

Your Training Rights

Tips for Occupational Training and Entering the World of Work



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Occupational training means a lot of new tasks. It goes without saying that you not only have obligations, you also have rights. With this brochure, we would like to guide you through your training and make you aware of your rights.

Please note: this brochure covers the rights and obligations of trainees that are subject to the Occupational Training Act. Nursing students, for example, are covered by the Nursing Training Act.

We hope you enjoy reading it,
Your DGB Youth



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Occupational Training: Tips and Tricks for Your Training



Starting occupational training is the beginning of a new and exciting step in your life, so it can sometimes be difficult to keep an overview of what's important. To make sure you have a good idea of key aspects of your training, we've made a list of the most important things to keep in mind.

Your employer, or trainer, must provide you with a written **training contract** before the start of your training. The employer is always the contractual partner with whom you sign the training contract - the company if you're doing dual training, the training provider if you're doing non-commercial training, or the school if doing full-time training. Some full-time training programmes do not require a training contract, e.g. those offered by vocational schools and sixth form colleges. This would make you a student and not a trainee.

You, or your legal representative, and the employer must sign the training contract. You must also keep a copy signed by your employer. This contract is important, and should be kept in a safe place.

In accordance with §11 of the BBiG, your training contract must include the following:

- ▶ The nature and aim of the occupational training, as well as factual and temporal breakdown (in the form of an attached training plan or training framework plan)
- ▶ The start and duration of the occupational training
- ▶ Training measures that will take place outside the training premises
- ▶ Duration of the probation period
- ▶ Holiday entitlement
- ▶ Regular daily work times
- ▶ Payment and remuneration
- ▶ The requirements under which the occupational training contract can be terminated
- ▶ Notes about the tariff contracts and/or operational agreements that must be applied to the occupational training contract

There are legal minimums for what information must be included under these points. We will explain these in more depth – or you can simply check the glossary in Chapter 7 (from page 70).

Training content

The aim of your training is to teach you all the skills and information you'll need in your career. In order to achieve this goal, there is a set training framework - so that trainees don't all learn different things for the same career. This framework is provided by the training regulations.

Training regulations are provided for each career. They are established by federal ministries as well as employers and unions. In accordance with the training regulations, you will first be given a broad occupational training, followed by a more in-depth training to allow you to carry out your specific career. The aim of occupational training is to establish the professional ability to carry out a career, meaning the skills and knowledge that are necessary for the qualified implementation of your chosen career.

That's why you need to make sure that you understand all content taught to you during your training that is necessary for the successful completion of your exams. The content of your chosen career and exam requirements are laid out in the training framework plan. There is a **training framework plan** for every career. It lists which activities must be learned within which phase of the training. You have the right to be taught this information.

Below is a list of what trainee banking professionals should learn in their first year of training, according to the training framework plan:

The skills and knowledge within the following career focal points should be taught in a period of between two and four months.

- ▶ Account management
- ▶ Market and customer orientation
- ▶ Accounting in combination with invoicing, legal status and organisation
- ▶ HR and career development
- ▶ Health and safety at work
- ▶ Environmental protection

In order to build on this training framework plan, each training provider should create an **operational training plan**. In accordance with § 11, section 1, number 1 of the BBiG, and as outlined above, the contract must include at least the type of occupational training and a factual and temporal breakdown. The training

plan also includes a breakdown of time and content, establishing **what activities** are taught **where** and for **how long**. The business or training provider is responsible for your learning of all activities to a suitable level - they must ensure that the training plan is observed.

The operational training plan or at least the training framework plan should be provided to you at the start of your training, along with the training contract or as an attachment to your contract. If this does not happen, you should make sure you get a copy as soon as possible. This is the only way you can check that you are really learning what's in the training framework plan.

You can get the training framework plan for your career from the Federal Institute for Occupational Training at www.bibb.de/berufe. Many unions also offer brochures including the training framework plan and necessary notes and comments. Just ask! You'll also find checklists that you can use to check and evaluate the quality of your training on union websites (see page 55).

It often happens that trainees are given tasks that do not correspond with the content of their occupational training course. These “tasks” are called **non-training tasks**.



An example: an advertising trainee is sent to the supermarket to buy some things. He also has to clean windows, mow the lawn and clean his employer's car. It is clear that these tasks are not part of a career in advertising.

However, some tasks are difficult to recognise as non-training tasks e.g. filing and photocopying as part of business training: these activities are definitely part of the training. However, if these tasks dominate the training, they are no longer serving an educational purpose and can then be described as non-training tasks.

If you often have to complete non-training tasks, or you are constantly given the same task and you are worried that the other content of your training framework plan will suffer, you should speak up. You can assess the situation by comparing

your report book with the operational training plan or the training framework plan. You can work out which exam-relevant content was left out as you spent whole days busy with cleaning or shopping. You became a trainee in order to learn something - not to be used as cheap labour. The **report book** should only ever include tasks that were completed, not tasks that would have ideally been completed. If the training provider refuses to sign a truthfully filled out report book, it is recommended to keep two books: one that includes things that the training provider is willing to sign, and one that includes tasks that you actually performed.

Dual system? Vocational school? Training provider?

There are many **kinds of occupational training**. In a dual system, you learn both at a school and within a business. In non-commercial training, you are taught by a training provider and at a vocational school, and then possibly during internships within businesses. Full-time training means that you mostly learn at a vocational school and take part in additional internships within businesses. Internships for non-commercial and full-time training students are subject to the same rights explained in this brochure. Regardless of which model is used to train a trainee - they all have to attend a vocational school.

The **vocational school** is responsible for expanding on and developing knowledge gained from an employer or training provider. However, the reality here can sometimes fall short. In order for a vocational school to teach the necessary information to complement practical training, they might need, for instance, to invest more in the qualifications of vocational students and teachers. Teaching materials can also often leave something to be desired.

You can check the quality of a vocational school by asking yourself the following questions:

- ▶ Are textbooks up-to-date and do they contain good information?
- ▶ Does the content of lessons and practical training complement each other?
- ▶ Are there sufficient teaching materials for lessons?
- ▶ Is all content of the framework plan covered?
- ▶ Are many lessons cancelled?



If a vocational school seems to have some quality problems, you should get together with other trainees and school representatives to change something. [See page 33](#) for ways to have a say in your school.

Quality of training?

Training quality includes everything that would make your training experience a time of qualified, high-quality learning.

- 1** In order to offer qualified training, your employer (trainer) must employ sufficient **trainers** within the business that have enough time for training and regular development. There must also be qualified training agents in individual departments that are there for you. Trainees that are alone in a department with insufficient staff are not being trained!
- 2** Your employer must provide sufficient **training materials** (e.g. computer). As a youth union, we are also able to provide vocational school materials and documents for free, which is currently not covered by law ([see page 14](#)).
- 3** Regular checks of training materials ensure that defects are discovered and establish what's important. It is essential that each and every trainee receives a factual and temporal breakdown for operational training (training plan). This plan is necessary to understand the training schedule and check that training content is being taught ([see page 7](#)).

4 Examination preparation between interim and final exams allow trainees to prepare with the support of trainers. As a youth union, we promote allowing trainees an appropriate amount of free time in the run-up to these exams.

5 Having a say in occupational training promotes high-quality training and ensures that democracy doesn't end at the factory gates. Only when **youth and trainee representatives and other interest representatives** are able to participate and speak up can trainees be heard and affect parts of their own training (see page 35).

“Time to get started!”

Training begins with a **probation period**. This probation period gives you and your training provider the chance to get to know each other, and work out whether you are really suited to the career.

This probation period should be at least one month long, and should not be any longer than four months. Other agreements are not allowed in the training contract. Lesson blocks at the vocational school or illness are not grounds for a longer probation period. The probation period can only be extended in the case of illness if this is expressly agreed in the training contract.

However, courts frown upon this extension if it means that the statutory maximum of four months is exceeded. In accordance with current law issued by the Hessian state court, any such agreement could be invalid (Hessian LAG Court, judgement from 02.06.2015, AZ: 4 Sa 1465/14). In full-time training, the first half-year is often considered the probation period.

During the probation period, training can be terminated without notice at any time by either party, without needing to provide a reason. Termination must be made in writing.

