

Seasonal Work in Germany

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Fair mobility is important to us. German labour law also applies to harvest workers. This includes

- Entitlement to paid holiday
- Entitlement of financial refunding of unused holiday
- Continued payment of wages in the event of illness

and much more. Here you will find all the important information pertaining to your employment contract, your pay, social security contributions, housing and working hours regulations.

Employment Contract

In Germany, your employer does not have to give you a written employment contract. What you have agreed to verbally or by e-mail with your employer can also be considered an employment contract. However, the employer must provide you with the essential terms of the contract in writing after one month at the latest. Some employers don't do that, even though they have to. That is why you should ask your employer for a written employment contract. Your employer does not have to give you a contract in a language you understand. If the employment contract is written in a language that is foreign to you, tell the employer that you will bring the contract back signed after you have had it translated.

Make sure that the employment contract is signed by you and the employer. Be sure to get a signed copy of the contract to keep.

According to the law, an employment contract should contain the following information:

- Name and address of you and your employer
- Commencement and foreseeable duration of the employment relationship
- Location of employment
- Description of the work
- Amount of wages and, if applicable, additional payments and their due date
- Agreed working time, including a guaranteed minimum working time
- Duration of holiday
- Notice periods for the termination of the employment relationship
- Reference to applicable collective agreements

Wages and Payment Date

In Germany, there is a minimum wage that is adjusted regularly. The statutory minimum wage also applies to all agricultural workers in Germany. Residence or nationality do not play a role. As of January 2021, the statutory hourly wage was raised to €9.50 gross (gross = wage without deductions). The minimum wage will rise to €9.60 gross on July 1, 2021, to €9.82 gross on January 1, 2022, and to €10.45 gross on July 1, 2022.

During the harvest, employers often specify how many kilos of fruit and vegetables a worker has to harvest and how much money (€) he or she will get for doing so. These kinds of so-called piecework wages are permissible. Nevertheless, the employer may not pay you less than the statutory minimum wage of currently €9.50 gross per hour. As an example, if you harvest so many boxes per hour that you earn more than the minimum hourly wage, the employer must pay you more accordingly.

The salary is usually paid by the 15th of the following month at the latest. Other agreements between you and the employer can also be made in the employment contract. Your employer is obliged to give you a pay slip together with payment of your wages. This way you can understand how your wages are calculated. A pay slip shall contain at least the following information:

- Number of hours worked
- Amount of your gross monthly wages
- Amount of deductions for payroll taxes
- Other deductions (for example, for accommodation and meals, advances)
- Amount paid out (net wages)

Calculation of Working Time

Working time begins with work in the field. Travel time is only calculated as working time if it is a commuting between two fields. The average working time is 8 hours per day; however, this can be temporarily extended to up to 10 hours per day. A rest period of 11 hours is normally prescribed between two shifts.

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, the employer must grant you substitute days off within 8 weeks.

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 the correct payment of wages. If you want to verify how your wages were calculated, you should also note down the times for yourself:

- Beginning and end of work
- Beginning and end of breaks
- Duration of working time per day (without breaks)

Duration of the Employment Relationship and Early Cessation/Termination

Your employment contract also states when the employment relationship begins and ends. The time period may be the duration of the harvest or a fixed date. Your employer and you as an employee must adhere to the contractually agreed full period of employment, unless the employment relationship is terminated with notice before the contractual end.

The employer and you as an employee can terminate the employment relationship. Notice of termination must always be given in writing on paper – not by e-mail. The notice must be signed by the person who wishes to end the employment relationship.

Certain notice periods must be observed when giving notice of termination. In the case of a temporary employment relationship in agriculture lasting less than 3 months, these periods can be very short. The period that applies in your case is stated in your employment contract.

You do not have to sign a notice of termination given to you by your employer. It may be that the termination is not valid because the employer made mistakes. If you receive a notice of termination, you should, therefore, contact the hotline of the German Trade Union Confederation (Deutscher Gewerkschaftsbund) (www.fair-arbeiten.eu/de/article/471.hotline-für-saisonarbeiter-innen-in-der-landwirtschaft.html) or an Advisory Centre. Addresses and telephone numbers of Advisory Centres can be found on the website www.faire-mobilitaet.de/beratungsstellen.

