

## National minimum wage in Germany – Do you know your rights?

Bienvenue

Willkommen

أهلاً وسهلاً

Welcome

خوش آمدید

You have fled your home country and are now working in Germany.

We – colleagues from the trade unions organized within the Deutscher Gewerkschaftsbund (DGB) – wish to welcome you. We want to inform you about your rights in the German labour market. This flyer tells you what you need to know about the national minimum wage.

The national minimum wage in Germany was set at Euro 8.50 per hour for all employed persons aged 18 and above. Exceptions include the long-term unemployed during the first six months after their return to the workforce and newspaper deliverers, who currently earn Euro 7.23 per hour, and will not be entitled to Euro 8.50 until 2017. In some branches of the economy – such as the meat industry and the agricultural sector – trade unions and employers have agreed on minimum wages of less than Euro 8.50 for a transition period lasting until 1st January 2017. Yet minimum wages in most sectors are higher than Euro 8.50. The standard gross wage for unskilled construction workers, for example, is Euro 11.15 per hour in the western German states<sup>1</sup> and Berlin.

If you are uncertain about the minimum wage that applies to you, check with a trade union office for clarification.

<sup>1</sup> The western German states are Baden-Württemberg, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland and Schleswig-Holstein; the eastern German states are Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia.

### Does the national minimum wage apply to mini-jobs as well?

Yes. If you have a so-called mini-job, you can earn a maximum of Euro 450 per month. The national minimum wage applies here as well. This means that your employer must not allow you to work for more than 52 hours each month.

### Does the national minimum wage also apply to work in a private household?

Yes. If you are 18 years old or above and have found work in a private home as a house cleaner, gardener or babysitter, etc., you are entitled to the minimum wage of Euro 8.50.

### Does the national minimum wage apply to seasonal work as well?

Yes. You are entitled to the national minimum wage if you are employed as a seasonal worker in the hotel and restaurant trade, for example. The national minimum wage does not apply to agricultural workers, however. National minimum wages in the agricultural sector will remain below Euro 8.50 through the end of 2016 (2016: Euro 8.00 in the west and Euro 7.90 Euro in the east; from 2017: Euro 8.60 in the east and the west).

### Does the national minimum wage also apply to workers who are paid on a piece-work basis (a specified number of packages delivered or rooms cleaned, for example)?

Yes. Such agreements are permitted only if the national minimum wage is paid in full. You must be paid at least Euro 8.50 for every hour you work, regardless of how fast you work.

### You are undergoing occupational training in Germany. Does the national minimum wage apply to you?

No. Your pay is determined on the basis of the applicable training regulations.

### Can you demand the national minimum wage as a trainee or intern?

If you are required to serve as a trainee or intern within the context of university studies, occupational training or initial professional qualification, the national minimum wage does not apply. People serving in voluntary internships for orientation purposes prior to beginning a course of study or formal occupational training are entitled to the minimum wage – and from the first day of service – provided the internship period is longer than three months. Employers are required to issue a written description of the contents of all internships, to include in particular learning and training goals.

Caution is advised with regard to guest internships (also known as job-shadowing)! The national minimum wage does not apply in these cases, in which you are a guest in a company or institution and are there to gain a first impression and not to work.

If you are offered an internship or guest internship and are uncertain about your rights, check with a trade union office for clarification!

### Can supplemental benefits such as bonuses for night-shift work or other additional allowances be credited against the national minimum wage?

No. Most benefits and allowances must be paid in addition to the minimum wage. This also applies as a rule to special benefits and specifically to vacation pay.

### Can tips be credited against the national minimum wage?

No. Tips received from customers are not regarded as wages but are added “on top”. You must receive at least Euro 8.50 from your employer for every hour you work.

### Are employers permitted to deduct the costs of tools, protective clothing or other such work-related items from the minimum wage?

No. The minimum wage of Euro 8.50 per hour (gross) must be paid in full for every hour worked.

### Can the value of vouchers or coupons (e.g. meal vouchers, free cinema tickets, etc.) be deducted from the national minimum wage?

No. The minimum wage must be paid out in full and in money.

### What can you do if your employer fails to pay the national minimum wage?

You have the right to file suit for unpaid national minimum wages with a German labour court within three years (from the end of a calendar year). This rule does not apply to minimum wages set on the basis of collective bargaining agreements for specific industries or sectors. In this case you must observe the deadlines specified in the respective collective bargaining agreements.

### From whom can you demand payment of your wages?

You can demand payment of your wages from your employer, but also – in the event that the employer fails to pay – from the client for whom your employer performs contract services.

### Who checks to ensure that employers pay the national minimum wage?

That is the responsibility of a customs department: “Finanzkontrolle Schwarzarbeit” (FKS). Should this department determine that an employer has failed to pay the minimum wage, the employer may be subject to a fine of up to Euro 500,000. Anyone can report violations to the local “Hauptzollamt” (Central Customs Office).

## How can trade unions help?

Trade unions are committed to defending the rights of working people. They fight for fair pay, better working conditions, fair working hours and social justice. They can organize strikes and negotiate collective bargaining agreements with employers. Without the efforts of unions, the minimum wage of Euro 8.50 per hour introduced in 2015 would not exist. Unions are not connected with a political party or the government. They are independent, but not apolitical. They get involved in politics. More than six million people are members of a union in Germany. Different unions serve the needs of different occupational groups. Most of these unions are organized within the Deutscher Gewerkschaftsbund (DGB).

Vi.S.d.P.: Annelie Buntenbach, DGB-Bundesvorstand, Henriette-Herz-Platz 2, 10178 Berlin

**We recommend** that you become a union member on your first day of employment in Germany. Union members receive legal advice and assistance in cases involving labour disputes or other occupational issues.

The information provided in this flyer was compiled with great care and attention. No claim of completeness is made, however. Specific provisions may change over the course of time.

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