

Working in Germany

Tips and Informations for foreign students

TU Darmstadt, 29th January 2015

- Students from EU countries
- Students from non-EU countries
 - Internship
 - How to extend your work permit
- Working after completing your studies
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 - Graduating in Germany – EU-members
- Contributions
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 - Taxes
- Labour law
- Social partnership
 - Works council, personnel council
 - Unions

● Students from EU countries

- Do not need a residence permit.
- Obtain a certificate of right to permanent residence.
- Hold the right of free movement and have the same access to the labour market as German workers.

* Students from Croatia have the same residence rights as other EU citizens. However, they have restricted access to the labour market. In this case, the same rules are applied as for non-EU citizens.

● Students from non-Eu countries

- Residence status: students from EFTA/EEA countries are treated as EU citizens*
- Student status: foreign students, who are not registered at a German University and do not benefit from the right of free movement, are allowed to work as seasonal workers.
- Non-EU students registered at German University obtain a residence permit for the purpose of study („Aufenthaltserlaubnis nach § 16 AufenthG zum Zwecke des Studiums“).
- Normally, students will be given the permission to work as well temporarily, though without receiving a work permit.

* Island, Lichtenstein, Norway, Swiss.

● Students from non-EU countries

- In a calendar year: 120 days of full-time or 240 days of part-time work
- 120 days of full-time work: more than 4 work hours per day*
- 240 days of part-time work: a max of 4 work hours per day*
- The permissible working time should be fully exhausted.
- Exceptions can be made in case of student part-time jobs (it is also possible to make a request for an extension)
- Dependent employment is allowed.
- Self-employment will make you lose your student status.

* The details mentioned in the passport matter

● **Students from non-EU countries – internship**

➤ Required internship (study regulations):

- No need for a work permission
- Even if the internship is paid
- The restrictions of 120/240-days-rule is not applied
- The internship is part of your studies

➤ Voluntary internship:

- The restrictions of 120/240-days-rule is applied
- Every day of your placement will be subtracted from your 120/240 days, even if the internship is unpaid
- If you want to extend your internship, you will need the permission of the Foreigners Registration Office and Federal Employment Agency.

● **Students from non-EU countries – How to apply for an employment extension**

- Employment extensions are the absolute exemption.
- The required work permit will be granted by
 - the respective Foreigners Registration Office,
 - but only for one specific job offer.

- Requirements:
 - Success in your field of study (Certified by the international office)
 - Priority review

● Students from non-EU countries – Exceptions

➤ When working as:

- Student assistant,
- Instructor,
- Research assistant,
- An assistant at a German University or public research centre may have a long-term employment. The 120/240-days-rule does not apply.

➤ The same is valid for:

- Lectures or performances of high scientific or artistic standards,
 - Athletic/sports performances.
- Thesis positions are not subject to the 120/240-days-rule

● Working after graduation – no-EU citizens

- After graduation a residence permit is granted in order to enable post-graduates to find an adequate work position in Germany.
 - The permit is valid for 18 months.
 - There are no restrictions for dependent employees in terms of working time.
 - Self-employment is possible.
 - The employment chosen must ensure the means of subsistence .

● Working after graduation – no-EU citizens

- If the chosen position is conform to the educational background of the postgraduate, there is no need for a priority review.
- The applicant needs a warrant by the Federal Employment Agency.
- A request must be forwarded to the respective Foreigners Registration Office, which will prove based on the offer of employment, whether the position
 - Requires an academic degree,
 - Ensures the means of subsistence,
 - Requires at least some of the knowledge acquired through the studies.

● Working after graduation – no-EU citizens

- If a profession is exercised for at least two years, the applicant may apply for a permanent residence permit.
- Exceptions: postgraduates that hold a Turkish passport
 - If one parent has been working legally for at least three years in a EU-country, the postgraduate will have the right of residence in that specify country.

