



The leave scheme for posting companies and posted workers in the German construction industry

Do you have a construction company based abroad and post your commercial workers to construction sites in Germany?

If so, your commercial workers are entitled to benefit from the German minimum working standards for the duration of their posting. This includes paid leave, remuneration for paid annual leave and the German minimum wage. This brochure will tell you everything you need to know as an employer.

What is SOKA-BAU?

SOKA-BAU is a paritarian institution established by the social partners of the German construction industry. It runs the leave scheme on their behalf. SOKA-BAU is the name shared by Urlaubs- und Lohnausgleichskasse der Bauwirtschaft (paid leave scheme and vocational training scheme for the German Construction Industry – ULAK) and Zusatzversorgungskasse des Baugewerbes (pension fund for the construction industry – ZVK).

Leave scheme

There is a special leave scheme for the German construction industry all employers have to participate in. This leave scheme applies everywhere in Germany. As an employer, you are also

obliged to participate in the scheme if you post workers to construction sites in Germany from abroad. The participation in the leave scheme is mandatory. As part of the leave scheme, all employers in the construction industry pay us fixed monthly contributions for their workers. These amounts are used to finance their workers' leave entitlements. This means that employers who ultimately grant leave do not face any financial disadvantages.

Those working on construction sites in Germany are also entitled to earn the German minimum wage. Therefore, you must never pay your workers below the minimum wage during their time in Germany. You can find the current minimum wage on our website: www.soka-bau.de/europa.

How to participate in the leave scheme:

1. Registering with us

You have to register with us in writing before your workers start their construction work in Germany. **Please note:** You also have to notify German customs in accordance with Section 18 of the Posted Workers Directive (Arbeitnehmer-Entsendegesetz – AEntG).

2. Employer ID and documents

We provide you with all the necessary documents in your native language and an employer ID. Please remember to provide your employer ID whenever you contact us. We also send you an information letter for each of your posted workers. Please hand over the letters to your workers immediately.

3. Registering your data

You have to fill out master data forms for yourself as employer and for each of your workers, and then return the forms to us. If there is a change in any of the master data for yourself or your workers (e.g. a worker's address), please inform us.

4. Monthly reports and contributions

You have to submit an electronic report every month, containing information on your workers' gross wages, leave and working hours. You have to send the monthly report by the 15th of the following month. You have to pay your contributions by the 28th of the following month.

EXAMPLE: The monthly report for January is due on 15 February; the contributions for January are due on 28 February.





5. Remuneration for paid annual leave

We process your report and contribution, and we calculate your workers' leave entitlements. If you grant your workers leave and remuneration during their posting, you also have to report this in your monthly report.

6. Reimbursements

If you have paid all your contributions and met all other requirements, we reimburse you for the remuneration. We inform you and your workers about their current leave entitlements.

7. Change of employer

Do any of your workers still have leave entitlements from their previous employer? If so, they can take this remuneration while employed with you as long as they are posted to Germany. We reimburse you for the remuneration.

As long as your workers are posted to Germany, they are also entitled to the following:

1. Duration of leave

The amount of days of leave granted to workers depends on the amount of time they work in Germany. A worker is entitled to one day of paid leave for every 12 days of employment. That amounts to **30 days of paid leave** each year.

2. Remuneration for paid annual leave

The amount of remuneration granted to a worker depends on their gross wage earned up to the start of their leave. You can find the current amount on our website: www.soka-bau.de/europa.

3. Workers' entitlements at the end of the posting

- > If any of your workers have not taken paid leave or only a part of it, during their time in Germany, they can apply for a pay in lieu of leave. If they meet all requirements, we pay the money straight to the workers.
- > Your workers can also apply for compensation if their leave entitlements are forfeited.





Do you have any questions? You can contact us in your native language here:

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