

Germany– construction sector

(Last update of the information: December 2014)

Mandatory legal frameworks on posting

- a) The German Posted Workers Act (Arbeitnehmerentsendegesetz AEntG): law on minimum working conditions applicable for cross-border and sent workers
- b) The Working Hours Act (ArbZG) from 06.06.1994 (BGBl. I S. 1170, 1171)
- c) Minimum Pensions Act for employees (The Federal Holidays Act-BUrlG)from 01.08.1963 (BGBl. III p 800-4)
- d) The Collective Agreement on the regulation of minimum wages in the construction and building industry (Bundesrahmentarifvertrag für das Baugewerbe)
- e) The Collective Agreement of the Social Fund Procedure in the Construction Industry
- f) law on combating undeclared work and illegal employment(The moonlighting Prevention Act - SchwArbG) from 23.07.2004 (BGBl. I S. 1842)
- g) The Young Persons Employment Act (BGBl. I S.10,15)
- h) h) Act regulating the supply of temporary workers (The Temporary Employment Act -AÜG) in the version published onFebruary 3, 1995 (BGBl. I, p 158)

Minimum wages

The hourly minimum wage depends on the federal state ("Bundesland") in which the site is located and on the type of work you actually perform:

Minimum Wage 1

West: 11,1 €

Berlin: 11,1 €

East: 10,5 €

Minimum Wage 2

West: 13,95 €

Berlin: 13,80 €

Remark: A recent collective agreement increase the construction wages as following:

For the Western part of Germany from 1 June 2014 + 3,1% and from 1 June 2015 + 2,6%.

For the Eastern part of Germany from 1 June 2014 + 3,8% and from 1 June 2015 + 3,3%.

Minimum wage 1: unskilled worker without any construction skills.

Minimum wage 2: unskilled or semi-skilled worker with some construction skills.

Piece rates is not allowed in Germany.

"West" are the states of Baden-Wuerttemberg, Bayern, Bremen, Hamburg, Hessen, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland, Schleswig-Holstein (former FRG), situated in the western part of Germany.

"Berlin" is the city of Berlin (federal capital).

"Ost" are the states of Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt and Thuringen (former GDR), situated in the eastern part of Germany.

These minimum wages are the absolute legal minimum for all construction workers by law regardless where they come from and regardless where the employer comes from. They also apply in the case of cross-border work.

Anyway, skilled construction workers working with a German construction company will usually earn higher collective agreement hourly wages.

- If you are working for a German company situated in the "West" you will usually earn an additional end-of-the year-payment ("13. Monatseinkommen"), if you have been employed by the same company for more than 12 months and are still working with them on the 30th of November of the year. This additional payment is 93 individual hourly wages, at minimum 780,- Euro. This additional income may be paid in two payments (50% each, with the payslips for November and the following April).

Wage supplements

Premiums

The usual charges / surcharges laid down in the generally binding collective framework- agreement for the construction sector (BRTV; it applies to all workers working for a German construction company) are:

Overtime: + 25%.

Night work (from 8 p.m. until 5 a.m.): + 20%.

Work on Sundays and bank holidays (without Easter, Pfingsten, Christmas and 1st of May) on a Sunday: + 75%.

Work on a bank holiday, Christmas, Easter, Pfingsten and 1st of May: + 200%.

Many other hourly supplements / surcharges apply according to the BRTV if your work is for instance unusual dirty (0,80 Euro), if you are working in an operating sewer system (3,70), if you work in a trench, channel or tunnel (from 0,70 - 2,40, depending on the individual circumstances), if you are working in water or on very high places (for instance a chimney), in rooms with a hot temperature, with vibrating machinery etc, if you have to work in full-protection-suits or with oxygene gear etc.

Deductions

The usual social contributions on your payslip will be:

Health ("Krankenversicherung"): your share 7,9%

Pension ("Rentenversicherung"): your share 9,95%

Care ("Pflegeversicherung"): your share 0,975% (if you have no children:+ 0,25%=1,225%)

Unemployment ("Arbeitslosenversicherung"): your share 1,4 %

Workplace accident: no deduction legal, has to be fully paid by the employer

In addition to these social security contributions the employer has to deduct your individual income tax from the wage and transmit it to the tax authority. Please check and keep your payslips carefully.

Maximum working time and minimum rest

Hours of work

According to the BRTV the daily working time from December until March is 8 hrs per day from Monday till Thursday and 6 hrs on Friday.

The weekly working time during those months is 38hrs.

From April to November the daily working time is 8,5 hrs from Monday till Thursday and 7hrs on Friday. The weekly working time is 41 hrs.

If you have to work longer than mentioned above the extra-time will usually be paid as overtime. But there could be some exceptions from this rule by company agreement.

The average weekly working time is 40 hrs. Breaks are not counted as working time and are not paid.

Minimum paid annual holiday

Paid holiday:

You are entitled to up to 30 working days paid annual holiday and an additional holiday payment. Because many construction workers change their employer during the year the holiday payment is administered by the SOKA-Bau, a joint fund of the social partners in construction. Further information on this can be found in many languages at:

http://www.soka-bau.de/soka_bau/online-service/online-service_download-center/download-center_europaverfahren/#arbeitnehmer

Bank holidays in Germany:

Additional to your paid annual holiday there are up to 12 bank holidays in Germany, depending on the federal state the site is located and the year. You are entitled to earn your average daily wage if you cannot work on this day because the bank holiday is on one of the usual working days (usually the days from Monday till Friday if you work in a standard 5-day-working-week).

Accidents at work or occupational diseases

In the case of illness your employer has to pay your average wage up to 6 weeks per year. You have to notify your employer immediately. You also have to see a medical doctor on the first day of your illness to get a "Arbeitsunfaehigkeitsbescheinigung" (certificate) which you have to present to the employer as soon as possible (but no later than the third day of your illness).

In the case of work-place accidents the employer has to see that you get immediate medical treatment. It is important that you insist that the incident is properly documented by the employer and/or the site manager – even if it seems to be a minor injury – to secure your rights against the workplace accident insurance ("Berufsgenossenschaft BG-Bau") and to see a doctor immediately if necessary.

Information points

IG BAU www.igbau.de

English speaking contact person: Frank Schmidt-Hullmann.

Polish speaking: please contact the EMWU (+49-69-951 1993-0), they will help to communicate with the IG BAU officials.

These information could be collected thanks to the cooperation with [EFBWW](#).

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