



AEM-ANHALTISCHE ELEKTROMOTORENWERK DESSAU GMBH, SAXONY-ANHALT

# 4 ●

## WORKING IN GERMANY AND SAXONY-ANHALT

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**In this chapter  
in three parts you will learn,  
among other things,**  
which instruments are used to support your search for work, what possibilities exist for vocational integration, what you have to pay attention to in your employment contract and what you should do in case of dismissal and unemployment, taking into account the special forms of work.

At the end of the chapter you will also find the counselling centres and contacts you can turn to in Saxony-Anhalt.

## PART 1: LOOKING FOR WORK

### 1. JOB SEARCH WITH THE SUPPORT OF THE EMPLOYMENT AGENCY

An important first step in your job search in Germany is to register with the **Federal Employment Agency (Bundesagentur für Arbeit) (1)** as a "job seeker". The prerequisite for this is a valid registration address. You must be reachable by post at the registered address. It is your contact address with the Federal Employment Agency.

To register as a jobseeker, use the internet portal "**JOBBÖRSE**" (2) or contact your local employment agency by telephone. As soon as you are registered as a "job seeker", as an EU citizen you have a legal right to job search assistance from the **Employment Agency (3)**, just like German citizens.

The Employment Agency assists with:

- Job search including application and interview,
- job selection,
- professional development and retraining,
- change of profession and job,
- further vocational training, etc.

1



2



3





*If you do not yet have a good command of German, you should have someone accompany you to translate for the appointment at the employment agency. Give the employment agency a hint about your German language skills beforehand. In this case, the Employment Agency can provide you with an interpreter hotline.*



The aim of the job placement service at the employment agency is an individual analysis of your situation. Based on your professional and personal skills and qualifications, an individual applicant profile is created and published anonymously in the job exchange. If there is a suitable job offer for you, you will receive a placement proposal either in a personal interview or in writing or by telephone. In addition, the so-called integration agreement sets out in writing the concrete steps to be taken by both you and the employment agency to ensure that you find suitable employment as quickly as possible.

If no job can be found for you, even with the help of your employment agency, **you may be eligible for active labour promotion measures**. This also applies if you are not entitled to unemployment benefit. Click here for information on employment promotion benefits under **the Social Code**.

## 2. USE THE PLACEMENT BUDGET TO GET A JOB

As an EU worker, you can apply for financial support from the so-called **placement budget** if you want to take up a job that is subject to social insurance contributions. This gives you the possibility of individual support and reimbursement of various costs.

Under certain conditions, the placement budget can cover the following costs:

- Costs for the recognition of foreign educational or vocational certificates,
- Costs of preparing and sending application documents,
- Costs for travel to job interviews,
- travel expenses for the journey to a job abroad,
- Costs for commuting when starting work away from home,
- Costs for work equipment such as work clothing and tools,
- Other costs, e.g. translations, instruction/certification from the health authority.



LABORATORY WORK AT HEPPE MEDICAL CHITOSAN GMBH, HALLE

### 3. SUPPORT THROUGH OCCUPATIONAL INTEGRATION MEASURES

If you are unemployed or at risk of losing your job, you can be supported through "activation and occupational integration measures". With the **activation and placement voucher (AVGS)**, your employment agency certifies that you meet the eligibility requirements and, together with you, determines the specific goal and content of the measure. The AVGS entitles you to choose a provider, a private employment agency or an employer who matches your career goals.

**Integration measures** are, for example

- Job application training,
- skills assessment,
- coaching,
- vocational knowledge transfer incl. job-related language support
- trial work
- Voucher for private job placement.

You can decide on your next steps in consultation with your employment agency, taking into account the local measures on offer.



*Support from the placement budget requires that you are threatened with unemployment. Support will not be granted if you are in permanent or permanent employment or are looking for a new job for personal reasons (e.g. higher earnings/change of residence).*



*If you are entitled to unemployment benefit and have been unemployed for at least 6 weeks and have not yet been placed, you are entitled to a voucher for the free use of a private employment agency. The use of such an intermediary can significantly increase your chances of finding a new job.*



*The education voucher is a discretionary benefit. You have no legal claim to it. You can only receive an education voucher after a personal counselling session. Make an appointment with your employment agency or job centre.*



## 4. FURTHER EDUCATION WITH THE HELP OF THE EDUCATION VOUCHER

With the education voucher, the Employment Agency supports your vocational qualification to increase your chances of finding a permanent job. This option is available if you are already unemployed or if you are employed and need to adapt your professional knowledge and skills to changed requirements in your occupational field, for example, to avert the threat of dismissal or to make up for a missing vocational qualification.