Why do I need a medical check-up before and during my training?

As a young trainee, i.e. under the age of 18, you must be examined by a doctor before beginning your training and again after one year. The doctor will establish your health and development and check if your health could be affected by certain work. You must attend an **initial examination** at the start of your training, and further examinations during the course of your training.

What about training materials?

Do you have to pay for your own work materials and tools? If so, you should refuse - this is not allowed. The employer must provide you with all **training materials** free of charge. "Training materials" include everything you need for your training at a training provider or business premises (not at the vocational school) - short hand books, textbooks, hair scissors, tools, materials etc.

Even if training materials are provided, it is also important to ensure that equipment such as computers or drawing tables are actually available for use by trainees within the allocated times. They must be available for training purposes, and not mostly used by staff.

§14 of the **Occupational Training Act** states:

"Trainers must provide trainees free of charge with all training materials, especially work tools and materials, that are necessary for occupational training and sitting interim and final exams, even if these take place after the end of the training." Books and teaching materials required for the vocational school are not provided by the trainer.

What about daily work times?

Work times for young people (trainees under 18) are limited to eight hours per day, and 40 hours per week. If work time is less than eight hours on one work day, it can be extended to 8 ½ hours on other days during the same work week. If a work day is not worked due to a public holiday, missed work time may be shared among the working days of five consecutive weeks, including the week in which the public holiday fell. Work time is not allowed to exceed 8 ½ hours per day and an average of 40 hours per week over the five weeks. **Working days** are Monday to Saturday.

Young people may not work between 8pm and 6am in accordance with §14 of the **Youth Workers Protection Act (JArbSchG)** - unfortunately, there are a lot of exceptions to this rule, e.g. gastronomy, hotels, businesses with permanent shift work (e.g. hospitals), and bakeries. If you have any questions about your training, you should contact your union.

There are also limitations on work times for trainees over the age of 18. Once you reach the age of 18, you are covered by the **Working Times Act (ArbZG)**. According to this, daily work times are limited to eight hours. However, they may be extended to ten hours as long as you work an average of eight hours per working day across 24 weeks or 6 calendar months.

The Working Times Act therefore makes it possible to work up to 60 hours per week (in a 6-day working week) and/or an average of 48 hours per week.

This is just the legal framework for working times. **Tariff contracts** mostly call for a weekly work time of between 35 and 39 hours. There could be different work time models within businesses due to operational agreements. Generally, your training contract will lay out your weekly work time as a slightly lower number of hours. Do not let your employer make you do overtime or additional work - you have the right to your free time. You are a trainee to learn a career, not to simply graft.

§17 of the Occupational Training Act states: "Any activity beyond the agreed daily training time must be compensated either in monetary remuneration or in free time". Any exceeding of your contractually agreed training times is not allowed unless you are compensated.

What happens if your employer suddenly sends you home as there is "no work", or allocates less than your agreed weekly training time (e.g. to "save" hours for later)? Is there such a thing as **undertime**?

Being sent home because there isn't enough work does not mean that you have to recover the time or that your wages will be docked. The trainer alone carries the risk of not being able to occupy you - they cannot pass this onto you by making you make up the time or docking your pay (§19, paragraph 1, section 2, letter a) of the BBiG and §615 of the BGB).

Because "work time" during training serves the purpose of teaching you everything you need to know for your career, it should not be possible that a rota does not include your monthly work time. You could argue, for example, that daily work time must be laid out in the training contract (§11, paragraph 1, section 4 of the BBiG), and that this makes the trainer responsible for teaching you everything you need for your occupational training at all times - and that they did not fulfil this obligation if they did not train you within the agreed time.


You could also argue that reduced remuneration due to insufficient work time caused by the employer is no longer reasonable pay (not high enough) in the sense of §17, paragraph 1 of the BBiG. In such a case, it is mostly presumed that planned training is cancelled and therefore you keep your claim to full compensation and do not have to make up these hours.

If one of these cases does apply, you should declare either in writing or in the presence of a reliable witness your willingness

to complete your training on the days in question to the extent outlined in your contract (the full daily work time). You should then exercise your claim to full remuneration and/or full work time in writing to your trainer. If you need any help with this, or if your trainer still wants to dock your pay or make you make up the hours, please contact your works/staff council and union.

Young people generally may not be employed on Saturdays and Sundays. There are, however, many exceptions in the Youth Workers Protection Act (§16 and §17 of the JArbSchG). You can only ever work 5 days in the week; if you work Saturday or Sunday, you must have another day off in the week.


The law also grants you **breaks** during work time.



The following break regulations apply to young trainees under 18 years of age:

- ▶ a 30-minute break in a work day of 4.5 to 6 hours
- ▶ a 60-minute break in a work day of more than 6 hours

The Youth Workers Protection Act (§11 of the JArbSchG) contains more information.



The following applies to adult trainees (over the age of 18):

- ▶ a break of at least 30 minutes in a work day of more than 6 hours
 - ▶ a break of 45 minutes in a work day of more than 9 hours
- This is laid out in the Working Times Act (§4 of the ArbZG).

These break times can be split up for adults and young people in training, but instalments should be at least 15 minutes long. Smaller breaks are not counted as official breaks. Tariff contracts and operational agreements often include better regulations - simply ask your union or works/staff council.

How does Vocational School time affect working time?

In general, the following applies: as a trainee, you must be excused from work for vocational school lessons and trips.

The following additional regulations from the Youth Workers Protection Act apply to trainees under 18:

- ▶ Young people are not allowed to work before a lesson beginning before 9am.
- ▶ Young trainees are not allowed to work on a school day consisting of more than five 45-minute lessons. This only applies to one day a week: on the second applicable school day, you may also work.
- ▶ In weeks with lesson blocks of at least 25 hours across 5 days, trainees under 18 are not allowed to work.

The following regulations apply to trainees over 18 years of age:

- ▶ Trainees are not allowed to work before a lesson beginning before 9am.
- ▶ Otherwise, lesson times - with breaks, free periods and travel time between school and work - shall only be calculated against work time if they are within your training time.

For adult trainees: after school, you also have to work the remaining time left in your daily training time. For example, if you had school from 8am to 2pm and would normally work from 10am to 6pm on this day, and your journey from school to work takes 30 minutes, the time between 10am and 2:30pm would be taken away from your work time for that day. As the total time on this day corresponds with the legal maximum working time, i.e. 10 hours without a break, you will be required to work until 6pm.

You only have to turn up for work before school if your first lesson begins at 9am or later. If your lesson begins at 9:15am and you are in the work rota for 7am, you must go to work before your lesson - you are allowed to leave work so that you get to your lesson on time.

These are the legal regulations. However, it could be that a tariff contract or operational agreement outlines other rules, for example that you do not have to come into work after school, or that school times are always counted as work time. Get in touch with your works council or staff council, youth and trainee representative (JAV) or union.

How much holiday am i entitled to?

The number of holiday days allocated must be laid out in writing in your training contract. The **legal minimum** depends on your age.

§19 of the Youth Workers Protection Act sets out leave entitlement for young people under 18. This depends on your age at the start of the calendar year:

- ▶ Under 16 (at the start of the calendar year): entitled to 30 working days of leave - 5 weeks.
- ▶ Under 17 (at the start of the calendar year): entitled to 27 working days of leave.
- ▶ Under 18 (at the start of the calendar year): entitled to 25 working days of leave.

(Remember: working days are Monday to Saturday. If you only have a 5-day working week, your leave will be reduced accordingly i.e. 25, 22.5 and 20.8 days.)

Young people from the age of 18 are covered by the **Federal Leave Act (BUrlG)**. This states that you are entitled to at least 24 working days of paid leave each year, whereby working days are all days apart from Sundays and public holidays. 24 working

days are therefore four weeks. If your holiday entitlement is given in work days or training days, it is important to establish how many days per week are considered work/training days in your training contract. Working days are the days on which you would actually have to work. For instance, if you work 5 days a week, the number of days in accordance with §3 of the BUrlG would decrease to 20 days, as this corresponds with 4 weeks of holiday per year.

What about money?

