

You are entitled to being paid for every hour you work. Which times are considered working time and which are considered free time?

Working hours are: Driving time, other activities and on-call time.

It is important to distinguish between working time, on-call time and breaks.

Pay attention to the symbols in the tachograph:

1. The tachograph with the **circle symbol** automatically records the **driving time**.



2. You record **other work** manually with the **hammer**. This includes e.g.: loading times (even when you only supervise the loading process), refuelling, filling in documents and other activities, in many cases also your stand-by times.



3. If the truck stands idle and you still need to be available for your employer, this time counts as on-call time. It can be registered using two different symbols:

- a. The **hammer**: it is used to record on-call time when you do not know in advance at what time this on-call time will end.
- b. With the **envelope**, you record on-call times if you know in advance exactly at what time this on-call time will end.



Your employer must pay for all of these hours:

$$\text{Circle symbol} + \text{Hammer symbol} + \text{Envelope symbol} = 9,50 \text{ €}^* / \text{h}$$

4. Only for your time off the employer is not obliged to pay you a wage. Only press **chair/bed** in the tachograph if you can remove yourself from the truck during this time and do not have to be available to the employer. All legally required break and rest periods are free time. The employer may not require you to be available or to work during your free time.



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

www.faire-mobilitaet.de
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

Bulgarian
0800 1014341 / konsultacia@faire-mobilitaet.de

Czech
poradenstvi@faire-mobilitaet.de

Hungarian
0800 0005614 / tanacsadas@faire-mobilitaet.de

Polish
0800 0005780 / doradztwo@faire-mobilitaet.de

Romanian
0800 0005602 / consiliere@faire-mobilitaet.de

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



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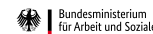
Do you work for a German employer?

We can help you enforce your labour rights!



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Gefördert durch:



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des Deutschen Bundestages

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Your rights!

When you drive on German roads, you are entitled to the German minimum wage irrespective of whether you have a German or foreign employer:

$$\text{Ⓢ} + \text{🔧} + \text{📅} = 9,50 \text{ €}^* / \text{h}$$

The employer must justify all deductions from the wage. If you have wages deducted, talk to us.

A retroactive wage claim is worthwhile. For unpaid minimum wages, you can even claim payment for the last three years. However, you need to properly document your work hours.

Are you entitled to expenses? If so, how much?

We recommend that you agree in writing with your employer the amount of expenses you are entitled to.

German employers do not have to, but can pay tax-free expenses as well as accommodation allowance in addition to your wage. During your tour in Germany, this is up to:

- 14 € per day, when you are on the road for more than 8h;
- 28 € per day, when you are on the road 24h;
- 8 € per night, when you need to sleep in your truck.

If you are driving **abroad**, the German employer can pay **higher tax-free amounts**.

Tip: If your employer **does not pay your expenses or does not pay them in full**, you can deduct them from your wage tax. Your trade union or tax consultant can help you!

* The legal minimum wage is increases:

- From 1 July 2021 to 9,60 € per hour (gross)
- From 1 January 2022 to 9,82 € per hour (gross)
- From 1 July 2022 to 10,45 € per hour (gross)

Assistance!

Our advisory centres offer **legal advice free of charge** on – among other things – the following subjects:

- Unpaid wages, expenses or overtime allowances
- Checking and enforcing holiday entitlements
- Problems with sickness benefit or health insurance
- Problems with social benefits or unemployment benefits

Further support:

Trade unions stand up for fair wages for all. This can only be done if we all join forces. Become a trade union member, make a difference! Truck drivers in Germany are organised in the ver.di trade union. At www.verdi.de/ueber-uns/verdi-international you can find information on membership in many languages.

Illness/injury on the road? www.docstop.eu is a mobile doctor service: call to find out where you can park your truck near a doctor on the current route and how to reach the doctor from there. Hotline: 00800 03627867 (available EU-wide)

ATTENTION! Did your health insurance issue an EHIC card for you? You can tell whether it is the EU insurance card from the EU stars on the back. You can use it to see a doctor anywhere in the EU.

Mobility Package: For some time now, sleeping in the cabin during the 45-hour break has been prohibited and there are certain rights to return home. These rights help to protect your health. Your employer must organise this for you. The German supervisory authority BAG provides information about this in a flyer in many languages:
https://www.bag.bund.de/DE/Navigation/Verkehrsaufgaben/Kontrollen/kontrollen_node.html

Document your work time!

In order to be able to claim unpaid wages retroactively for up to three years, it is important that you document every hour you have worked.

We recommend that you create a personal documentation consisting of three parts:

1. Read your **driver card** at least once, preferably twice a year and save the data digitally (in a workshop, at another forwarder or buy a reader for about 30 €)!
2. **Take a photo of each CMR!** It contains all the data of your employer's business partners, whom you can also hold accountable.
3. **Every time you cross a state border, make a note of the place, date and time.** This way you can prove in which state you are entitled to which wages.

In addition to tachograph records, note down your working hours in a calendar. Write down the beginning and end of each working day and all breaks.

What to do if your employer asks you to falsify records or violate laws?

For example, if your employer asks you to sleep in the truck cabin during a 45h rest period, you should have him confirm this instruction by text message. This can later be important evidence that you have been asked by the employer to violate the law.

Inform your colleagues and hand them this flyer.

You can also forward to others the following link to our information platform: www.fair-arbeiten.eu

Do you know colleagues who have an employer with company headquarters abroad? When they drive in Germany, they also have rights under German law. On the above website we have compiled specific information for drivers who have foreign employment contracts..