

Violeta Bulc
European Commissioner for Transport
Rue de la Loi / Wetstraat 200
1049 Brussels

Gdansk, 23 September 2016

Dear Commissioner, dear Ms Bulc,

On behalf of the Polish trade union confederations NSZZ Solidarność, OPZZ and FZZ as well as the German trade union confederation DGB, we would like to express our support for the German minimum wage law. Since January 2015, all workers and employees in Germany receive an hourly minimum of €8.50 gross (€8,84 from January 2017 onwards, subject to the federal government's confirmation). The German minimum law has to apply also to Polish companies in the transport sector operating in Germany – no matter whether they operate cross-border, in transit or of cabotage.

In the cross-border transport industry in Germany there is strong crowding-out competition. Working condition of many Polish as well as German employees are horrendous, forcing workers to sleep in their vehicles for weeks before being able to return to their homes.

Right from the start, the Polish trade unions supported their German colleagues in the fight for a minimum wage in Germany to prevent social dumping. This can only be assured if the same wage and employment standards apply to all companies and employees in the German transport sector, no matter whether they are Polish or German. This prevents distortion of competition and guarantees minimum employment standards for all workers.

We therefore welcome the minimum wage law in Germany ("Mindestlohngesetz") that stipulates that everybody employed in Germany will be entitled to receive the €8.50 minimum wage as a matter of principle. All employees working in Germany have a legal right for the minimum wage – no matter where they are from. As soon as a truck driver works in Germany, the employer is required to pay at least €8,50 per hour according to § 1,20 Mindestlohngesetz, regardless of the employer's nationality.

The application of the German minimum wage law for all types of international transport operations is fully in line with Directive 96/71/EC on the posting of workers as well as with private international law. Directive 96/71/EC explicitly allows EU member states to adopt enforceable provisions and administrative requirements that also apply to foreign employers in case they post employees in Germany.

The administrative requirements in the German minimum wage law § 16 includes also the obligation for documentation also applies to foreign employers in the transport sector. These conditions and an effective control mechanism are essential to prevent distortion of competition and social dumping.

For many years the Polish and German trade unions fight for the principle that workers and employees in the same workplace be given equal pay for equal work.


Commissioner Bulc, we call on the Commission to allow for a consistent application of the minimum wage law in Germany also in the transport sector and for posted workers in Germany.

Yours sincerely,

On behalf of NSZZ "Solidarność":

Piotr Duda

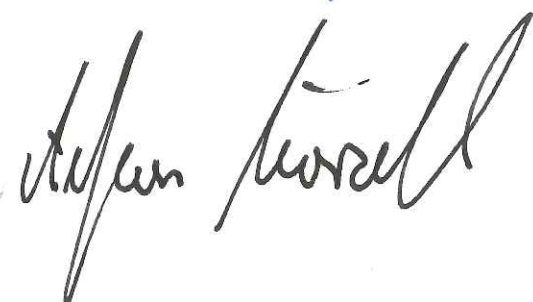
On behalf of OPZZ:

Jurek

On behalf of FZZ:



On behalf of DGB:

Stefan Kessel