

Willkommen
Dobrodošli! Welcome
Bun venit! Добро дошли!

Posted workers – You have rights!

European Fair Mobility Project



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Advisory centres for mobile workers from Central and Eastern Europe
www.fair-labour-mobility.eu

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Who is a posted worker?

If you are sent by your employer to work in another EU country (e.g. Germany) for a limited period of time, you are considered a posted worker. In this case, you are subject to EU legislation regulating the posting of workers.

Which labour law applies?

You are subject to the labour law of your home country. However, certain German labour law conditions also apply to all posted workers:

➔ Maximum working hours

By law, you are not allowed to work more than 8 hours a day. 10 hours are allowed only if you work no more than 8 hours per day on average, in a six-month period.

You have the right to a break: At least 30 minutes if you work 6 – 9 hours and at least 45 minutes if you work more than 9 hours.

➔ Minimum rest period

After finishing your work, you are entitled to at least 11 hours (in exceptional cases 10 hours) of rest before you have to return to work.

➔ Minimum holiday

You are entitled to paid leave of at least 20 days a year if you work 5 days a week and at least 24 days a year if you work 6 days a week.

➔ Maternity

During pregnancy, you are protected against dismissal. You are not allowed to work during the period of 6 weeks prior to and 8 weeks after the birth of your child.

➔ Safety in the workplace

Your employer must comply with regulations to ensure safety and hygiene at your workplace.

➔ Non-discrimination

Your employer must ensure that employees are safe from discrimination. For example, men and women must be treated equally.

➔ Minimum wage

Germany has binding sector-specific minimum wages! Ask an advisory centre or a trade union! Starting on January 1st, 2015, a basic minimum wage of 8.50 € gross takes effect in Germany.

Where am I insured?

Posted workers remain insured in their home countries for up to 24 months. To prove this in Germany, you need the so-called A1 certificate (A1-Bescheinigung), issued by the social insurance carrier in your country. Your health insurance from your home country also remains valid. In Germany, you present your European Health Insurance Card (Europäische Krankenversicherungskarte) when you go to the doctor.

Note: If you are posted for at least one year, you can register with a German statutory health insurance, which will issue your own card. For this you need a special form from your home country (S1). This entitles you to full healthcare services in Germany.

Caution: Your posting is not correct if

- You do not have a valid A1 certificate.
- You were recruited for the job in Germany and you were employed there.
- Your company is not actually active in your home country (so-called letterbox companies).

- You have worked more than 24 months in Germany and no social security contributions are being paid on your behalf.

If employees of the German company are issuing your work instructions, it may be a sign your posting is not being correct. Ask an advisory centre!

Before travelling to Germany

Clarify:

- Is there a written employment contract and a written agreement regarding the posting?
- Do you know where you will be living? Is your employer paying for the accommodation? Is this written in your contract?
- Where will you work? What is the name of the German company?
- How much will you be paid in Germany? Does it comply with the German minimum wage?

Be sure to obtain:

- A1 Form
- European Health Insurance Card
- S1 Form, in case of a long-term posting

As an EU citizen or a resident of an EU Member state you do not need a work permit to work in Germany. Exception: You are posted from Croatia to Germany, where employment restrictions still apply to certain industries. Inform yourself!

After arriving in Germany:

- Register the address of your place of residence with the local authorities (Meldebescheinigung). If possible, do this yourself and do not rely on your employer!
- For a long-term posting (longer than 1 year): Apply for an insurance card at a German statutory health insurance.

- Keep a record of your daily working hours. Ask your colleagues for their contact information (address and phone number). Without this information it can be difficult to enforce your rights in case of a conflict!

You can sue for your pay in a German court, even if your employer has registered its office abroad! Ask for help at specialized advisory centres prior to your departure from Germany.

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.