● Working after graduation – no-EU citizens

- EU-citizens have permanent right of residence, even if they are not studying.
- They are allowed to search for work.
- Eventually they may be entitled to unemployment benefits (ALG II)*.
- Students from Croatia hold the right of residence. However, similar to non-EU countries they do not enjoy a full access to the labour market. Students from Croatia face the same rules that are applied for students from non-EU countries.

* In case the European Convention on Social and Medical Assistance has been signed by the country of origin

● Working after graduation

- Those who finished their studies abroad, will receive support and consultation in order to ensure their access to the German labor market by the Otto-Brennecke-Foundation.

● Social security contributions

- Employees have to pay social security contributions
- Exemptions:
 - Short-term employment,
 - 450-Euro jobs.
 - Special rules are applied for students that work a max of 20 hours a week.*
- Contributions are deducted from the gross wage.
- The health insurance collects the contributions from the employer and forwards them.

* Contact DGB-Campus Office in Darmstadt for more information and consultation on this subject.

● Social security contributions

➤ Unemployment insurance

- To be eligible for unemployment insurance benefits you need to have worked at least 12 months in contributory employment. *

➤ Health insurance

- Students need to be covered by health insurance**.
- Employees and employers both pay contributions for the health insurance fund.

➤ Nursing care insurance

- Students*** and employees pay contributions.

* e. g. employment.

** student health insurance.

*** Exemptions: Students that are covered by family insurance. If you are not covered by your parent's health insurance, you will have to pay the contributions for the health and nursing care insurance by your own.

● Social security contributions

➤ Pension insurance fund

- Employees and employers pay contributions to the pension insurance fund.
- With each month of paid contributions, your pension entitlement will grow.
- By the end of year of after termination of employment you will receive an overview of all paid contributions.
- Make sure to check and store the overview.

➤ Accident insurance

- Has to be paid by your employer.
- It covers accidents at work, occupational diseases and work-related travel/commuting accidents.
- It also covers all expenses for medication, rehabilitation and damaged objects.

Taxes

- The income tax is determined by the tax class.
- The tax class is, among others, determined by the level of earnings and marital status.
- Up to 8.354,00 € are tax free.
- Single parents benefit from tax allowances.
- Up to 1.000,00 € of income-related expenses can be deducted from you income.*
- Each employee has to submit a tax declaration and can deduct certain costs.**

* Income-related expenses are: any cost related to your job search, union membership contributions, training etc.

** For trade union members: <http://www.lohnsteuer-gewerkschaft.de/>

● Labor Law

- Consultations are given by the works council or personnel council and the responsible trade union.
- Legal provisions apply to all workers.
- Collective agreements improve the employee's position.
- When does a collective agreement apply?

● Employment contract

- What needs to be included:
 - Names and addresses of both contract parties,
 - Start date,
 - Job title and description,
 - Place of work,
 - Reference to the collective agreement,
 - Probationary period,
 - Salary group,
 - Special agreements,
 - Reference to works agreement,
 - Possibly, reason for probationary period,
 - Hours of work.

● **Tariff vs. Law**

What	Tariff	Law
Standard weekly working hours	35 hrs from Monday to Friday	48 hrs from Monday to Friday
Paid vacations	30 workdays → 6 weeks	24 workdays → 4 weeks
Vacational benefits	50 % per day	No regulations
Christmas bonus	Up to 55% of monthly income	No regulations
Pay	Determined by labor contract	Minimum wage starting 2015

● Working hours

Law

- A maximum of 10 hours per workday, in a 6 month average not more than 8 hours/day
- There must be 11 hours break between the end and the beginning of work
- Six to nine hours: A break of 30 min, after 9 hours: 45 min
- Nobody is allowed to work longer than 6 hours without a break

Labor agreement

- 35-39 hours per week
- Longer working hours up to a maximum of 40 hours per week can be agreed upon with 13 or 18 percent of the employees in some labor agreements

- Works council agreement
- Timing and distribution of working hours
- Timing of breaks
- Flexible time regulations

● Vacation and paid benefits

Law

- 24 work days paid vacation per year when working 6 days/week
- 20 work days paid vacation per year when working 5 days/week
- Average pay
- Can not expire due to illness
- Differentiate between a 5 and 6 day/week job!

