

Information Sheet - Contract of Employment

For more information go to: www.faire-integration.de/en/topic/49.fags-contract-of-employment.html

You and the employer are able to enter into a contract of employment in **writing** (both of you sign the contract of employment), **verbally** (both of you agree to the commencement of work in a personal conversation or on the telephone) or **electronically** (both of you agree to the commencement of work via text, WhatsApp or email). You do not have to sign the employment contract immediately. You can take your time to read through the contract and ask questions if there is something you have not understood. You can also ask for time to think about it and then take the draft contract with you and seek information from an advice centre.

If the employer does not forward you a written contract of employment:

- then the general statutory regulations apply. Provisions from a collective agreement may also apply if these are binding on all employment relationships in your industry or in your company.
- if you have already been in your employment relationship for more than one month, you are entitled to a written record of the contract from your employer. They must ensure that the key contractual conditions are forwarded to you in written form.
- **IMPORTANT:** If it comes to a dispute, then verbal agreements cannot generally be proven. For this reason it is always better if you have a written contract of employment. The Fair Integration advice centre is happy to provide you with information about your rights and options.

Your employment relationship can end by means of termination by you or by means of termination or dismissal by your employer. Specific notice periods must be observed in the case of termination. Termination must also always be in writing. If you want to keep your job, you have to **react quickly** because **there is only a three-week period in which legal action for protection against dismissal** can be taken.

Your employment relationship may also be terminated by means of a **termination agreement** (a joint written agreement between you and your employer). If you have a fixed-term contract of employment then your employment relationship ends as of the **final date of the fixed term**.

IMPORTANT! You must have **registered** with the employment agency as **seeking employment** no later than three months before the end of the contract. This can be done in person, by telephone or online. If you register later, you run the risk of reductions to unemployment benefit.

You should pay particular attention to these points in the employment contract: If your contract of employment contains a limitation period and the employer fails to pay wages or pays insufficient wages, you are only able to subsequently **claim wages within the limitation period**. Limitation periods may also exist on the basis of a collective agreement. Limitation periods within a contract of employment however do not apply to the statutory minimum wage. Further, so-called **contractual penalties** may be agreed in your contract of employment. This may mean, for example, that you have to pay a fine if you do not comply with a notice period. However, not all contractual penalties which are in the contract of employment are necessarily valid.

If you have further questions, you can contact one of the Fair Integration advice centres:

www.faire-integration.de/en/topic/46.advice-centres.html