You will receive an **education voucher (Bildungsgutschein)** from your employment agency if you meet the eligibility criteria. It certifies that the costs of further training (course costs, travel costs, costs for accommodation and meals away from home and costs for childcare) will be covered and, if applicable, that unemployment benefit will continue to be paid during participation in the further training measure.

Continuing vocational training measures include:

- Adaptation qualification
- Preparation for external examination
- partial qualifications
- Retraining with a training provider
- Individual in-company retraining or
- Part-time vocational training (possible in combination with job-related language support).



ALTMÄRKER FLEISCH UND WURSTWAREN GMBH, LANDKREIS STENDAL

## PART 2: REGULATIONS AND LAWS IN THE EMPLOYMENT RELATIONSHIP

### 1. THE EMPLOYMENT CONTRACT

**The employer is obliged to give you a written employment contract no later than 1 month after the employment relationship begins. The employment contract is signed by the employer and by you.**

The employment contract or the document containing the terms of the contract must contain the following information:

- name and address of the employer and employee
- Start and duration of employment
- Type of work and description of your duties
- place of work
- Amount of payment (usually gross salary)
- Composition of payment (basic salary, supplements if applicable, bonuses)
- Working hours
- holidays
- Deadlines for terminating the employment contract
- Reference to applicable collective agreements or company and service agreements.

The information on pay, working hours, leave and notice periods can be replaced with a reference to an applicable **collective agreement** or works or service agreement.



*Some employers from Germany recruit skilled workers in other EU countries by offering a flat or a free German language course. Employment contracts or further education contracts often contain a repayment clause. The repayment clause obliges you to work for your employer for a certain period of time. If you then want to quit early or change employers, you have to pay back the additional benefits provided by your employer, for example, the costs of language courses or housing rent. If you have a repayment clause in your employment contract, seek individual advice from an advice centre. In many cases, such agreements are not effective. Employment contracts with a repayment clause are often jobs with poor and unfair working conditions.*

## 2. PAYMENT ACCORDING TO THE MINIMUM WAGE



In Germany, the general statutory **minimum wage** is the lower wage limit below which wages may not fall. In Germany, every employer is obliged to pay the statutory minimum wage. This applies regardless of whether a German or foreign employee is paid. It also applies if the employer is not satisfied with the employee's performance.



The minimum wage in Saxony-Anhalt is identical to that of other federal states. There are therefore no state-specific or East-West differences in the level of the statutory minimum wage. However, there are state-specific industry minimum wages that are negotiated in a collective agreement. Thus, it is possible that a statutory minimum wage is not in line with the country if higher wages are customary in the industry. Even if you receive the minimum wage, make sure that the amount of the wage does not violate **the prohibition of immoral remuneration**.

The statutory minimum wage in Germany is regularly set and adjusted by the Minimum Wage Commission. The minimum wage of 9.82 euros has been in force since 1 January 2022. The coalition agreement of the Federal Government provides for an increase of the minimum wage to 12 euros. This one-off step is to take place on 1 October 2022.

In Germany, the state customs administration checks whether the employer complies with the prescribed minimum wage. If this is not the case, the employer must pay the minimum wage in arrears. In addition, he can be sanctioned with a fine.



If you are not paid the minimum wage, you can **call the minimum wage hotline** (Bürgertelefon des BMAS at 030 60 28 00 28). This line accepts complaints and reports of violations of the Minimum Wage Act.



More information on the minimum wage in Germany is available on **the DGB's topic page**.

### 3. WORKING TIME AND HOLIDAY REGULATIONS

In Germany, working time is regulated by law. Working time is the period of time during which employees or trainees must make their labour available to the employer. The time during which one is ready to start work is called "readiness for work". This "waiting time" also counts as working time. Exception: For lorry drivers, standby time does not count as working time.

Their working time may not exceed 8 hours per day. With a few exceptions, rest breaks and the journey to and from work do not count as working time. Working time may be extended to a maximum of ten hours if you do not exceed a daily working time of eight hours on average within a six-month period. Work is prohibited on Sundays and public holidays. Only for certain sectors and activities are there legal or collectively agreed exceptions to this working time regulation. The legal exceptions are regulated by the Working Hours Act.

