

## POSTING OF WORKERS TO GERMANY- A PATTERN

Slovenian Construction Company recruits dozens of migrant workers in Slovenia, and signs an employment contract with them. In the employment contracts it's written that the work will be conducted in Germany and that the gross wage is 748, 10 EUR.

But the employers have "informal" arrangements with workers, that the hourly wage will be 13 EUR /hour (according to the construction collective agreement). Workers are asked to sign only one copy of the contract, which is taken by the employer with the argument that they need to arrange some documents and the promise that they will be served when they come to Germany, which never happens.

Workers are after arriving to Germany placed in containers at the construction site. They are charged 250 EUR per month per bed - although the workers have heard of the German managers that the containers are not to be charged and only operating expenses are to be paid (water, electricity).

Before starting the work the workers are warned not to keep their own records of hours and that the foreman will take care of all the hour records. Overtime work is never signed into the register, although the workers are working more than 220 hours a month on average.

When the employees are registered into the fund for the payment of compensation for annual leave construction workers (SOKA-BAU) and offset salary and bonus for the area of construction, the overtime is not entered there. Only regular hours are to be applied in the calculation (176 hours are logged in one month and the actual contributions to the fund are deducted from € 2,288.00). Contribution to the SOKA BAU is 14.25% of gross salary, 15% tax is then discharged from the paid wages. In addition to that the living costs are deducted from the salary, as mentioned.

On the first month the workers are paid 1300.00 to 1500.00 EUR in cash, then the amount reduces each month, so that after five months the amount stands at 600-700 EUR. Then one wage is not paid, and the workers are sent home so that they don't get last two wages.

In that period workers were signing bilingual official statement, that they've got a regular wage according to the legal rules. In between the employers have emptied the SOKA BAU accounts of the workers, because they were writing as if the workers were on leave, despite the fact that on that day they were working – and they were paid out of SOKA BAU account.

In Slovenia, these workers are logged into compulsory insurance, but the social security contributions are not or only partially paid. After returning to Slovenia, the workers are then logged off the social insurance without proper termination proceedings of employment contract.

Concrete case: German main contractor has once brought the money for the workers directly to the construction site with the intention to pay the workers. We assume that the reason for that is that the money from main contractor doesn't come to the

workers in the arranged amount. The main contractor came to the workers and said, that he brought the wages and that he doesn't want that the intermediate company owner would be there. But the owner refused to go away and threatened to the main contractor, that the contract is signed between the two of them and that he cannot pay the wages directly to the workers. The main contractor changed his mind and didn't give the wages directly to the workers. But he said to the workers, that he doesn't know what their hourly wage is and that he doesn't demand from them to tell him that, but that they should know, that he's paying to their boss 22 EUR for each hour of their work.

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