

FOR SEASONAL WORKERS

Welcome to Germany!

We are delighted that you would like to work as a seasonal worker in a company in Germany. Here you will find all the important information on payments, social security contributions, accommodation and working time regulations.

1) Amount of the wages and payment date

From 01/01 - 30/06/2021 the statutory hourly wage is at least 9.50 euros (gross = without deductions), from 01/07 it increases to at least 9.60 euros.

The employer can specify in the employment contract for which work and in which periods hourly wages or piecework wages are paid. The combination of hourly wages with piecework bonuses is also allowed.



If the wage is paid per hour, the total wage is determined by the hours worked. Piecework or incentive wages mean that the wage is paid depending on your performance. The quantity harvested by you must be recorded. However, the piecework wage or the combination of hourly wage and piecework bonus may not fall below the statutory minimum wage on a monthly average.

According to the legal regulations, wages must be paid at the latest at the end of the following month. However, you can also make another agreement with your employer, for example, that the employer will hold the wages for you if you have not set up a euro account into which your employer can deposit the wages. However, you can always ask your employer for an advance.

2) Calculation of working time

Working time begins with work in the field. Travel time is only calculated as working time if it is a journey between two fields. The average working time is 8 hours per day; however, this may be temporarily extended to 10 hours – in certain cases to 12 hours – per day.

If you work 6 to 9 hours a day, you are entitled to a 30-minute break after 6 hours at the latest. If you work more than 9 hours a day, you are entitled to a break of 45 minutes. Breaks are not calculated as working time and are therefore not paid. For work on Sundays and public holidays, you must be granted appropriate compensatory rest days within 8 weeks.



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German law requires that the beginning, end and duration of working time be recorded. Your employer will tell you how this is implemented in the company. This record is the basis for correct payment of wages. That is why it is also sensible for you to note down for yourself when you started and finished your work every day.

3) Duration of the employment relationship and early conclusion/termination

The total duration of the employment relationship with the respective company/ employer in Germany is also regulated in your employment contract. The time period may be the duration of the harvest or a fixed date. The employer and employee must observe the contractually agreed full period of employment, unless the employment relationship is terminated by notice before the contractual end.

Both the employer, and you as an employee, can terminate the employment relationship. A notice of termination must always be in writing, i.e. on a piece of paper, and signed by the person who wishes to terminate. Certain deadlines must be observed when giving notice of termination. In the case of a temporary employment relationship in agriculture lasting less than 3 months, these deadlines can be very short. The deadline that applies in your case is stated in your employment contract.

4) Occupational safety

All tools and personal protective equipment required for the work are provided by the employer free of charge. In addition, if you have special working conditions, for example in the heat, you must, among other things, be given additional breaks and be provided with sufficient water.

5) Holiday

There is also a holiday entitlement under German labour law. This amounts to at least 2 days per full month of employment. Leave may also be paid out at the end of employment.

6) Illness

If you become ill during employment, you must inform the employer immediately. If you call in sick for more than 3 days, you must go to a doctor, have yourself examined and then prove to the employer by means of a sick note from the doctor ("Certificate of Incapacity for Work" – "Arbeitsunfähigkeitsbescheinigung") that you are actually unable to work. Please also note any special provisions in your employment contract! Due to the current situation, you will find important information on the Corona pandemic and the currently valid regulations in Germany on the following website:

https://www.baua.de/EN/Topics/Work-design/Coronavirus/Coronavirus_no-de.html



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7) Accommodation and meals

The costs for accommodation and meals must be clearly regulated in a contract. If the employer offers you accommodation for rent, the accommodation contract must stipulate how much it will cost and who will pay for it. If the employer cannot offer you accommodation, the employer must ensure that you are provided with suitable accommodation.

The terms and conditions for the provision of the accommodation (type of accommodation, price/rent, rights and obligations) are agreed between the landlord and you in a separate contract. If the employer provides accommodation and meals, the employer may deduct a reasonable amount for rent and meals from your wages. At the same time, you must have enough money left over each month to live on. This limit is called the "Garnishment Exemption Limit" ("Pfändungsfreigrenze").

If the employer wants to deduct the costs for rent and meals from the wages, this must be regulated in the contract and must also be recognisable as such on the pay slip.

8) Employment with or without social security contributions

In Germany, there is employment subject to social insurance and employment exempt from social insurance. Normally, employment is subject to compulsory insurance and a bilingual questionnaire for determining the compulsory/exempt status of seasonal workers is used for clarification in individual cases.

Employment is always subject to social security contributions if

- Employees work in Germany for more than 3 months per year,
- Employees take unpaid leave in their home country to work in Germany,
- Employees are registered as unemployed in their home country.

Employment is generally exempt from social insurance if

- the employment is short-term. Such employment is only possible if the employee has not worked in Germany for more than 3 months in a calendar year **and**
- does not perform this job on a professional basis. This includes pensioners, students, housewives (they run a household for themselves and at least one other person, do the usual household chores such as cooking, cleaning, laundry and in return are financially supported by the other person), students or self-employed persons who do not work as farmers or gardeners in their home country.



9) Registration for health / accident insurance

If you are working in Germany without social insurance and do not have valid health insurance coverage for Germany (foreign health insurance), the company must take out insurance for harvest workers for you. The employer bears the costs of sufficient health insurance coverage in Germany and may not deduct the costs for this from your wages.

You are covered by the statutory accident insurance against accidents at work. The employer bears the costs for this.

10) Taxes

Depending on the total wages, taxes may be due in Germany. These are deducted from your wages and the employer is obliged to pay them to the state.

11) For questions or complaints

If problems arise during the employment relationship and you have the impression that the employer is not adhering to the agreed regulations, you can contact the *project team for seasonal workers* at the *International and Specialized Services* (Zentrale Auslands- und Fachvermittlung – ZAV) in Bonn by e-mail. The e-mail inbox is: zav.saison@arbeitsagentur.de

Workers from so-called third countries can receive further counselling through the counselling service “Fair Integration”. You will find the information on the website <https://www.faire-integration.de/en/>



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