

- What rights do I have regarding occupational health and safety?
- How can I find out if a collective agreement applies to me?
- Who will finance suitable further training for me?
- What do employers and employees have to consider in the case of a „mini-job“?

Answers to these and many other questions can be found on the website www.gute-arbeitswelt.nrw. Moreover, you will find important information, practical examples and current news and dates on the topics of fair employment, digitalisation, occupational health and safety, legal issues and co-determination.

The aim is to strengthen the collective bargaining partnership, co-determination and employee rights, to promote employment subject to social security contributions and occupational health and safety, and to exploit the opportunities of digitalisation for good work.

The website is operated by the G.I.B. in cooperation with the Ministerium für Arbeit, Gesundheit und Soziales (ministry of labour, health and social affairs) (MAGS) NRW and the Landesinstitut für Arbeitsgestaltung (state institute for work structures) (LIA.nrw).

You can find further information under www.gute-arbeitswelt.nrw

- Application of „same work – same money“ or collective agreements for temporary employment in the employment contract.
- Same working conditions as for the permanent workforce in the hiring company (holidays, working hours).
- Clear job description with reference to the industry in which the assignment is made.
- Payment according to the job performed in the hiring company. Correct observance of industry-dependent minimum wages, industry surcharges, overtime, holiday and Sunday surcharges.
- Reimbursement of travel expenses corresponding to actual expenditure.
- Exclusively compensation of deviations from planned working time on the working time account.
- Compliance with occupational health and safety regulations. The personal safety equipment is provided by the employer (hiring company or temp agency).
- Promotion of further training and qualification opportunities.
- There is a works council in the temporary employment company. Employees are informed that they may also contact the works council in the hiring company.
- Temporary employment agencies do not demand a severance payment after a maximum period of 6 months, but support the takeover. Internal job advertisements at the client are forwarded to temporary staff.

When will I receive the same wage (equal pay) as the regular employees?

After nine months, you will be entitled to all gross compensation components of a comparable regular employee. However, deviations are possible through the use of an industry collective agreement. If the industry supplement begins after six weeks with a gradual increase, equal pay does not have to be paid until the 15th month.

How long can I be lent out to an employing company?

Under the new law, the maximum period of temporary employment has been limited to 18 months. After 18 months, you will either be taken on by the hiring company with a new employment contract or you will be employed by the temporary employment agency in another company.

However, there are significant exceptions. The collective bargaining partners in the industrial sector in which the work is carried out or the parties to the agreement can agree on longer maximum periods of temporary employment. Consequently, the maximum period of temporary employment may vary according to the industrial sector of employment and the company.

When is an operation considered interrupted?

Your assignment is considered interrupted if you have not been deployed by the client company for more than three months. If you return before the end of the three months, the transfer periods are added together.

What do I have to do if I do not want to be employed after exceeding the maximum assignment period?

In this case, you have the right to lodge an objection with the Bundesagentur für Arbeit (federal employment agency) and to present this to either your leasing or hiring company after confirmation.

Can I be employed in companies that are on strike?

You may not take on the work of strikers in workplaces affected by industrial action. However, other activities may be carried out if there are no provisions to the contrary in collective agreements.

I'm not sure if I'm being deployed as a temporary worker or under a contract for work – how can I tell?

You must be informed by your employer before each assignment whether you will be used as a temporary worker. This disclosure obligation also applies to ongoing assignments. The works council in the employing company can also provide information.

My employer has entered into a contract for work with the client for my services. What do I have to consider?

In a contract for work, you may not receive instructions from the client and you may not be involved in the client's work organization. If you are employed under an illegal contract for work, you are entitled to be employed by the hiring company.



Katja Köhler



Can Aydin



Johannes Beckmann

A quick call is all it takes, we will call you back!

Contact and registration
from Monday to Friday
from 8 am to 6 pm
+49 (0)211 – 837 1925
by email: tbs-zeitarbeit@tbs-nrw.de

Details on the training offer, the quick test „Fair Temporary Employment“ as well as information on temporary employment and contracts for work can be found under:

www.zeitarbeit.nrw.de

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A service offered by the DGB NRW and the North Rhine-Westphalia government



Guide to temporary employment

Service point for fair temporary employment and contracts for work

- What must and may be written in the employment contract?
- Which collective agreement applies to me?
- What salary am I entitled to?
- When do I get my travel expenses reimbursed and how much?
- What can the works council at the client do for me?
- What can I do if I am dismissed?

Advice by email or telephone

Are you looking for work or are you employed in temporary work? Are you working as an external specialist under a contract for work? Then we will expertly answer your questions. To do so, the NRW Service Centre will take your call directly and forward your questions to the team of the Service Point. You will receive a call back within two days.