Your training contract must outline **training remuneration**. We cannot directly answer questions you might have about the amount you'll be paid, as different industries have different standards when it comes to pay during training. Tariff contracts may also establish how much you will get paid. In general, pay depends on the industry, career, year and type of training. You can find an overview of different careers and their pay scales on our website www.jugend.dgb.de as well as in the "montag" magazine. If your pay is considerably lower than the local average for your field, you should contact your union for advice. §17, paragraph 1 of the BBiG states that you have the right to reasonable remuneration. The Minimum Wage Act unfortunately does not apply to trainees (§23, paragraph 3 of the MiLoG). According to the application of justice, compensation is deemed reasonable as long as it helps support the trainee and their parents to cover

the cost of living, acting as a minimum income. We can presume from the application of justice that compensation is not reasonable if it is more than 20% lower than the tariff remuneration for that industry and region. If there are no applicable tariff regulations, you can refer to recommendations from the relevant trade guild or chamber of industry. This must be based on current tariff contracts and recommendations, and these may differ from what was valid at the beginning of your training. The state allows training places supported by public funds to significantly undercut this 80% threshold, i.e. if your training is supported by public funds and/or donations, your income during training could be significantly lower than that of other similar trainees.

Training compensation must increase as your skills improve - at least once a year. It is calculated on a monthly basis (§ 18 of the BBiG).

If your training income is not paid regularly, this can have dramatic consequences; you rely on this money.

The Occupational Training Act states that your compensation for the ongoing calendar month should be paid by the last working day of the month at the latest. If this is not the case, you should contact your union as soon as possible.

Why do i have to keep proof of training?

In most **training regulations**, keeping written proof of training, i.e. **report books**, is a required part of your training programme. In your report book, you have to enter all tasks that you completed during your training within a business or at a training institute or vocational school. Keeping this report book is part of your training, so you can fill it out during your work time.

Report books are required for you to be able to sit your final exam. You should always make sure they are completely filled out, and checked and signed by your trainer/teacher.

The report book should only include tasks that you actually completed. If you haven't learned some training content, you can record this in your report book. If your trainer refuses to sign a truthfully filled out report book, or forces you to change it, you should make a copy of the original beforehand so that you have proof of what you actually learned. You can then contact your union, your works or staff council, and your youth and training representative.

Don't be scared of exams!

If your training is carried out how it should be, nothing should stand in the way of successfully completing your interim and final exams.

The **final exam** assesses whether you have the necessary skills and knowledge that are required by your chosen career. In order to sit the final exam, you must have successfully passed the **interim exam**.

It is also possible that your final exam is split up into two different parts, with the first part of the final exam being more like an interim exam. In this case, you should contact your union for advice. You must submit your complete, signed report book in order to sit the final exam. If these requirements are not met, you will not be permitted to sit the exam.

As a trainee under the age of 18, you are allowed the working day before your written exam free (§10 of the JArbSchG).

If you know from school that you are liable to suffer from exam-related stress, a seminar held by your youth union could help. You can find up-to-date seminars and dates on their websites ([see page 55](#)).

Don't be scared of being fired: Trainees can't be fired without good reason!

Termination requirements are set out by law. There is a difference between an extraordinary, generally immediate dismissal and proper dismissal, where a notice period applies. Either party can terminate the contract with no reason and no notice during the probation period. After the probation period, termination without notice is only possible in serious cases.



Possible reasons for this kind of immediate dismissal could include:

- ▶ Frequently and repeatedly coming in late, despite having been warned
- ▶ Theft and other crimes during training time
- ▶ Racist or national-socialist statements or actions
- ▶ "Pulling a sickie"

If your employer has been aware of such serious circumstances for more than two weeks, they can no longer use them as grounds for immediate dismissal without notice. You can also terminate your contract without notice on serious grounds, such as if you are hit, bullied or sexually harassed at your workplace. Otherwise, you can terminate your training contract with a notice

period of four weeks. Any kind of termination must be made in writing: if terminating after the probation period, a reason must be provided.

If you would like to continue your training in another company within the same industry, you can also end your existing training contract with a **cancellation agreement**. A cancellation agreement is not a termination! This agreement means that the trainee and employer agree to annul the training contract mutually. To put it simply: both contractual partners, the trainee and the employer, want to discontinue the training. A cancellation agreement can only happen when both parties agree. The date on which the contract is annulled can be decided by the two parties. There are no notice periods that have to be observed.

But watch out! If your employer asks you to sign a cancellation agreement, you are not obliged to do so. If your employer is making you a serious offer, you should be given time to decide and be able to take your contract home with you. Get some advice about whether you should sign the cancellation agreement or not! Otherwise: don't sign the agreement if you do not want to stop the training. Once you sign a cancellation agreement, there's not much you can do. It could also result in considerable disadvantages if you need to claim unemployment benefits e.g. a 12-week sanction.

What can i do about unfair dismissal?

It is possible to sue an employer for unfair dismissal. However, it is worth seeking representation. One of the many services offered by unions is **legal protection** for matters of labour or social welfare law. If you are a member of a union (see page 53), you will be provided with a DGB lawyer in the case of a dispute.

If you want to contest a termination, you have to act fast. If your industry branch has a court or board of arbitration (generally at the IHK), you should contact them within three weeks of receiving your termination. After the arbitration board or court has listened to you and your employer, they will try to reach an agreement. If this does not work, they will issue a verdict. If one of the parties does not recognise this suggestion, you can initiate legal proceedings within two weeks.

If there is no arbitration board for your industry branch, you must declare your unfair dismissal case to the courts within three weeks after you have received the termination.

What if a trainee gets pregnant during their training?

Pregnant trainees and employees are granted special protection by the **Maternity Protection Act**. Your contract cannot be terminated during pregnancy and for up to four months after birth - this also applies during probation periods!

The employer is also obliged to take suitable health and safety measures for expectant and breastfeeding mothers. Piece-work and assembly line work, as well as heavy lifting, are not permitted during pregnancy. If a worker has to constantly stand or walk, they should be provided with a place to sit and rest.

In the last six weeks before birth and for eight weeks afterwards, (expectant) mothers are not allowed to work. You are still entitled to your full training salary.

To find out more, including about maternity/paternity leave, check out the DBG-Jugend's brochure "**Trainee, pregnant - now what?**". You can order or download a copy from www.jugend.dgb.de.

What if my company experiences financial difficulties?

Training is subject to a special, protected contract that concerns learning a trade rather than carrying out work tasks. Due to this special situation, trainees can only be relegated to **short-time work** in extreme circumstances. If training is no longer possible, but you are able and willing to continue to work, your training salary must be paid for a further six weeks (§19 of the Occupational Training Act).

Even if a company is restructured and/or experiencing financial difficulties, this does not constitute grounds that would allow the trainer to terminate the training contract due to operational reasons. Only if operations are completely halted or so limited that training in your chosen career is no longer possible anywhere in the company can the training contract be terminated for operational reasons.

Even if **insolvency** proceedings are initiated or the business is declared unable to meet their financial obligations, there are still no grounds for immediate dismissal without notice. The same applies here: only if operations are completely halted or so limited that training in your chosen career is no longer possible anywhere

in the company can the training contract be terminated for operational reasons. In this case, halting or limitation of operations and insolvency via an insolvency administrator must be stated as the reason for termination e.g. by a comment in your reference: "Terminated due to **shutdown**". The training contract, however, does not end immediately in the case of insolvency; a notice period of three months to the end of the month is required.

Your employment agency, union, IHK or chamber of trade can help you find a new training placement to continue your training. If you are nearing the end of your training, you can ask if you can bring forward your final exam.

In the case of insolvency, shutdown or short-time work: keep on going to work and vocational school. Do **not** sign any **agreement** that says you will waive your training salary to secure your training place. If you do so, you would have no claims against the insolvency administrator or to **insolvency payments**, which can be applied for from the Ministry for Work to cover your wages for three months.

Does that explain everything?

If not, simply get in touch with your local union with any questions you might have (see [contacts from page 114](#)). You can also find plenty of helpful tips on the www.jugend-dgb.de website. You can get advice in our online forum, www.doktor-azubi.de.

Have a Say in Your Workplace and Vocational School: What Can You Do?

Student Representation (SV)

There are class and school spokespeople at most vocational schools. The student council, as it is sometimes called, should actively represent students' interests in dealings with teachers and school management, and potentially also the school council. The student council could, for instance, deal with the topic of cancelled lessons or provide suggestions for better lesson planning.