Labor agreement

- Usually 30 working days, equalling 6 weeks
- Regular pay is payed during this time
- You are entitled to an extra vacation bonus

Works council agreement

- Additional vacation leave
- Other leaves of absence

● Compensation for overtime work

Law

- Ten hour limit per working day
- No overtime premium for overtime
- For 2 hours overtime there must be compensatory time-off within 6 months

„Necessary (temporary and minor) overtime is not susceptible for overtime premium.“

Labor agreement

- Overtime is working time which goes beyond the time agreed upon.
- Compensation with 20 to 60 percent surcharge, in pay or compensatory time-off

„With this compensation up to 10 hours overtime are acquitted.“

● Illness

Law

- The employer pays full salary for the first 6 weeks of sick leave and cure treatments
- In the 7th to 78th week of sick leave the health insurance pays the salary
- The right to receive continued remuneration begins after the 5th week of employment

Labor agreement

- continued remuneration starting on the first day of employment
- Pay subsidy begins with the 7th week of sick leave

- No deduction of cure treatment days from vacation days

● Probationary Period

Law

- Maximum length is the first 6 months of employment
- The employment contract can be terminated with 2 weeks notice
- Provisions für dismissal protection are not valid

„A probationary period of six months is agreed. Within the probation period, the notice shall remain reserved.“

Labor agreement

- Usually a shorter probationary period
- A shorter term of notice can be agreed upon during probationary period

- Precise probationary goals
- Regular appraisals with superiors
- Preferably short or no probationary periods
- No terminability

● Giving of notice*

Law

- During probation 2 weeks
- 4 weeks to the 15. or end of month
- Are only extended for the employer due to long service time
- Giving notice is only possible to the end of the month
- Exceptions

„The statutory notice periods are to be observed.“

* In an open-ended employment.

Labor agreement

- Occasionally longer periods of notice for the Employer

- Only applicable to fixed-term contracts, if agreed on, they are not liable for early termination!
- Careful: „Extended periods of notice apply to both sides“!
- Without notice for good cause

