-Palme-Str. 19, 60439 Frankfurt/Main

Telephone: +49 69 95737-0

www.igbau.de

IG Bergbau, Chemie, Energie (IG BCE)

Königsworther Platz 6, 30167 Hannover

Telephone: +49 511 7631-0

www.igbce.de

Eisenbahn- und Verkehrsgewerkschaft (EVG)

Weilburger Str. 24, 60326 Frankfurt/Main

Telephone: +49 69 7536-236

www.evg-online.org

Gewerkschaft Erziehung und Wissenschaft (GEW)

Reifenberger Str. 21, 60489 Frankfurt/Main

Telephone: +49 69 78973-0

www.gew.de

IG Metall

Wilhelm-Leuschner-Straße 79, 60329 Frankfurt/Main

Telephone: +49 69 6693-0

www.igmetall.de

Gewerkschaft Nahrung-Genuss-Gaststätten (NGG)

Haubachstr. 76, 22765 Hamburg

Telephone: +49 40 38013-0

www.ngg.net

Gewerkschaft der Polizei (GdP)

Bundesvorstand

Stromstraße 4, 10555 Berlin

Telephone: +49 30 399921-0

www.gdp.de

Vereinte Dienstleistungsgewerkschaft (ver.di)

Bundesverwaltung

Paula-Thiede-Ufer 10, 10179 Berlin

Telephone: +49 30 6956-0

www.verdi.de