Although participation rights are often strongly limited at schools, the student council has many tasks:

- ▶ Collect ideas and suggestions from students about the school design (e.g. school yard) or everyday issues, and actively represent these
- ▶ Support and organise events, projects, work groups etc
- ▶ Support students with school conflicts (problems with teachers, disciplinary measures, expulsion etc)
- ▶ In some states, the school council also decides about the purchase of textbooks and the school's focal points (e.g. school programme).



2 HAVE A SAY IN YOUR WORKPLACE AND VOCATIONAL SCHOOL: WHAT CAN YOU DO?

To make sure your class spokesperson can represent your interests, you should know what topics are discussed at school council meetings. That's why you should regularly take the time to discuss the problems within your vocational school, and come up with arguments together to solve them.

As the quality of your training depends on the quality of your vocational school, DGB-Jugend has come up with a set of guidelines for pupil representation. You can find plenty of practical tips on our website www.jugend.dgb.de about student representation and public campaigns. The youth union also offers seminars for members of student councils - just get in touch to find out more.

Works council of staff council

The **works or staff council** represents the interests of employees in private businesses and public offices, and members are chosen every four years. The council's purpose is to ensure that laws, regulations, tariff contracts and other provisions are observed to the benefit of employees and trainees, and that the workforce's interests are represented to the employer.

Works and staff councils can contribute to decisions concerning overtime or short-time work, and how social facilities like canteens are provided. They can also contribute to decisions about whether and where work clothing is required, and can also get involved in conditions for trainees. They also have the right to a say in operational training measures i.e. about the way that training is carried out within the business, and the assigning of the person in charge of occupational training (e.g. trainer). Furthermore, works and staff councils have the right to influence other staff and financial matters. They can have a considerable effect; it is definitely worth informing them of any problems with your training.

Youth and trainee representation (JAV)

One of the youth and trainee representation's main tasks is to check that training content is being properly observed. You can always turn to your JAV if you have issues regarding non-training tasks. In order to have a say and influence within a company, the youth and trainee representation must join the works council. This especially applies in matters of occupational training, securing training places and employment after training.

2 HAVE A SAY IN YOUR WORKPLACE AND VOCATIONAL SCHOOL: WHAT CAN YOU DO?

Just like works councils and staff councils, the JAV is set up in accordance with regulations laid out in the Works Constitution Act and the Staff Representation Act:

“In businesses with at least five employees that have not reached the age of 18 (young staff) or that have not reached the age of 25 but have not yet finished their occupational training, youth and trainee representation may be appointed.”
(§ 60, paragraph 1 of the Works Constitution Act)

In general, the JAV can only be chosen by trainees that have a work contract with the trainer. The regulations for public services can differ from those for private business. In any case, members of the JAV have the claim to being taken on with a permanent employment contract, and they benefit from special **protection against dismissal** (§78a of the BetrVG and §15 of the KSchG).

A JAV can only be founded or exist if the business also has a works council. Most JAV rights depend upon the existence and rights of a works council. If you are working in a company without a works council or JAV, you should first discuss founding a works council with your colleagues.

As the operational council, staff council and JAV are very important to good training quality and good working conditions, unions support these colleagues by providing expert advice and qualification seminars.

Interests representation (IV) for trainees at training institutions

If you are completing your training at a training institution rather than within a business, you are not able to set up a JAV - but you can set up “**non-commercial interest representation**” (IV).

The exact regulations for this interest representation body's work are not precisely defined and are often dependent on the good will of the training institution. This does not mean that you have to keep silent. If you would like to start up an IV in

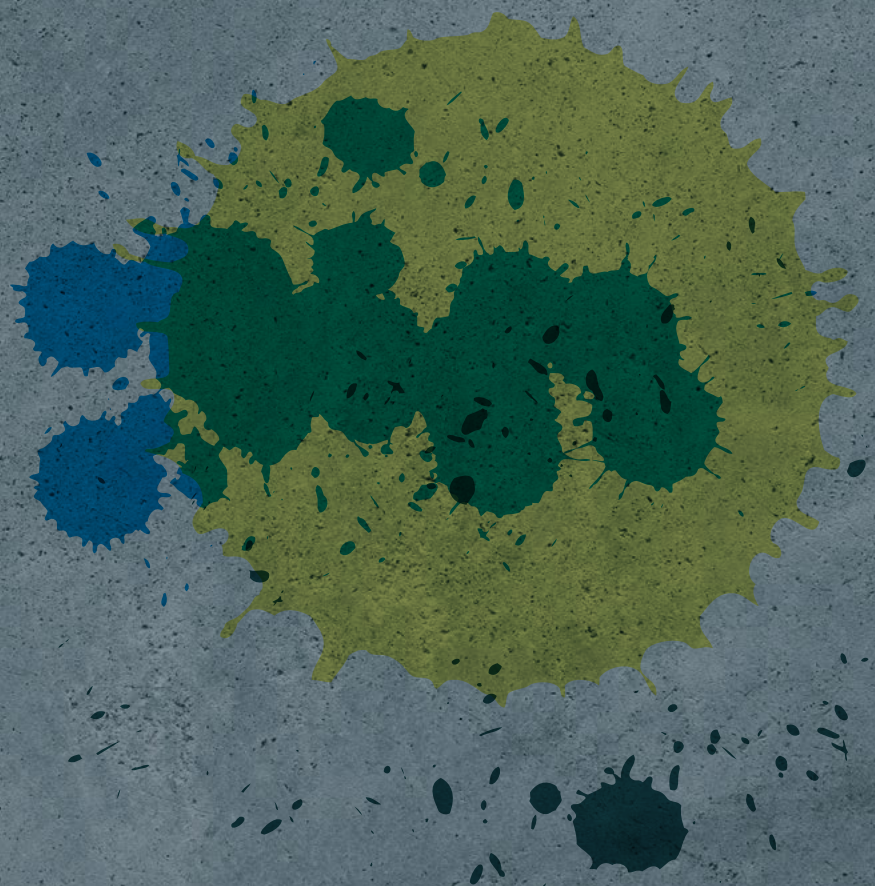
2 HAVE A SAY IN YOUR WORKPLACE AND VOCATIONAL SCHOOL: WHAT CAN YOU DO?

your training institution, simply contact our local union - together with the other trainees, you can surely manage to set up an IV. Interest representation can, for example, promote better quality training. It's worth it!

Persons of trust and disabled representation

Disabled representation bodies serve to represent disabled staff and their special interests. They are able to provide support and advice.

Persons of trust are company employees chosen by union members as representatives of the union within companies and within public services. They maintain contact with employees, stand by their side and promote discussion and opinion-forming processes. They inform the union of employee problems so that they can prepare to represent employees' interests.



Money: Financial Support During Your Training

You've probably thought about finding your own flat or finding a shared flat to get on your own two feet and start your independent life away from your parents. Sometimes, money simply doesn't stretch to cover your cost of living.

Trainees taking part in vocational preparation schemes or dual, industry-wide or non-commercial training can apply for **Occupational Training Support (BAB)** from the Ministry for Work. If certain requirements are met, additional housing, clothing and travel costs may also be subsidised. Trainees in full-time training cannot apply for BAB, but can apply for **student finance (BAföG)**.

The calculations behind the BAB and BAföG are similar: firstly, your "need for living costs" is established, depending on your age, familial status and accommodation situation. Your own training salary is taken into account, along with your parents' income and your partner's income if you are married. On www.bafog-aktuell.de you can find more information about the requirements, amounts and allowances for BAB and BAföG. You can unofficially work out how much of a claim you would have on www.bab-rechner.arbeitsagentur.de.

In any case, you should apply for financial support: you can apply for BAB at your local Ministry for Work, while BAföG student support can be applied for at your Ministry for



Educational Support. Even a small contribution means more independence.

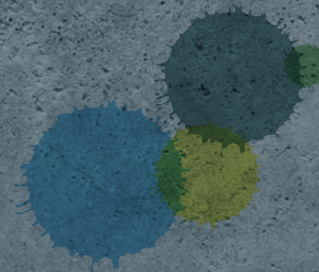
Before submitting your application, you should ask for advice from your union. You could be subject to a tariff contract, meaning that you have a claim to more money - your local union will be able to tell you for sure.