#### HOLIDAY

Workers in Germany are entitled to paid holiday of at least 24 working days per calendar year. This is four weeks of leave per year, as Saturdays also count as working days. The entitlement does not arise until six months after the start of the employment relationship. If the employment relationship lasts less than six months, you are entitled to leave on a pro-rata basis (two working days per month).

Leave is regulated in the employment contract. For employment contracts based on collective agreements, the length of leave is usually longer. For young people, the holiday regulations of the Youth Employment Protection Act apply. Depending on age, the Youth Employment Protection Act prescribes up to 30 working days of leave.

You should always apply for leave in writing to your employer. As a rule, you are free to choose the period of leave. However, there are cases in which the employer can restrict or deny your holiday wishes for operational reasons.



*If you live in a household with persons whom you are responsible for raising, caring for or looking after, the legal regulations on working hours do not apply. However, this does not mean that you have to be available to your employer 24 hours a day. If you feel that your employer is taking advantage of you and treating you badly, seek advice from a counselling centre in your area.*



*Document your daily working hours: Write down your working hours and breaks every day. Have your boss/supervisor sign your notes. If this is not possible, ask a colleague to sign it. In case of disputes, this will give you an important basis for proving your actual working hours.*





*If you are ill, you must report this to the employer as soon as possible. You need a medical certificate from the 4<sup>th</sup> calendar day of illness at the latest. Example: If you fell ill on Friday, you must submit a medical certificate to the employer on Monday. However, the employer may require the sick note to be submitted on the first day of illness. It is imperative that you observe these time limits, as failure to do so may result in dismissal.*

## 4. WAGES WITHOUT WORK

If you work in a company for more than four weeks and become ill, you have a claim against your employer for payment of your regular wage up to a period of 6 weeks.

This also applies if you are not fit for work as a result of a sports accident. If, on the other hand, you have deliberately endangered your health, for example by drinking and driving or smoking after a heart attack, your employer can refuse to pay your wages.

## 5. REGULATIONS FOR SPECIAL FORMS OF WORK

There are a number of special forms of work for EU workers in Germany. These special forms are partly determined by the degree of mobile employment and the corresponding duration of the employment relationship, field of activity, employer's domicile, etc.

These special forms of employment include

- Posted workers
- Cross-border commuters
- Seasonal workers
- au pair
- Self-employment
- Marginal employment ("mini-job")

For these special forms of work, there are separate regulations, rights and obligations in the areas of labour law, social security obligations, family benefits and pensions.

Consult the corresponding topic page "[Special forms of work](#)" in the EU Workers' Equality Body Info-thek to find out the detailed information for these special forms of work.



## 6. DISMISSAL AND PROTECTION AGAINST DISMISSAL

In Germany there are two types of dismissal. An "ordinary" and an "extraordinary" dismissal.

Extraordinary dismissal is without notice. This means that the employment relationship is terminated when the notice is given. This case is rather rare, as special conditions must be fulfilled for this type of dismissal to be effective.

In the case of ordinary termination, the employer must give four weeks' notice to the 15th or to the end of the month. The longer the employment relationship, the longer the notice period. For example, if an employee has been with the company for 15 years, the notice period is six months to the end of a calendar month.

You enjoy special protection against dismissal under the Dismissal Protection Act (KSchG) if

- Your employment relationship is more than six months old at the time of termination and
- you are employed in a company with more than 10 employees.

The **Dismissal Protection Act** states that a dismissal by the employer must be socially justified. The employer must give specific reasons why the employee cannot continue to work in his or her company. These reasons may lie in the person or behaviour of the employee, but may also be based on urgent operational requirements.

If the Dismissal Protection Act does not apply because the employment relationship is too short or the business is too small, the employer can dismiss without giving reasons.

However, this does not apply if you belong to a particularly vulnerable group of people.

If there is a works council in your company, the employer must consult the works council on your dismissal. Dismissal without consulting the works council is invalid.



*A dismissal is only effective if it is in writing. Verbal termination, termination by e-mail, fax or SMS is invalid. Dismissal is also possible during sick leave.*



*If you are dismissed, inform the works council immediately. The works council can object to the dismissal on certain grounds within one week.*



*If you want to take legal action against the dismissal, you must file an "action for protection against dismissal" with the labour court within 3 weeks of receiving the written dismissal. If the complaint is not filed in time, the dismissal is effective. This deadline must also be observed if your employment relationship is not subject to the Dismissal Protection Act.*



Further information can be found in the **BMAS brochure on the subject of protection against dismissal**. If you are affected by a dismissal, seek advice from a lawyer or a counselling centre as soon as possible.



