

# News Flash

March 4<sup>th</sup>, 2015



**German minimum hourly wage  
also applicable for Slovak  
employees**

## German minimum hourly wage is applicable also to Slovak employees working in Germany

Since the beginning of 2015, **Minimum Wage Act** came into force in Germany, which also binds to Slovak employees working – even only temporarily - in Germany. The minimum wage of **EUR 8.50** is bound not only to employees who are sent to work in Germany, but also to the employees who **carry out only part of their work in Germany**, or even **merely passing through Germany**, i.e. even in the truck and passenger traffic.

### Minimum Wage Act

As of January 1st, 2015 the Minimum Wage Act came into force in Germany. The minimum hourly wage will be in the amount of EUR 8,50 and is applicable to all employees working in the area of Germany regardless if these are employees of a German or foreign company.

The obligation of the minimum wage is applicable also to foreign employees working temporary in Germany regardless of the type of employment relationship. The law also applies to workers in transit for freight and passenger traffic officers crossing the German border.

Therefore **Slovak employer** who sends a worker to work in Germany, is obliged to provide such employees a minimum wage of **EUR 8.50 for each hour worked**.

### Temporary exception

However, this provision has been causing considerable resentment in EU Member States. On the basis of national protests, the relevant commission in Brussels is reviewing the law to be contrary to European law. While the European Commission decides whether the law is or is not in line with European law, applies to companies that provide **freight or passenger traffic through Germany**, a

### temporary exemption from the Minimum Wage Act.

However we would like to note that this exemption **does not apply to road transport, which load or unload goods in Germany**. Similarly, the exemption **does not apply to employees who have worked in Germany**.

### Obligation to report the data to the competent customs administrations

Under § 20 MiLoG (Law on the minimum wage) Slovak employers whose employees perform work in Germany have to **notify the fact to competent customs offices**. The notification must be in German and must be **filed prior to the commencement of work**.

The notification should include basic information about the employee (name and date of birth), but also information on the commence and cessation of activity, location and nature of the work activity, customer information, and other. The company must also commit in writing form to respect the obligations of the Minimum Wage Act. According to § 17 II MiLoG staff has to have the document at all times and in case of call of the competent authority has to be able to prove it.

Companies are obliged to **store the evidence** about the minimum wage

payments of EUR 8.50 **for at least two years.**

### Our services

We would like to offer you our assistance in this connection. In cooperation with our German lawyer we can assist you by the preparation and submission of the required announcements and represent you in the communication with the relevant authorities.

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