If your application for training support is rejected, for example because you are taking part in training for the second time or your career is not recognised by the state, you can still apply for **housing benefit**. As an adult trainee (over 18) renting accommodation, you would have a good chance of being granted housing benefit. You should apply for housing benefit in the district where your accommodation is situated.

Your parents can also apply for **child support** during school, university education and training, while you are looking for a training place, during voluntary work (e.g. year out to do social or ecological voluntary work) or during an interim period of no longer than four months e.g. between training modules. Requirement: you are under 25 and are taking part in your first training programme or looking unsuccessfully for a training place or looking for a job after finishing your training, and you are not working any more than 20 hours per week. As there are many details to keep in mind, many circumstances to take

into account and a lot of “buts” and “if”s, you should contact your union for advice if you are in any doubt. You can download a “Child Support Information Sheet” from your local Ministry for Work on www.arbeitsagentur.de.

If you would like to earn extra cash, you could get a **part-time job**. Keep in mind: you must inform your employer/trainer about your other job and make sure that you keep to legal maximum work times. Your employer/trainer can only prevent you from having another job if it is against their interests. This could be the case if the part-time job could affect your training or you want to start working for a competitor. You should contact your union for advice to make sure that your part-time job doesn't result in you losing your claim to training support, BAföG or child support.



Occupational Health and Safety: Keeping You Safe!

Instructions, regulations and plenty of signs at work constantly tell you that health and safety at work are important for preventing accidents. These measures might seem over the top, but they are for your safety and should be observed at all times in order to prevent accidents and injuries. Trainees are almost twice as likely to be affected by accidents at work, as they are new and often unexperienced.

The **Occupational Safety Act** includes basic protection measures that every business must observe. Your employer is obliged by law to assess work hazards and to employ necessary protective measures. You and your colleagues may have to wear protective work clothing such as gloves, hard hats, safety goggles etc, which your employer must provide free of charge.

Workplace regulations and related regulations provide more detailed requirements. They state how workplaces should be set up. For example, they have to be a suitable size and protect from hazardous influences such as gasses, vapours, dust and noise. Furthermore, separate break rooms, changing rooms and sanitary facilities must be provided. Special protection regulations also apply to handling hazardous substances e.g. poisons, irritants or carcinogens. These materials must be labelled as such by the manufacturer so that the company can take necessary effective measures. These regulations are also checked by the Trade Supervisory Board.



Young trainees under the age of 18 are covered by further regulations set out in the Youth Workers Protection Act. Young people may not be assigned hazardous tasks associated with damaging levels of noise or heat, or ethical hazards. Piece-work is also not permitted unless it is a necessary part of training.

After Your Training: What Now?

After your training, you have the right to a written **training reference** from your employer or training provider (see §16 of the Occupational Training Act BBiG). You will need your training reference for future applications with other companies.

The “simple reference” includes information about the nature, duration and aim of your occupational training, as well as the skills and knowledge you gained. A “qualified reference” includes evaluations as well: information about your behaviour, performance and special skills relevant for your career. Your employer is obliged to provide a simple reference. You have to request a qualified reference (see §16 of the BBiG) - and you should. It is more detailed and more useful. It is also standard practice to include a “qualified reference” with an application. Even if you are taken on as an employee by your company after your training, it is still a good idea to request a reference! It's very important for future applications.

References should be formulated favourably, and help trainees to advance within their careers. References should use positive language. However, not everything that looks good at first glance is actually positive. “**Reference code**” is used to say something else than what seems obvious:



Here is an overview of some performance review statements with the corresponding "grades":

- ▶ "She always completed each of her tasks to our utmost satisfaction" means "very good".
- ▶ "Mr XY always completed each of his tasks to our satisfaction" means "good".
- ▶ "Ms A completed each of her tasks to our satisfaction and met our expectations" means "satisfactory".
- ▶ "He generally completed each of his tasks to our satisfaction" means "unsatisfactory".
- ▶ "Mr B always tried to meet our challenges" means "insufficient".

Examples of hidden negative statements:

- ▶ "He completed all tasks to the letter" means that he does what he's told but shows no initiative.
- ▶ "She showed interest in her tasks" means she has no negative points but also no positive points.
- ▶ "He contributed to a good working atmosphere" means he was lazy and would rather chat with colleagues than work.

Even leaving out important aspects can be a negative assessment. If the reference does not mention, for example, your behaviour towards superiors, colleagues and customers (if applicable), it could mean that your behaviour was bad. Sometimes a certain topic is genuinely forgotten without any negative intent - you should insist that any missing topics are added.

You can request a **new reference** if your reference includes false information and/or assessments. It's a good idea to give your reference to someone that understands reference code so that they can check it. If you have any problems: contact your union.

Training - What now?

Being **taken on** after training means that the company you trained with would like to employ you. You would be earning a regular trained worker's salary. If you are taken on, you would be entitled to more unemployment benefit if you were to later lose your job. Unfortunately, there is no guarantee you will be taken on after your training. In some industries, employment after training for six or twelve months is part of the tariff contract. Get in touch with your works council or staff council, JAV or union to find out more.

If you are not taken on by your employer, you must register as a job seeker 3 months before the end of your training by declaring your situation to your local Ministry for Work in order to avoid sanctions to your unemployment benefit. As a trainee insured by the social security system, you will be able to claim **primary unemployment benefit**.

You are eligible for primary unemployment benefit if you were employed or in training subject to social security contributions in the last twelve months before becoming unemployed. The amount of primary unemployment benefit you receive is approx. 60% of your last net income (or approx. 67% if you have children). If this is not enough for you to live off, you can also apply for secondary benefits (Hartz IV) to top up your income. Unfortunately, there are a lot of limitations for young people - you will not be entitled to housing benefit if you move out of your parent's house without permission while claiming Hartz IV. The **"Unemployment after Training" flyer** contains more information; you can download it from www.erwerbslos.de/medienbestellung.html.

Your youth union offers tips for creating your CV and applying to new companies. Before you sign a new employment contract, you should have it checked by your union so that there are no nasty surprises in the "fine print". Other than finding

a job, there are other options. You could take a voluntary social or ecological year out, or enrol in further education.

As of 1st July 2011, **federal volunteering** means that men and women can contribute to the common good. Once you've completed your education and training as required, you can generally volunteer for twelve months (it is also possible to volunteer for between six and 18 months, or even 24 months in some cases) in a charitable organisation.

Another option is to take a **voluntary social or ecological year out**. Once you've completed your education and training as required, and as long as you are under 27 years of age, you can become a volunteer for twelve months, or between six and twelve months.

If you take part in federal voluntary work or a voluntary social or ecological year out, you are not paid, but receive a kind of "pocket money" up to the sum of €372. Many voluntary agencies also provide work clothing, food or even accommodation.

After your training, you can also study. You can only study if you have your Abitur qualifications. Under certain conditions (e.g. many years of on-the-job experience), you may also qualify for a vocational Abitur.

What can you expect from a vocational abitur?

Most vocational colleges offer a two-year course as well as their **one-year training course**. To take part in a one-year training course, you generally need a qualification from a comprehensive school as well as an occupational training qualification in the relevant field. In the two-year course, you learn all the information you need to pass your vocational Abitur, as well as practical training in the relevant field. You must also usually enter into a one-year internship contract.

Vocational colleges teach you the same material that is included in an Abitur course. You can safely assume that subjects such as German, English, mathematics and another subject relevant to your course (e.g. business studies) will be relevant for your exams. Other subjects may also be covered, depending on your course. For example, law may be offered at a vocational business college. The first half-year is a **probation period**. The probation period shall be considered failed if your performance is unsatisfactory in certain subjects. Some schools also hold **interim exams** after the first half-year. The aim of attending a vocational college is to pass the final exams and be awarded vocational qualifications.

After you have successfully completed your vocational Abitur you can apply to any vocational university in Germany. You can find out what subjects you are eligible to study from the relevant vocational university. You will find an overview of links to get acquainted with vocational and academic universities on www.bildungsserver.de.

Many students need a part-time job to earn money. There are laws and regulations that apply. On www.jugend.dgb.de, you'll find a brochure with information about studying, student finance and part-time work, as well as online advice.