**IPT - PERGANDE, SOCIETY FOR INNOVATIVE PARTICLE TECHNOLOGY MBH,  
ANHALT-BITTERFELD**

## PART 3: RIGHTS AND OBLIGATIONS FOR EMPLOYEES IN CASE OF JOB LOSS

In the event that you are dismissed or lose your job, you have various options for seeking legal assistance. It is in your own interest to ensure that you comply with your obligations to report and document your loss of employment in a timely manner.

### 1. IF YOU DO NOT RECEIVE YOUR WAGES

If your employer does not pay the agreed wages, write to them demanding payment of the unpaid wages. Be sure to set a deadline of 2 weeks for payment. In this letter, you should state the working time for which you want the wage, the wage amount and your bank account details.

If there is a works council in your company, you should complain about the outstanding wage payments to the works council or to another office responsible for this in the company (e.g. shop steward). They can also help you with your wage demands.

If, despite all this, the employer does not respond to your request for payment within the set time limit, you can enforce your wage claim in court by filing a complaint with the labour court. If you do not speak sufficient German to conduct a lawsuit, the court will automatically call in an interpreter.

**ATTENTION:** You have to prove your wage claims in court. Therefore, write down your working hours every day. Have your boss/supervisor sign your notes. If this is not possible, ask a colleague to sign it. You can use the working time calendar, which you can download and print out. Also take photos with your mobile phone. The more evidence you have, the better your chances of getting your money.

Remember to keep written employment contracts or other documents about the amount of pay you receive, as well as pay slips you have received.



*Pay attention to the "preclusive period" stipulated in your employment contract.*

*You can only assert your wage claims against the employer within the preclusive period.*

*After expiry of this period, the wage claims expire.*

*The preclusion period may also be regulated by the collective agreement.*

## 2. IF I HAVE BEEN DISMISSED



*If you miss the deadline, the consequences are serious: the dismissal is effective upon expiry of the notice period and you can no longer take legal action against it.*

If you have been dismissed, you must file a complaint with the court within 3 weeks of receiving the notice of dismissal. This period applies to all dismissals, regardless of whether you are covered by the Dismissal Protection Act.

You can bring an action for protection against dismissal yourself at the labour court, i.e. you do not have to be represented by a lawyer. Representation by a lawyer is only necessary in the second instance. Your aim in bringing an action for protection against dismissal is to have the labour court rule that the dismissal is invalid. If the action is successful, the dismissal is invalid. This means that your employment relationship will continue. You must then go to work and the employer must pay your wages. You can also bring an action against dismissal if you do not want to continue your employment relationship but want to receive severance pay.



*Use the support of the trade unions or other counselling centres as soon as possible or consult a lawyer who specialises in labour law.*

You can file a complaint with the labour court in the district where the employer has his or her place of residence or business, or where the work is usually done or was last done. Remember to bring written employment contracts, timesheets or other documents showing the amount of pay and copies of pay slips you have received.

**ATTENTION:** Legal costs are incurred in court proceedings. As a rule, these must be borne by the party that loses the case. If the case is partially won, the costs are shared proportionally. In the first instance, each party must pay the costs of a lawyer themselves. You must therefore pay your lawyer's fees even if you win the case.

If you cannot afford the costs of a legal dispute, you can apply for legal aid. Legal aid is granted for all court proceedings or legal advice, it is not limited to labour law proceedings. Read more in the FAQs.

Workers who have been members of a trade union for at least 3 months are provided with free advice and representation in court by the trade union.

If you are having difficulties asserting your rights as an EU citizen with the German authorities, the free service of the national authorities **SOLVIT**, which is represented in all EU countries as well as Iceland, Liechtenstein and Norway, can help. The prerequisite is that you have not yet taken the matter to court and that it is related to EU law. SOLVIT can be contacted online via the contact form on the **SOLVIT homepage**.



### 3. UNEMPLOYMENT BENEFIT AND BASIC INCOME SUPPORT

If you become unemployed, you are entitled to unemployment benefits such as unemployment benefit and basic income support. To do this, you must contact the employment service in the country where you last worked.

