

Information Sheet – Agency work

For more information go to: www.faire-integration.de/en/topic/51.faqs-agency-work.html

Agency work is a specific form of employment. Increasing numbers of refugees have access to the German labour market and, in many cases, are employed as agency workers. Agency work frequently results in insecure employment relationships and uncertain working conditions. We are aiming to provide you with basic information on the subject of agency work and to clarify your rights so that you can protect yourself if necessary.

When you are employed as an agency worker, you sign a contract with a temporary employment agency. This is your employer. However, you work in a different company. This is your hiring company, or hirer. The temporary employment agency itself has therefore entered into contracts with a range of different companies (hiring companies or hirers) to whom the employee will be assigned.

The contract of employment is in place between you and the temporary employment agency. The temporary employment agency therefore assumes the usual obligations of an employer. No contract is entered into between you and the hirer/hiring company. However, while you are working in a specific hiring company, you are obliged to follow the instructions of the company.

Agency work has been regulated in law in the German Temporary Employment Act (**Arbeitnehmerüberlassungsgesetz; AÜG**). Collective agreements within agency work regulate basic working conditions such as wages and holidays. There are two collective agreements for agency work. These are abbreviated as **DGB-iGZ** and **DGB-BAP**.

As an agency worker you have a **working time account („Arbeitszeitkonto“; AZK)** in which **plus and minus hours** can be accumulated. If you have accumulated plus hours, you can arrange time off in lieu. If the contract ends, you must be paid for the plus hours. The temporary employment agency cannot force you to reduce your plus hours because no hiring company has been found for you.

If there is no longer any work in the company to which you have been assigned, the temporary employment agency must continue to pay you even if it is not currently possible to assign you anywhere else (**assignment-free time; „einsatzfreie Zeit“**).

You can be assigned to a company for a maximum of 18 months. The hiring company must then take you on or you must be assigned to a different company. This may be regulated differently though by the collective agreements.

As of October 2019 the **minimum wage for agency work** is set at €9.66 per hour for eastern Germany and €9.96 per hour in western Germany. It then increases differently in western Germany and eastern Germany. In the collective agreements, specific activities are allocated to specific wage brackets. You must receive a higher wage for specific activities. It is important that you are classified in the correct wage bracket immediately.

After no more than nine months (equal pay principle), you must be paid the same wage as colleagues in your company doing the same work as you.

If you have further questions, you can contact one of the Fair Integration advice centres:

www.faire-integration.de/en/topic/46.advice-centres.html