

Temporary agency work – 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 (German Federation of Trade Unions, DGB) – wish to welcome you. In this flyer we want to inform you about your rights in the German labour market. It tells you what you need to know about temporary agency work.

What is temporary agency work?

More and more people in Germany are employed as temporary agency workers today. Companies known as temporary work agencies (in German: “Zeitarbeitsfirmen” or “Leiharbeitsfirmen”) loan their workers to other companies for specified periods of time.

Please note: As a temporary agency worker, you sign an employment contract with the temporary work agency. The agency is your employer and has all corresponding rights and obligations. The agency pays your wages. Questions regarding such matters as working hours or vacation entitlements must be addressed to the agency. However, you receive specific working instruction from the company at which you actually work. If problems arise, you can seek advice from the works council (“Betriebsrat”). A works council is an elected body that represents the interests of employees vis-à-vis employers.

What else you should know

How much will I earn?

A mandatory minimum wage of Euro 8.50 per hour (gross) was established by law in Germany in January 2015. Claims for payment of the minimum wage are defensible in court. Most temporary work agencies pay wages in accordance with collective bargaining agreements, however. These are agreements negotiated between trade unions and employers. Two collective bargaining agreements are currently in force: the DGB-iGZ and the DGB-BAP¹.

The current minimum wage for temporary agency workers as specified by the applicable collective bargaining agreement is Euro 8.80 per hour (gross) in the western German states and Euro 8.20 per hour in the eastern states².

Your hourly wage may be higher, however, and depends on your classification in a specific wage category, the difficulty of your work and the length of your employment. You will be assigned to one of nine wage categories. Collective bargaining agreements also contain provisions covering remuneration for overtime or night-shift work, for example. Ask your temporary work agency about the collective bargaining agreement that applies to you.

¹ DGB-iGZ = Collective bargaining agreement between the signatory member unions of the DGB and the “Interessenverband Deutscher Zeitarbeitsunternehmen e. V.”

DGB-BAP = Collective bargaining agreement between the signatory member unions of the DGB and the “Bundesarbeitgeberverband der Personaldienstleister e. V.”

² 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.

What about working hours and the working-time account?

Most temporary agency workers have a 35-hour work week. However, your actual working hours often depend on the shift schedules of the company at which you actually work. If you work more or fewer hours than specified in your employment contract, the difference is recorded in a working-time account. This means that you can accumulate plus or minus hours. The maximum number of plus hours you can carry on your account is limited, however: 150 hours under the DGB-iGZ agreement and 200 under the DGB-BAP

Please note: If you have accumulated plus hours on your working-time account, you may apply for additional time off. If you have more than 105 plus hours on your account, you may demand payment for the excess hours. Some temporary work agencies pay out plus hours immediately with your regular pay. Others will pay for plus hours only after the maximum limit has been reached or once your contract expires.

What can you do if your pay slip is incorrect?

As a temporary agency worker, you also have the right to take action in response to incorrectly calculated working hours or unjustified deductions from your pay. If you believe you have not received the pay to which you are entitled, you must demand payment of the unpaid amount from your employer in writing within three months; otherwise your claim will not be recognized.

What happens when there is no more work for me to do?

If the company to which you are assigned has no work for you to do, the temporary work agency is still obliged to pay your regular wage, provided you clearly indicate that you are willing and prepared to work. The agency is not entitled to deduct hours from your working-time account, force you to take time off or simply terminate your contract. The agency is also required to seek work for you with another company.

Please note: For the first six months of your employment (often referred to as the probation period), you have only limited protection against dismissal. Please seek advice with regard to this issue.

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.

Date of issue: December 2015.