For more information on the topic of termination and cessation, please visit the website of the German Trade Union Confederation www.fair-arbeiten.eu/de/article/15.kündigung.html.

Occupational Safety and Health

All tools and personal protective equipment required for the work are provided by the employer free of charge. You must also be provided with sufficient water when working in hot conditions. When you receive your first monthly pay slip, make sure that nothing has been deducted from your wages for this.

Holiday

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

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. To clarify whether you are subject to social insurance or not, a questionnaire is used to determine whether you are subject to compulsory insurance. The questionnaire can be downloaded in different languages from the website www.svifg.de/auslaendische-saisonarbeitskraefte of the Social Insurance for Agriculture, Forestry and Horticulture.

Illness

If you are employed by an employer or are a self-employed farmer in your country of origin, you are also covered by social security and health insurance in your country of origin during your work as a harvest worker. The proof of exemption from social security for the employer in Germany is the so-called A1 certificate. Apply for the A1 certificate at the responsible authority in your home country before you leave and bring it with you to Germany. You should also apply for a European Health Insurance Card (EHIC) so that you can see a doctor in Germany without any problems.

If you become ill during your employment, inform your employer, i.e. the farmer in Germany, immediately and see a doctor. They will examine you and – if you are ill – issue you a certificate of incapacity for work (“sick note”). You must submit the certificate of incapacity for work to the employer. Please find out whether you also have to send the sick note to your health insurance company.

If you work in the same company in Germany for more than 4 weeks and are put on sick leave by a doctor, you will continue to receive your wages for up to 6 weeks during the period of illness.

For more information, contact the German Trade Union Confederation's (www.fair-arbeiten.eu/de/article/471.hotline-für-saisonarbeiter-innen-in-der-landwirtschaft.html) hotline or an Advisory Centre. Addresses and telephone numbers of Advisory Centres can be found on the website www.faire-mobilitaet.de/beratungsstellen.

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), your employer in Germany can provisionally take out private health insurance for harvest workers for you. The employer may not deduct the costs of this private health insurance from your salary.

Your employer must always insure you against accidents at work and pay the costs of accident insurance.

Housing and Meals

The costs for housing and meals must be regulated in an understandable way in a contract. If the employer offers you housing for rent, the employment contract must stipulate how much it costs and who pays for it. If the employer himself cannot offer you housing, he must ensure that you are provided with suitable housing.

The terms and conditions for the provision of the housing (type of housing, price/rent, rights and obligations) will be agreed between the landlord and you in a separate contract. If the employer provides housing and meals, he may deduct a reasonable amount for rent and meals from the wages. You must have enough money left over each month to live on. This limit is called the “garnishment exemption limit”.

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

Taxes

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

Coronavirus Pandemic

Due to the coronavirus, the federal government has issued strict regulations that employers in agriculture are supposed to implement. These regulations are designed to protect you from contracting the virus – when you arrive, in your accommodation, at work, as well as when you eat in your accommodation.

The implementation of the regulations is the responsibility of the respective federal states.

For more information on the regulations that apply in your region, contact your local health department. The respective contact information can be found on the website of the Robert Koch Institute tools.rki.de/plztool.

Important Links to Websites

Information concerning fair mobility

- FAQs for harvest workers of the German Trade Union Confederation in German, Bosnian-Croatian-Serbian, Polish, Hungarian and Bulgarian: www.faire-mobilitaet.de/landwirtschaft

Information on labour law

- from the German Trade Union Confederation: www.fair-arbeiten.eu

Information on coronavirus

- Office for the Equal Treatment of EU Workers in various languages:
www.eu-gleichbehandlungsstelle.de/eugs-de/informationen-zu-corona
- Integration Commissioner of the Federal Government of Germany in various languages:
www.integrationsbeauftragte.de/ib-de/amt-und-person/informationen-zum-coronavirus
- German Trade Union Confederation (Deutscher Gewerkschaftsbund):
www.dgb.de/themen/++co++fdb5ec24-5946-11ea-8e68-52540088cada
- Federal Ministry of Health in various languages:
www.bundesgesundheitsministerium.de/coronavirus.html
- Public service news programme "Tagesschau" on current developments worldwide and for Germany in German:
www.tagesschau.de/ausland/coronavirus-karte-101.html