Unions: What Do They Do?

As you've been reading this brochure, you've probably already noticed that unions will stand up for you and your rights during your training. We've already given a few examples: **legal support** in labour law disputes and support in training problems. Even this brochure is part of the programme; "Your Training Rights" - as you can only exercise your rights for yourself and your colleagues if you know them well.

One of a union's main tasks is to ensure that **rights of protection** for trainees and employees are actually upheld in practice. Unions work closely with works councils and staff councils, and youth and trainee representation bodies. To this end, it is important to create transparency about applicable rights, and provide initial legal council and legal support. Trainees can access the **online advice portal** www.doktor-azubi.de to get answers to questions as well as tips for solving problems.

The second most important task of a union is to enter into **tariff contracts**, which include agreements about money, holidays, work times and employment after training. These regulations are generally more generous than legal regulations - by law, adult trainees are allowed to work up to 48 hours per week, whereas most tariff contracts limit this to 35 or 39 hours per week.



However, tariff contracts only apply if your employer has agreed to them and if you are a member of the relevant union. As there are many different tariff contracts, you should contact your union (see page 98 for contact information) and inquire as to whether you are subject to a tariff contract and what that means for you. If you are affected by a tariff contract, you should become a member of the union. Because: the more members a union has, the stronger it is - making it more likely to negotiate better tariff deals for trainees, employees and employers.

Since the start of industrialisation, employed workers - including trainees - have come together in unions to fight for their interests: **better working and living conditions**. Unions are open to everyone; trainees, students, workers, salaried employees, and the unemployed. The most important principle behind unions is **solidarity** - coming together to support each other and negotiate interests. That's why it's important that as many employees as possible are actively involved in the union.

In order to fulfil these tasks and to provide each and every member with a **competent local contact partner**, unions often have regional points of contact. You can find an overview of all local branches on [page 98](#).

Which union is the right for me?




The **German Union Association** (Deutscher Gewerkschaftsbund - DGB) is made up of eight unions that have come together to represent the interests of all their members. A total of 6.1 million people are members of this union. You can reach the DGB-Jugend youth branch online at www.jugend.dbg.de. Which union you can become a member of depends on the industry you work in or would like to work in in the future. Here is an overview of these eight unions and their industries to give you an idea of which is right for you.





IG Bauen-Agrar-Umwelt (IG BAU): Employees and trainees in the construction, housing, agriculture, gardening and landscaping, forestry, floristry, facility management, janitorial, roofing, scaffolding, stonemasonry, painting and varnishing, glazing, heating construction and construction materials industries. www.igbau.de



IG Bergbau, Chemie, Energie (IG BCE): Employees and trainees in all areas relating to mining, decontamination and disposal, paper manufacturing, rubber processing, electricity, chemistry, plastics, leather, ceramics, glass, mineral oils and gas. www.igbce-jugend.de

 **Gewerkschaft Erziehung und Wissenschaft (GEW):** Employees working in education and academic careers. This includes workers at private and public schools, childcare facilities and children's homes, universities, academic institutes and research facilities, community colleges and other further education facilities, German schools and universities abroad, and Goethe Institutes. Students of all related subjects can also join the GEW. www.gew.de

 **IG Metall (IGM):** Employees and trainees working in the metal (metal industry and craft), motor vehicles, electronics, iron and steel, textiles and clothing, wood and plastics industries as well as businesses involved in information and communication technology. www.jugend-igmetall.de

 **Gewerkschaft Nahrung-Genuss-Gaststätten (NGG):** Employees and trainees in the hotel and hospitality (accommodation, restaurants, system gastronomy), food and drinks, and tobacco industries (including bakeries, meat and fish, drinks, milk, fruit and vegetables, starches, sugars, sweets, tobacco). www.junge-ngg.net

 **Gewerkschaft der Polizei (GdP):** Applicants, trainees and employees within the police service, as well as everyone working in associated administration and other facilities. www.gdpde/JungeGruppe

 **EVG Gewerkschaft der Eisenbahner Deutschlands (GdED, GDBA):** Employees and trainees in all areas of transport: Deutsche Bahn AG (including subsidiaries), rail authorities (Federal Rail Office, Federal Rail Authority and Bahnklinik), non-state railways, Scandlines, Bodenseeschiffahrtsbetriebe, mountain railways and rail service providers. www.evg-online.org/Jugend/

 **Vereinte Dienstleistungsgewerkschaft (ver.di):** Supports employees and trainees in 13 areas across public and private services: financial services, supply and disposal, health (social services, welfare and church), social insurance, education (science and research, including all students of all relevant subjects), federation and states, municipalities, media (art and culture, printing and paper), industrial services and production, telecommunications (information technology, data processing), postal services (shipping and logistics), traffic, trading, other special services. www.verdi-jugend.de

So, do you know which union you belong to now? If not, just get in touch with one and ask! For more information, you can download or order a copy of the "What Do Unions Do" brochure from www.dgb-bestsellservice.de/besys_dgb/auswahl.php?artikelnr=DGB41531.

What does the youth union do and what are its aims?

Each union has set up an additional youth organisation - a youth union - for trainees, students, pupils and young employees. A total of around half a million young people are involved within DGB unions - and we have a lot of fun together. Not just because of our parties, but also because together we discuss claims, organise campaigns and get involved in debates with the "adults". In order to represent our interests within and outside the union, we meet regularly, design flyers and banners, get informed at seminars and attend protests.

As a youth union, we promote:

- ▶ education for all: all young people wanting a vocational training place should get one. There has to be a governmental solution to make businesses either train people themselves or contribute to training costs within other businesses.
- ▶ as of January 2015, there is a minimum wage of €8,50 an hour in Germany. Unfortunately, the law allows exceptions - and we will protest against these. However, it is a good start. It goes to show that unions' years of fighting have paid off. For the youth union, it just means we have to keep at it: get rid of exceptions and raise the minimum wage to at least €12.40. For trainees, we require higher pay during training; each and every trainee should be able to support themselves

and be able to exercise their right to access a cultural and social life.

- ▶ Stay away from the Youth Workers Protection Act: we are against plans from businesses and some areas of politics to water down this law. The Youth Workers Protection Act should be upheld and expanded.
- ▶ An end to internships: the exploitation of interns as cheap, motivated labour must end. Internships must be clearly defined as learning experiences; they must be for a limited amount of time and come with reasonable compensation.
- ▶ A united approach in businesses and society against discrimination and exclusion: racism and right-wing extremism have no place here.
- ▶ For twelve-month employment after training in the trainee's qualified career.
- ▶ Good quality of training.
- ▶ Upholding and improvement of legal requirements and sustainable assessment of training quality.

As a youth union, we offer you:

- ▶ The chance to get involved: young union members meet in regional youth councils to discuss claims and prepare campaigns.
- ▶ Education: as a member, you can make use of the youth union's education offerings. This ranges from rhetoric seminars

to educational political trips to Brussels and seminars on how to deal with exam stress.

- Advice: if you have problems with your training, or need help with child benefit, training support contributions etc, you can turn to competent unionists for help.

The more young people that join the union cause and get involved, the better we can represent our interests. Do you want to actively contribute to your union? Then simply contact the JAV in your company. If you don't have one, your works council can help you. You can also contact your union directly. We look forward to hearing from you!

Problems with nazis at your vocational school or workplace?

Multimedia DVD: **“Nationalbefreites Zimmer”**

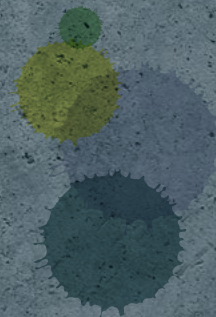
The DVD's content is presented on two levels.

The first level is a room, which could be any normal young person's room anywhere in Germany at first glance. However, when you look closer, you can see information about right-wing organisations, parties and groups as well as their structures, appearance, lifestyle, codes, symbolism and music on the noticeboard, desk, wardrobe and bookcase.

Via the bookcase (book information), you travel to the second level, which covers the school, workplace, vocational school, youth club, knowledge and actions. Here, targeted research about right-wing topics and possible actions intends to provide detailed information and strategies for action for places that pupils and trainees often use.

