

Willkommen  
Dobrodošli! Welcome  
Bun venit! Добро дошли!

No pay – take action!

## European Fair Mobility Project

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Advisory centres for mobile workers from Central and Eastern Europe  
[www.fair-labour-mobility.eu](http://www.fair-labour-mobility.eu)

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You can protect yourself if your employer fails to pay. Take action! If you take the proper steps, you have a good chance to get your money. Here you will find out, what exactly you should do.

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

## You need to know this:

- ➔ You always have the right to your pay – regardless of your employment status and regardless of whether you have a written employment contract.
- ➔ Make a written claim to your unpaid wage before you sue. That may urge 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 bring her/his case in front of the labour court (alone or with the help of a lawyer or trade union). Neither the police, nor the customs officials in charge of financial controls and illegal work (Zoll/Finanzkontrolle Schwarzarbeit) can demand that your employer pays you.

## How can I protect myself?

Before you start working, make sure your agreed wage is correct: Is there a legal minimum wage in your sector? Ask about this at the union or in 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 every day in a notebook or work time calendar! Also note down the name and address of your employer, the company you performed your work in, the main contractor and the names of witnesses to the work you did.

## When can I claim my unpaid wages (Geltendmachung)?

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 completely.

**Caution: There are deadlines!** In your employment contract or in the applicable collective agreement (Tarifvertrag), there are final deadlines (Ausschlussfristen),

which are often very short. These deadlines determine how much time you have to send a written claim to your employer demanding your wages. Get informed about these deadlines! If you do not send a written claim within the certain limitation period, you may lose the right to your pay! Get 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?

Put your claims in a simple written statement, in which you list how many hours you worked, where, and what you did in your job. You must state the exact sums of money your employer owes you. Give him a deadline of 2 weeks to pay and give your bank account information. Ask in an advisory centre for a sample written letter or for help with the language.

**Caution:** The letter must have your original signature and be sent by post (as a registered letter, called 'Einschreiben') or be given directly to your employer by another person. Demands for pay by telephone, email, SMS or verbally 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 demand 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 wage. 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 vacation when your employment contract was terminated (so-called "Urlaubsabgeltung"). Add this to the other sum.
3. Then write down the net pay you have already received for that month (Anzahlungen).
4. Claim your gross pay amount you calculated and write down the net pay you have already received! Do not name a final amount and do not subtract the net pay you already received from the gross pay they owe you!

Example

Gross Pay:

Hours worked: 160 hours x 8.50 € gross = 1,360 € gross  
+ night shift pay: 32 hours x (8.50€ x 0.25) = 68 € gross  
+ payout for 2 days unused vacation: 16 hours x 8.50€ = 136 € gross  
= 1,564 € gross wage

Advance Payment: 500 € net

Total claim: 1,564 € 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?".

**We recommend** that you become a union member from your first day of employment in Germany! Contact the union responsible for your branch of work. 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 in the German trade union.