Contact: Mondays to Fridays, from 8 am to 6 pm

You are also welcome to email your questions to us:

tbs-zeitarbeit@tbs-nrw.de

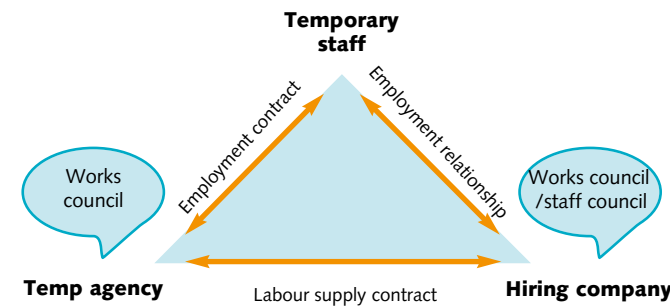
The quick test „Fair Temporary Agency Work“ and aids for action regarding temporary agency work and contracts for work can be found on our homepage

www.zeitarbeit.nrw.de

You will find out to what extent you are working under fair conditions and where there is a need for action.

Works councils as well as employees of advisory centres, job centres and employment agencies can also contact us with any questions they may have on the topics of temporary employment and contracts for work and services.

Requirements for the triangular relationship



The **employment** contract should contain:

- Beginning of the employment relationship, in the case of a fixed term also end
- Place of work
- Description of the activity to be performed
- Required qualification
- Grouping takes place with regard to planned deployment, supplements, bonuses, special payments
- Working time
- Reference to the applicable collective agreement

The works council in the temporary employment agency is responsible for all questions concerning the employment contract. The labour supply contract describes, among other things, the qualifications required for the job as well as the comparative remuneration and the regulations on occupational health and safety. The works council/staff council at the temp agency and at the hiring company have the right to examine all temporary employment contracts.

The works council/staff council in the hiring company is responsible for all issues concerning the on-site assignment (e.g. occupational health and safety, location and distribution of working hours).

Frequently asked questions and answers about temporary employment

Where is the legal basis for my employment in a temporary employment agency regulated?

Your employment contract describes the specific conditions. There, reference is usually made to a collective agreement. Otherwise the general labour law applies.

I was classified as unskilled, but I am employed as a skilled worker – can I achieve a higher grouping?

Upgrading is usually difficult to achieve. You should check the collective agreement on remuneration for this. However, you are entitled to be paid according to the job you do – which means you must be paid the financial difference to your grading.

My temporary employment agency does not reimburse me for travel expenses, even though I travel two hours to work every day.

You can claim your additional expenses according to § 670 BGB (German Civil Code). In accordance with the tax legislation, a claim of 30 ct/km can be derived from this for the distance from the temporary employment agency to the client. Negotiate this right away in the interview.

During non-hire periods, my working time account is kept in the negative by the employer – is this allowed and am I still entitled to payment?

The employer must continue to pay your basic salary for the weekly hours agreed in your employment contract even during the period when you are not on loan. The working time account must not be kept in the negative by your employer.

I work 40 hours a week for the client, does that give me overtime pay?

In principle, all hours that you work more than agreed in your employment contract are credited to your working time account. The monthly hourly limit above which overtime bonuses must be paid is specified in the collective agreement. Overtime pay must be paid monthly.

I work in the metal industry, am I entitled to industry allowances?

Yes and after the 6th week with the same client, unless it is a craft business.

Industry surcharges were also agreed for other industries. Surcharges are added to the hourly wage. The amount varies according to the industry, duration of employment and pay group.

My non-tariff allowance was reduced when the collectively agreed hourly wage increased – is this legal?

The non-tariff bonus is a voluntary benefit paid by the employer. Often this is granted in the employment contract under revocation. If this is the case, the employer may reduce the non-tariff allowance. If, on the other hand, the allowance is promised unconditionally, it must continue to be paid.

I have to work in the employing company without protective clothing the permanent staff wears them – how is that regulated?

The employing company must always provide you with protective clothing for dangerous work – e.g. safety shoes or safety goggles. This is a case for the local works council and for your dispatchers.

Steps to assert your own rights in temporary employment

1 Clarify claim (Is the claim justified?)

Who can help?

Hotline, trade union, state advisory assistance at the district court (this is usually also a prerequisite for later legal aid), internet, competent acquaintances.

2 Clarify the amount of the claim or the scope of the claim (How much money or which thing am I entitled to?)

Why is this important?

The claim must be described precisely (type, amount, scope, etc.) in order to be able to assert it against the temp agency. Only in exceptional cases can this be done later.

3 Clarify preclusion period (By when must the claim be asserted?)

What happens if the preclusion period is exceeded?

Collective bargaining agreements and employment contracts stipulate exclusion periods. After that, claims expire and can no longer be claimed.

4 Decision for claim enforcement (Do I want to take a case to court?)

What do I have to take into account?

The claim should be financially or morally important. It is helpful to secure support from colleagues, family or the trade union. Without valid legal protection (trade union, insurance), court costs in the first instance have to be paid by yourself.

5 Enforce claim legally (What support can I get in court?)

Who will support me and what do I have to consider?

Before filing a lawsuit, legal protection insurers and trade unions usually require a three-month membership. In the case of legal aid (application to the competent court), the financial circumstances must be disclosed.