The multi-media DVD includes lots of text as well as music, images and film material. It should support you in your active work! Use it in your class, for teacher conferences or for coming up with strategies against right-wing extremism in your circle.

www.dgb-bestellservice.de



Training Glossary: From Written Warnings to Reference Code

A

An **Abmahnung** is a **written warning** issued by an employer, wherein they reprimand an employee for behaviour that violates the employment agreement. Consequences are generally laid out, mostly termination of employment. Generally, an effective written warning is a requirement for behaviour-based termination (see page 24). If you receive a written warning, you should contact your union or works/staff council or JAV to discuss whether and how you can contest it.

Abschlussprüfung means **final exam**, and this is where you prove that you have the right job-related skills and knowledge for your chosen career. Requirements for the exam (see page 24) are a properly filled out written training report (report book) and a successfully completed interim exam.

Akkordarbeit means **piece-work**. A certain number of products must be completed within a set time. Piece-work is generally associated with health-related risks, so is not allowed for certain groups e.g. pregnant women and young people under 18 (Youth Workers Protection Act JArbSchG §23). Occupational training may include piece-work but it should be the exception.



Akkordlohn means **piece-work wage** and means that you are paid according to how much work you do. If piece-work wages apply, the works council or staff council has the right to weigh in on the conditions under which these wages are paid.

Arbeitgeber or **Arbeitgeberin** refers to an **employer**, and is anyone that employs people in exchange for a wage.

Arbeitgeberverbände are **employer associations**. They represent the interests of employers and, for example, enter into tariff contracts. Employer groups also attempt to use PR, campaigns and institutes to influence public opinion in their favour - often by arguing against unions.

Arbeitnehmerinnen and **Arbeitnehmer** are **employees**; they work in order to earn their livelihoods. In legal terms: they provide dependent work based on another party's instructions. Trainees are leaning a career, but are legally considered employees nevertheless.

The **Arbeitsgericht** refers to a **labour court** responsible for all disputes relating to work and training contracts. As all other courts, there are different authorities: the labour court (first tier), state labour court (second tier) and the federal labour court (third tier).

Arbeitskleidung means **work clothing**, and its is not generally provided to trainees. Operational agreements, for example, could contain other stipulations. If, however, work clothing fulfils a protective function in order to prevent accidents and hazards, it is protective clothing and should be solely paid for by the company and/or training provider (see page 43).

Arbeitslosengeld I means **primary unemployment benefit** and can be applied for by people who paid contributions for the last 24 months before becoming unemployed, and that are registered as unemployed. The length of a person's eligibility depends on their age and previous insurance duration. The amount paid is approximately 60% (approx. 67% for people with children) of the person's previous net income (see page 48).

Arbeitslosengeld II (also called Hartz IV) is **secondary unemployment benefit** received by those in need of support and capable of working. The rejection of any reasonable work offers shall result in sanctions, such as a reduction in secondary unemployment benefit. Young people under 25 are subject to strict additional regulations. The youth union is critical towards this secondary unemployment benefit, as work offers beneath the person's qualifications or under tariff payment levels must also be accepted.

The **Arbeitsschutzgesetz** (ArbSchG) is **The Working Conditions Act**, and it contains all occupational safety obligations for both employers and employees (see page 43).

Arbeitsschutzkleidung refers to **protective work clothing**, which should prevent accidents and other hazards. Steel-cap boots, helmets, protective goggles and safety gloves are all protective work clothing, and should be paid for by the employer or training provider (see page 43).

The **Arbeitsstättenverordnung** (ArbStättV) are **workplace regulations**, which regulate workplaces, work rooms, infrastructure etc. Significant criteria include ventilation, lighting, temperature, noise and room size - set minimums are provided for these in order to protect employees (see page 43).

Arbeits- und Gesundheitsschutz refers to **occupational health and safety**, and includes all operational measures that ensure employees' health and safety. This also includes certain construction measures and protective work clothing (see page 43).

Arbeits- und Sozialrechtsschutz refers to **legal support** in matters relating to labour and social welfare law. Often, the law must be contended. A legal support secretary at your union can provide a lot of support in disputes before the labour court

or social welfare court. In order to use this protection, you must be a member of a DGB union (see page 53). See also: Rechtsschutz.

Arbeitszeit refers to **work time**; this is the time from the beginning to the end of your work without breaks. There are legal regulations for employees' maximum working times - maximum working times are normally lower for young people under 18 (see page 15). According to the Working Times Act, work time can be no longer than 10 hours per day, and can be shared across 6 days per week. Average weekly work time cannot exceed 48 hours per week. Young people are not normally allowed to work more than 8 hours per day and 40 hours per week in accordance with the Youth Workers Protection Act. Often, tariff contracts include more generous regulations on working times than the statutory minimums.

Arbeitszeugnis - this is an **employer reference** that you can request from your employer after the end of your work. You can also request an interim reference during your employment under certain circumstances. A "simple reference" includes information about you and your tasks, and how long you were employed for. However, a "qualified reference" also includes information about your performance and behaviour (see page 46).

Aufhebungsvertrag refers to a **cancellation agreement**, a contract between you and your trainer expressing that you both agree to end your training prematurely. As a trainer cannot terminate a training agreement without good reason, employers often offer a cancellation agreement in order to get rid of a trainee. The risk of signing this cancellation agreement is not only that you might not be able to finish your training, but also that you may face a twelve-week sanction of unemployment benefit, as the Ministry for Work punishes voluntary termination with a block on benefits.

Ausbildende is the other party that signs your training contract with you, the **trainer**. For most businesses, this is the employer. They provide your occupational training. They can task your actual training to other employees, or trainers.

Ausbilder or **Ausbilderin** refers to the person within a business that is responsible for your training; a **trainer**. They are responsible for providing you with all the knowledge and skills you need, and they can reach out to other experienced, specialist employees for this. Trainers must be personally suitable and qualified for the training process.

Ausbildungsfremde Tätigkeiten are **non-training tasks**; tasks that are not included in your training framework plan and that are either not necessary for your chosen career or that

are being carried out to an extent that is not required for your chosen career. These tasks stand in the way of you learning other training content. Non-training tasks are not allowed - they should be avoided so that trainees are not exploited as cheap labour (see page 9).

Ausbildungsmittel means **training materials**, and refers to tools and materials that are necessary for occupational training and for passing your interim and final exams. Training materials must be provided free of charge (see page 14). This does not apply to materials required for your vocational school.

An **Ausbildungsnachweis** is your completed **report book**. The properly filled out and signed report book is required in order for you to be able to sit your final exam, and you are allowed to fill it out during work time (see page 24).

Ausbildungsordnungen are **training regulations** that are issued by ministries, unions and employers for all recognised careers for which training is offered. Training regulations must include a minimum of a description of the career, the duration of training, an occupational profile, a factual and temporal breakdown (training framework plan), and examination requirements (see page 7).

An **Ausbildungsplan** is a **training plan**, intended to expand on the training framework plan. It provides information about when what information should be taught in which department within your company (see page 8).

An **Ausbildungsrahmenplan** is a **training framework plan**. It includes all occupational skills and knowledge required for your chosen career and to pass your final exams (see page 7). It also generally includes a breakdown according to time and content. The training content laid out in the training framework plan must be taught during your occupational training.

Ausbildungsvergütung is the **training allowance** paid during your training, and it has to be reasonable in accordance with §17 of the BBiG. This pay is based on your industry, chosen career, year of training and type of training. You can find an overview of different careers and their pay scales on our website www.jugend.dgb.de as well as in the "montag" magazine. If your pay is considerably lower than the local average for your field, you should contact your union for advice. §17, paragraph 1 of the BBiG states that you have the right to reasonable remuneration. The Minimum Wage Act unfortunately does not apply to trainees (§23, paragraph 3 of the MiLoG). Accordance to the application of justice, compensation is deemed reasonable as long as it helps support the trainee and their parents to cover the cost of living, acting as a minimum

income. We can presume from the application of justice that compensation is not reasonable if it is more than 20% lower than the tariff remuneration for that industry and region. If there are no applicable tariff regulations, you can refer to recommendations from the relevant trade guild or chamber of industry. This must be based on current tariff contracts and recommendations, and these may differ from what was valid at the beginning of your training. The state allows training places supported by public funds to significantly undercut this 80% threshold, i.e. if your training is supported by public funds and/or donations, your income during training could be significantly lower than that of other similar trainees. Training compensation must increase as your skills improve, at least once a year. It is calculated on a monthly basis (§18 of the BBiG)

An **Ausbildungsvertrag** is a **training contract** and it must set out all significant content of your training in writing before you start your training. The training contract must include certain information (see page 5). It must be signed by you, or your parents if you are not yet legally an adult, and your trainer. You must be given a copy of this contract.

