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Do you know your rights? Temporary agency workers –

European Fair Mobility Project

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What is temporary agency work? Many mobile workers find their first jobs in Germany as temporary agency workers. There are very special rules regulating the pay and working conditions for temporary agency workers. Here you can get an overview.

Temporary agency work – do you belong to this employment category?

In German, the concept of 'temporary agency work' could be referred to as 'Zeitarbeit' or 'Leiharbeit' respectively. The term 'Arbeitnehmerüberlassung' is also widely used.

A temporary work agency (Zeit-/Leiharbeitsfirma) loans you for a specific time to another company. Your employer is and remains the temporary work agency and not the company where you do the actual work. At work, you are bound to the working instructions you receive from the company where you actually do your work and you have the right to seek advice from that company's works council

(Betriebsrat), which represents the employees' interests. But the temporary work agency remains your contact for the payment and working conditions, such as the number of your working-hours and vacation time.

Important: The temporary work agency you signed your employment contract with, is your employer with all the rights and responsibilities of a regular employer! Temporary work agencies are not recruitment agencies, which only help you to find a job! Temporary work agencies need a special licence from the Federal Employment Agency in order to operate.

Do you know your rights?

In the employment contracts, nearly all of the temporary work agencies in Germany refer to one of the two valid collective agreements (Tarifverträge): DGB-BAP or DGB-iGZ. These collective agreements regulate the basic working conditions and

wages for all temporary agency workers. Your employment contract will often refer to these collective agreements. The employer is required to give you a written copy of the respective collective agreement, if you ask for it.

How much will I earn?

The collective agreements regulating temporary agency work contain legally binding minimum wage levels. Currently, it is 8.50 € gross pay per hour in West Germany and 7.86 € in East Germany. On April 1st 2015, the minimum wage will be raised to 8.80 € in West Germany and 8.20 € in East Germany. If there is no collective agreement that applies to you, the employer must pay you at least as much as your co-workers from the company where you do the work are paid (Equal-Pay principle).

Your concrete wage depends on your classification to a particular wage-category.

There are 9 wage-categories according to the collective agreements. Your classification to a certain wage-category depends on the current work you are doing.

Caution: If you are doing a skilled work, you cannot be classified in Pay Category 1 (Entgeltgruppe 1). You must receive higher pay!

There are also rules in the collective agreements regulating remuneration for overtime, Sundays, holidays and night shifts, as well as a possible allowance for overnight lodging or even free housing if you work far away from the company headquarters.

How does the working-time account (Arbeitszeitkonto) function?

In your employment contract with the temporary work agency, mostly a week of 35 working-hours will be arranged. However, your actual working-time often depends on the working-times of the company where you actually do the work. Your working-time account collects plus or minus working-hours (Plusstunden or Minusstunden), depending on whether you work more or less hours than agreed in your employment contract with the temporary work agency. The number of plus hours in the working-time account is limited up to 150 hours, according to the collective agreement DGB-iGZ or 200 according to the collective agreement DGB-BAP.

Some temporary work agencies pay out the plus hours immediately, together with your regular pay. Others pay the plus hours only after the allowed limit has been reached or once your contract runs out. If you have plus hours on your working-time account, you or your employer can ask for compensatory time-off.

If you have more than 105 plus hours on your working-time account, you can demand to have these paid out.

What happens if there is no work for me?

When your employer has no work for you, he still must pay your regular salary according to your employment contract, as long as you declare yourself available and ready to work. The employer is not allowed to deduct hours from your working-time account or to force you to take vacation!

If there is no more work for you in the company where you actually do your job, that is not a valid reason for a dismissal. The temporary work agency is then required to help you to find work in another company.

Caution: There are very short notice periods (Kündigungsfristen) for temporary agency work during the probation period, when your job starts.

What should I do if my pay slip is incorrect?

Regarding temporary agency work, you only have a very short deadline (Ausschlussfrist), as determined by the collective agreement, to contest incorrectly calculated pay slips or unjustified pay deductions. You have to make a written claim against your employer within 3 months after the due date, otherwise your claim won't be valid!

That is why you have to react immediately, sending your employer a written claim, claiming your unpaid wage! Get advice from an advisory centre if you have questions or need further support.

We recommend that you join a union on your first day in Germany! Contact the union that represents your industry. 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.