

Legal consequences of non-compliance

Failure to comply with the notification obligation can result in a fine of up to € 30,000.

Employers who have been punished with a fine of at least € 2,500 for an infringement of the Minimum Wage Act or the Posted Workers Act may be excluded from competing for public supply, works or service contracts.



Central Customs Authority



Service

You can find information about posting foreign workers to Germany here:

www.zoll.de > **Businesses** > **Work**

The central information unit at German customs is available to answer any questions about the obligations to cooperate, give notification, and keep records as well as other obligations under the Minimum Wage Act, the Posted Workers Act and the Provision of Temporary Workers Act where the German customs administration is responsible for monitoring compliance.

The helpline is available Monday to Friday, from 8am to 5pm.

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Minimum Wage Registration Website

Information about the launch of the electronic minimum wage registration website on 1 January 2017



What is new?

As of 1 January 2017, employers domiciled outside Germany are required to register workers posted to Germany online using the minimum wage registration website. The same applies to businesses that use workers leased from an agency domiciled outside Germany.

What are the advantages of online registration?

- No postal or fax costs
- Quicker and easier registration
- Copy, save and print functions

The new online registration system means less work for businesses that are required to register workers.

Notifications may still be submitted by fax to the usual fax number during a transitional period until 30 June 2017. After this date, registration by fax will no longer be possible.



How does the minimum wage registration website work?

The minimum wage registration website can be accessed via the German Customs website

www.zoll.de

under the “**Services and databases**” section or directly at

www.meldeportal-mindestlohn.de

In order to submit a registration, it is necessary to first create a user account with a personal password. This protects your data from unauthorised access. On the registration website, employers and users of labour can access the online forms (which are the same as the previously available printed forms) in English, German and French:

- Notification - Employer
- Operational schedule - Employer (stationary activity)
- Operational schedule - Employer (mobile activity)
- Notification - User of labour
- Operational schedule - User of labour (stationary activity)
- Operational schedule - User of labour (mobile activity)

The forms can be filled out quickly thanks to easy-to-use menus. You can save your work at any time and resume filling out the forms later. After the forms are submitted, the notification is automatically saved in your user account.

In the case of temporary workers supplied by an agency, forms for the supplier’s assurance declaration are available. Suppliers can download the form without having to set up their own user account.

You can find more information about the minimum wage registration website under the section “Questions and answers” on the website itself.

Am I obliged to submit a notification?

Pursuant to section 16 subsection (1) of the Minimum Wage Act (Mindestlohngesetz) and section 18 subsection (1) of the Posted Workers Act (Arbeitnehmer-Entsendegesetz), employers domiciled outside Germany are obliged to register workers posted to Germany with the Central Customs Authority (Generalzolldirektion) if these workers are employed either

- in one of the sectors listed in section 2a of the Act to Combat Illegal Work (Schwarzarbeitsbekämpfungsgesetz) or
- in one of the sectors covered by section 4 of the Posted Workers Act.

Pursuant to section 16 subsection (3) of the Minimum Wage Act, section 18 subsection (3) of the Posted Workers Act and section 17b subsection (1) of the Provision of Temporary Workers Act (Arbeitnehmerüberlassungsgesetz), the same applies to companies that use workers leased from an agency domiciled outside Germany, when these temporary workers work in Germany.

Pursuant to section 16 subsection (4) of the Minimum Wage Act, section 18 subsection (4) of the Posted Workers Act and section 17b subsection (2) of the Provision of Temporary Workers Act, users of labour are obliged to submit a supplier’s assurance declaration together with the notification of the temporary workers.

