



Your rights when you are posted to construction sites in Germany

Information for posted
blue-collar workers

You are a blue-collar worker who will be posted to construction sites in Germany by a construction company established outside of Germany? In that case, you are entitled to the German minimum working conditions during your posting period. These include leave, remuneration for annual leave and payment of the minimum wage. In the section below we explain what that means for **you**:

Paid leave scheme

The German construction industry has established a special paid leave scheme in which all construction industry employers must participate. The collectively agreed leave regulations apply uniformly to the entire territory of the Federal Republic of Germany. This is also the reason why all foreign construction companies are obliged to participate in this scheme when they post blue-collar workers to construction sites in Germany.

Your employer is also obliged to pay you the **current minimum wage earned in the German construction industry**. The amount of the current minimum wages is available on our web site soka-bau.de/Europa.

SOKA-BAU

SOKA-BAU is a paritarian institution established by the social partners of the German construction industry which manages the paid leave scheme on their behalf. SOKA-BAU consists of the Paid Leave Scheme and Vocational Training Scheme of the German construction industry (Urlaubs- und Lohnausgleichskasse der Bauwirtschaft – ULAK) and the Pension Fund of the German construction industry (Zusatzversorgungskasse des Baugewerbes – ZVK).

And this is how the paid leave scheme works:

Your employer registers with us and pays monthly contributions for your remuneration for annual leave. When you take leave, your employer pays you the remuneration for annual leave. We reimburse your employer for the paid amount. This ensures that your leave entitlement is also secured in case you change your employer. You simply take the leave entitlement with you.

After registration, we send your employer an information letter for each blue-collar worker with his or her personal **worker number**. You need your worker number every time you contact us. Therefore, make sure you receive the information letter from your employer.



These are your rights as a blue-collar worker in Germany:

A Paid leave scheme

1. Duration of leave

The minimum number of leave days to which you are entitled depends on the number of employment days in Germany. Every twelve days of employment entitle you to one leave day. The annual leave entitlement is therefore **30 days** in total.

EXAMPLE: Employment period from 1 April to 23 June = 84 days
Divided by 12 = 7 leave days

2. Remuneration for annual leave

If you take leave during your employment in Germany, your employer pays you a remuneration for annual leave. The minimum amount of remuneration for annual leave depends on the gross wage you have earned up to the start of your leave. You find the current rate on our web site *soka-bau.de/Europa*.

B Allowance in lieu of leave

1. Prerequisites for an allowance in lieu of leave

You have taken no or only a part of the leave to which you are entitled during your posting period in Germany? In that case, we pay you your (remaining) leave entitlement if:

- > You stopped working on a construction site in Germany more than three months ago and you are not jobless **or**

- > You no longer work in the construction industry but in another industry **or**
- > You are now an employee or an apprentice.

You are without a job at present? In that case, you cannot apply for an allowance in lieu of leave because you may still return to the construction industry. If you do return to the construction industry, your new employer will take over your accrued leave entitlement of the current year and the previous year.

2. Application for an allowance in lieu of leave

Application forms for an allowance in lieu of leave are available on our website *soka-bau.de/Europa*.

3. Financed entitlement

We can only pay you an allowance in lieu of leave in the amount in which your employer has paid his contributions to us.

4. Income tax and social security tax obligations

We deduct from your allowance in lieu of leave the amount of social security tax you are liable for as well as a lump sum to cover income tax. We transfer the income tax portion directly to the tax office.



C Compensation

1. Forfeiture of leave entitlement

Entitlements for leave and an allowance in lieu of leave are forfeited by the end of the calendar year following the year in which such entitlements originated.

EXAMPLE: [Leave entitlement for 2017 forfeits on 31 December 2018.](#)

2. Compensation for forfeited leave and allowance in lieu of leave entitlements

If your leave entitlements are forfeited, you can apply for compensation. The amount of that compensation equals the amount of your forfeited remuneration for annual leave.

3. Application for compensation

Please submit your application only in the second calendar year after the entitlement arose. We cannot process applications received earlier. In that case you would have to apply again. Application forms for compensation are available on our web site soka-bau.de/Europa.

EXAMPLE: [An application for compensation for leave entitlements forfeited in 2016 can only be submitted from 1 January 2018 to 31 December 2018.](#)

4. Financed entitlement

We can only pay you a compensation in the amount in which your employer has paid his contributions to us.

5. Tax obligation

We deduct from your compensation a lump sum for income tax, which we transfer directly to the tax office.

D Account statement

You would like to receive information about your current leave entitlements? We send you a leave account statement once a year. The statement contains all data reported by your employer.



Do you still have questions? Please do not hesitate to contact us, also in your mother tongue, as follows:

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