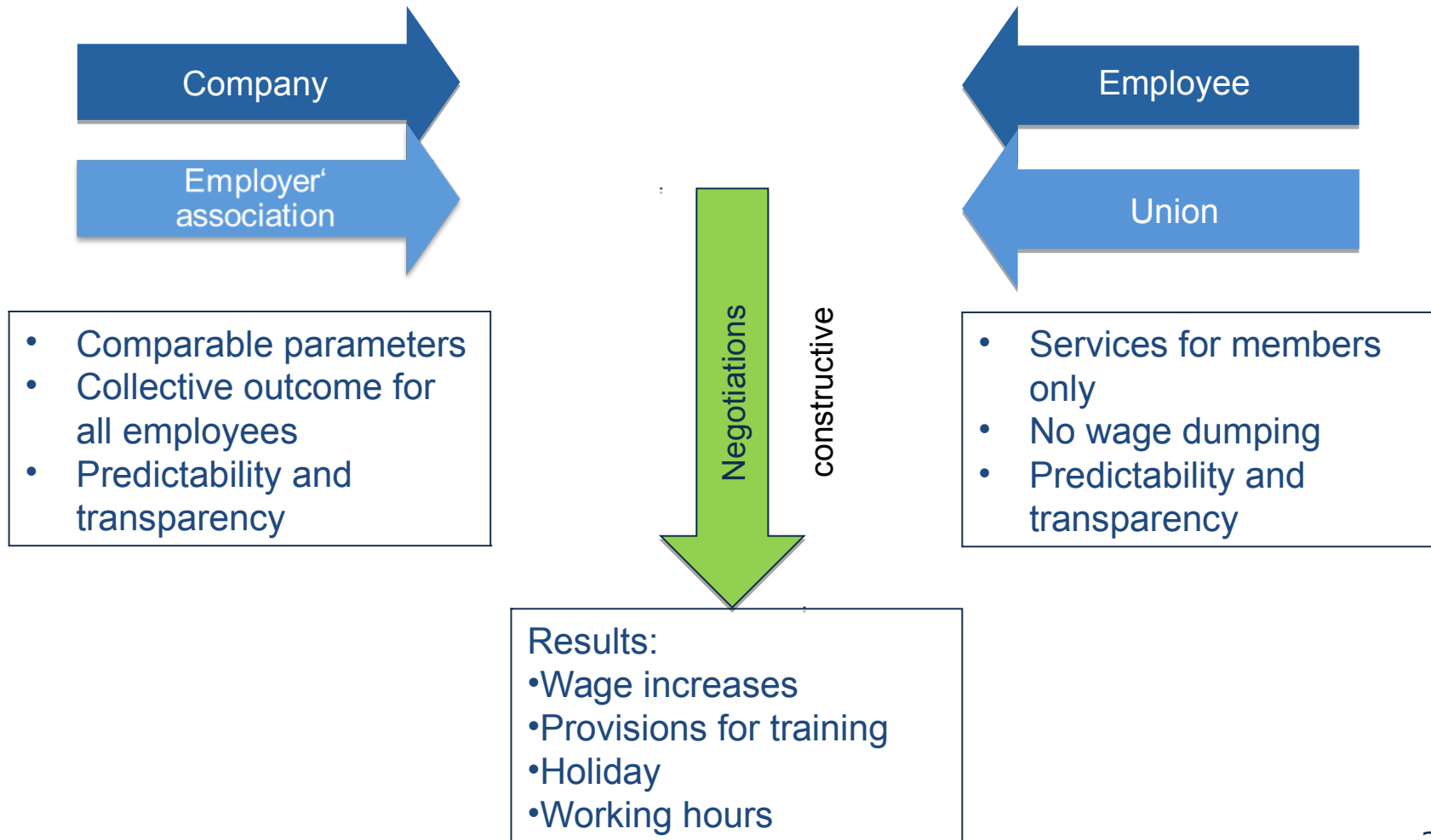
● Letter of reference

- Every employee has a right to a letter of reference.
- Jurisdiction states, that
 - content is to be favorable,
 - truthful,
 - no one-time incidents that are not typical for the employee,
 - only work related facts, no private information,
 - in a correct written form, signed accordingly,
 - with no hidden references.
- An interim report can be requested in case of reason.