Your entitlement to unemployment benefits is subject to the same conditions as nationals of the country in which you last worked. Periods of employment and insurance completed in other countries will be taken into account when processing your claim. If you work in a country other than the one in which you live (e.g. frontier worker), special rules apply.

#### UNEMPLOYMENT BENEFIT

If you last worked in Germany, you are entitled to unemployment benefit under certain conditions. One condition is that you have previously worked for a certain period of time. As a rule, you must have worked for at least 12 months in the last 30 months with compulsory social insurance. If you were mainly employed for a short period of time, which was not limited to more than 14 weeks, 6 months of employment may be sufficient.



*You must register as a job-seeker in person at the competent employment agency at least 3 months before the end of your employment. If you find out about the end of your employment less than 3 months beforehand, you must register personally with the competent employment agency within 3 days. To meet this deadline, you can also register as a job-seeker by telephone (free service number: 0800 4 5555 000) or online. The personal appointment can take place at a later date. If you miss the deadline, you will be threatened with a blocking period during which you will not receive any benefits under SGB III (unemployment benefit I).*



*If you want to take your unemployment benefits with you to another country, you must first contact your employment office and meet certain conditions. Otherwise you may lose your entitlement to benefits.*



You can find more information on unemployment benefit in **the leaflet** for the unemployed from the Federal Employment Agency.

You can take your entitlement to unemployment benefit with you to another EU country for 3 to 6 months in order to look for work there during this time. This means that you can take your unemployment benefit from another EU country with you to look for work in Germany. And vice versa, you can take your German unemployment benefit with you to another EU country. You can find more information on this **in the leaflet** on unemployment benefits and employment abroad from the Federal Employment Agency.

## **BASIC INCOME SUPPORT**

Basic income support gives you the minimum financial resources you need to live.

People who are capable of working, who are looking for work and have no or too little entitlement to unemployment benefit or too little income, receive unemployment benefit II under the Second Book of the Social Code (SGB II), known as "Hartz IV".

People who are not able to work, for example due to illness or retirement age, and therefore cannot work, receive support under the Twelfth Social Code (SGB XII).

### **PLEASE NOTE: EU citizens are subject to special regulations regarding access to these social benefits:**

You can receive benefits under the Second Book of the Social Code (SGB II) if you

- work in Germany but do not earn enough to cover your living expenses, or
- have worked in Germany for more than one year and have become involuntarily unemployed. If you have worked for less than a year, benefits are limited to 6 months.

Single persons or single parents currently receive 432 euros per month. Reasonable costs for accommodation and heating are also covered. Your income will be taken into account.

If you are in Germany solely for the purpose of looking for work and have not worked here long enough before, you will only receive benefits according to SGB II (basic security) and SGB XII (social assistance) after 5 years of legal residence in Germany.

If you are not entitled to social assistance but are in need of assistance, you can receive benefits according to SGB XII for food, personal hygiene and health as well as for accommodation and meals until you leave the country or for a maximum of one month within two years (bridging benefits). These benefits may be granted for longer than one month in individual cases of particular hardship (e.g. incapacity to travel).

Detailed information can be found in **the leaflet *Arbeitslosengeld II/Sozialgeld - Grundsicherung für Arbeitsuchende SGB II* of the Federal Employment Agency**. You can also use the **questions and answers catalogue of the Federal Ministry of Labour and Social Affairs**.



*You do not have to be willing to leave the country in order to receive bridging benefits! Consequently, such a will to leave does not have to be documented.*



*If you are entitled to social benefits in Germany, this also applies to your family members living in Germany.*



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TOTAL REFINERY, SAALE DISTRICT

## CONTACT POINTS AND ADVICE ON SITE



BemA – Beratung migrantischer Arbeitskräfte

Migrationsberatung für erwachsene Zuwanderinnen und Zuwanderer (MBE)

Jugendmigrationsdienste (JMD)

Agentur für Arbeit , Jobcenter

## INFORMATION MATERIALS AND PORTALS



Wissen ist Schutz!

Was Sie wissen sollten, um in Deutschland erfolgreich zu arbeiten.

Praxisleitfaden für EU-Arbeitnehmerinnen und Arbeitnehmer in Deutschland

Alles was Sie wissen sollten zu Arbeit, Ausbildung und Studium

Willkommen in Deutschland