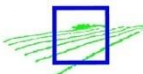


Seasonal work regulated by law: the case of Germany

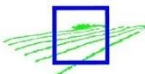


What is seasonal work?

- Yes there is a legal definition:
„At least 30 hours weekly and approx. 6 hours daily up to 6 month a calendar year”
- But no it's not relevant anymore,
because
 - European citizens don't need any longer a working permissionand
 - third country nationals are not allowed to work in Germany at all

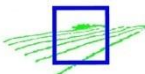
Importance of seasonal work in german agriculture

- About 300.000 seasonal workers with 400 hours/year
= 120 mill. hours
corresponding 10 to 20 % of all working hours
- Mostly foreign workers, mostly from Romania and Bulgaria
- Especially important for specialty crops (asparagus, strawberries, cucumber, cabbage etc.) and wine growing



Difficulties

- Decision which social law has to be applied (domestic or foreign)
- If foreign law is applicable, social security contributions have to be paid to the foreign social insurance
- If German law is applicable, it must be clarified whether the employment is exempt from social insurance (short term employments) or not
- Periodic not announced controls and if the employer decided wrong, he is liable for both parts of the social security contributions (employer's and employee's part) for the 4 last years and additional he can get fined
- Legal minimum wages: documentation of working time



	Foreign social law	German social law	<u>If German social law is applicable:</u>	
			Insurance exemption (short term)	Insurance compulsory
Employees during paid holidays	X			
Employees during <u>un</u> paid holidays		X*		X
Unemployed with unemployment benefit	X			
Unemployed <u>without</u> unemployment benefit		X		X
Housewives, pensioners, pupils, students		X	X	X**
Self-employed work in the home country is <u>not</u> similar to the seasonal activity		X	X	X**
Self-employed work in the home country is similar to the seasonal activity	X	X***		X

* Except Bulgarian employees (Bulgarian social law applicable) ** If employed for more than 3 month

*** If employed for more than 24 month or an unlimited period