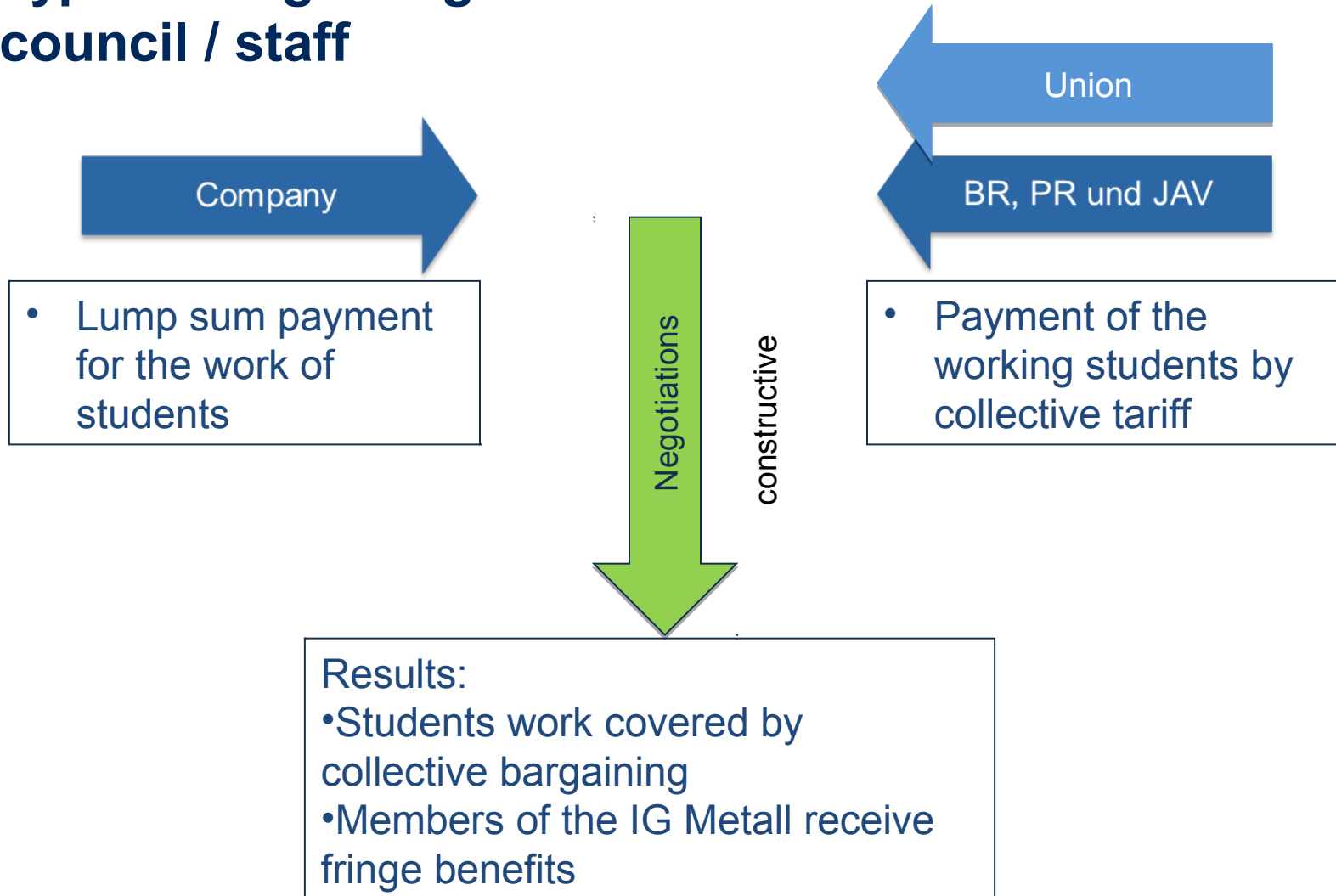
● Social partnership

- In Germany the works committee (BR), youth and trainee representatives (JAV), staff council (PR) and unions influence the working environment.
- Anybody can and may be a member.

● Collective bargaining



● Typical bargaining situation in the works council / staff



● Advice and information

- ➔ DGB-Campus Office Darmstadt
 - tud@campusoffice-darmstadt.de
 - 06151 16-2117 (AStA office)
- ➔ Legal advice in the relevant trade union
 - <http://www.igmetall.de/vor-ort-269.htm>
- ➔ Consultancy in the offices of the works council on the job
- ➔ Otto-Brennecke-Foundation

● Advice and information

- www.hochschulinformationsbuero.de/mitte
- Information of ITC sector: <http://www.itk-igmetall.de/>
- Working as an Engineer: <http://engineering-igmetall.de/>
- Lohnspiegel: www.lohnspiegel.de
- <http://www.hamburg.de/contentblob/3724684/data/info-studenten.pdf> (deutsch)
- <http://www.hamburg.de/contentblob/4355914/data/information-for-students.pdf>
(englisch)

Thank you for listening