An **Ausbildungszeugnis** is a **training reference** to confirm you have completed your training. It is issued after your training and must include information about the type, duration and aim of your training as well as the occupational skills and knowledge

gained by you. If you request one, your trainer also has to provide you with a qualified reference. If your trainer did not write it themselves, the reference should be signed by your trainer. In general, the same applies to training references as to employment references.

The **Ausbildungsziel** is the **aim** of your **training** - this is to acquire the occupational skills and knowledge required to carry out your chosen career. These should be taught within a specific training time in accordance with the training framework plan.

Außerbetriebliche Ausbildung describes **non-commercial training** whereby the training contract is entered into with a training institution, and the practical part of the training is carried out at this institution and through internship placements. In contrast to dual training, non-commercial trainees cannot set up a JAV, often earn less money and cannot be hired after training. However, non-commercial trainees still have rights and can appoint representatives in accordance with the Occupational Training Act (see page 34).

B

BAföG means **student finance**, and trainees taking part in full-time vocational school courses can apply for this kind of financial support. It is calculated in a similar way to Occupational Training Support (BAB) and can be applied for via the Office for Educational Support (see page 37).

Berichtsheft refers to your training **report book** (see Ausbildungsnachweis).

Berufsausbildungsbeihilfe (BAB) is **Occupational Training Support** and is intended for people participating in vocational training as well as for trainees taking part in dual training or non-practical occupational training. Depending on the trainee's income, and that of their parents, financial help for living and clothing, transport and GEZ fees may be provided. You can contact the Ministry for Work for more information about financial support. Trainees in full-time vocational school courses cannot apply for BAB, but they can apply for BAföG at the Office for Educational Support (see page 39).

The **Berufsbildungsgesetz (BBiG)** is the **Occupational Training Act**, and it includes the most important regulations that affect your training. For example, the BBiG states that you must be taught all relevant knowledge and skills in the training framework plan, and that training materials are to be provided to you free of charge.

Berufsgenossenschaften are **trade associations**. They provide statutory accident insurance, making them a significant part of the social security system. They are paid contributions by employers to insure all employees against accidents at work. Trade associations insure employees against occupational health problems, work accidents or accidents on the way to work and school.

A **Berufsschule** is a **vocational school**, and provides a second place of learning for trainees alongside the business or training provider where they do their practical placement. The vocational school expands on previous general education and teaches basic and further vocational training. Lessons may take place on individual days of the week, or be grouped together as block lessons over at least one week (see page 10). There are specific rules (see page 20) that govern the granting of free time for vocational school, and the recognition of vocational school hours as work hours.

Beschäftigte or **abhängig Beschäftigte** is another term for **employees**. The term 'abhängig Beschäftigte', 'dependent employees', highlights that these workers are dependent on work to support themselves.

Betriebliche Ausbildung refers to a type of **on-the-job training**, whereby the training contract is entered into with a company, and the practical parts of training are completed within this company.

A **Betriebsrat** is a **works council**; a council elected to represent the interests of all employees within the company. They are able to participate in and contribute to certain decisions, meaning that they are able to influence the way the company is set up from the employees' point of view. What is called a works council in private businesses is called a staff council in public services (see page 34).

Betriebsvereinbarungen are **operational agreements**, and these are entered into between the works council and the employer - this may also be called a 'Dienstvereinbarung' in public services. They can, for example, include rules about work times, breaks or subsidisations for travel or canteen food, and apply to the company's employees as laid out in the operational agreement.

The **Betriebsverfassungsgesetz** (BetrVG) is the **Works Constitution Act**, and this is the legal basis for the participation afforded to the works council (BR) and the youth and trainee representation body (JAV). It regulates the selection of BRs and JAVs, as well as their tasks and rights. In public services, this is replaced by individual personal representation laws issued by the federal or local government.

Bewerbung means **application** - this is how you express your interest in a training position or job. If you are deemed to be suitable, you will be invited to an interview, which could then result in your acceptance. An application test may also be required.

The term **Bildungsträger** means **training institution**, and this term covers a lot of different kinds of training providers. Together, this term refers to training providers that don't have their own economic aim (e.g. manufacturing and selling cars), rather exclusively focus on the practical training of trainees. That's why trainees at non-commercial training providers don't have the right to elect a JAV in accordance with the Works Constitution Act or other personal representation laws. However, trainees at non-commercial training providers can set up their own interest representation (IV) in order to promote their interests and requests (see page 36).

The term **Bildungsurlaub** means **educational leave**, and it refers to paid leave from work for specific educational activities. They do not encroach on holiday days, as they are provided separately. They could be used for a language trip to Spain, a computer course, or a seminar on training quality. As training is divided by state in Germany, there are different rules and approaches in each individual state. We recommend contacting your local union to find out more (see page 98 for contact information). All holiday days listed below are based on a five-day week. This means that your entitlement would be considerably lower if you work fewer days per week. Some applicable laws may include regulations that outline how many days employees are entitled to if working more or fewer days per week.

- ▶ **Bavaria:** Unfortunately, this state has no educational leave law. If you would still like to visit seminars, contact the union responsible for you.
- ▶ **Baden-Württemberg:** The educational leave law for this state (BzG BW) came into effect on 01.07.2015. Trainees have the right to five working days during their training time, but this can only be used for political education. After 12 months of employment, employees have the right to five working days of educational leave per year if employed full-time. There are, unfortunately, more legal limitations that allow the employer to refuse leave requests.

- ▶ **Berlin:** If you are under 25 and have been in training for at least six months, you can take ten working days of educational leave per year. If you are over the age of 25, you can take ten working days of educational leave within two calendar years. There are some limitations here as well.
- ▶ **Brandenburg:** If you have been in training for at least six months, you have the right to ten working days of educational leave within two calendar years. There are some limitations.
- ▶ **Bremen:** If you have been in training for at least six months, you have the right to ten working days of educational leave within two calendar years.
- ▶ **Hamburg:** If you have been in training for at least six months, you have the right to ten working days of educational leave within two calendar years.
- ▶ **Hessen:** If you have been in training for at least six months, you can take five working days of educational leave per year. There are some possibilities for your employer to limit this.
- ▶ **Mecklenburg-Western Pomerania:** If you have been in training for at least six months, you can take five working days of educational leave in Mecklenburg-Western Pomerania once during your training time either for political education or for education necessary for volunteer work. After your training, you will be able to take five days per year, and there is no longer any restrictions on the specific purpose of the education. There are still some chances for your employer to limit this.
- ▶ **Lower Saxony:** If you have been in training for at least six months, you can either take five working days of educational leave per year or, under certain circumstances, two working days within two years. Your employer may be able to limit this.
- ▶ **North Rhine-Westphalia:** Trainees have the right to five working days during training for political education. Employees are allowed five working days per year. There are still some chances for your employer to limit this.
- ▶ **Rhineland-Palatinate:** If you have been in training for at least six months, you have the right to five working days of educational leave per training year for socio-political education, as long as your training is not affected. After training, you can take ten working days of educational leave within two calendar years. There are still some chances for your employer to limit this.
- ▶ **Saarland:** Only political or occupational further education is available in this state. If you have been in training for at least twelve months, you have the right to three working days of educational leave per year, which can be increased by the same amount of your own free time. Additional educational leave is possible in some circumstances. There are limitations here as well.
- ▶ **Saxony:** Unfortunately, this state has no educational leave law. If you would still like to visit seminars, contact the union responsible for you.

- ▶ **Saxony-Anhalt:** If you have been in training for at least six months, you can take five working days of educational leave per year. You could also have the right to ten working days of educational leave within two calendar years. There are restrictions for small businesses.
- ▶ **Schleswig-Holstein:** If you have been in training for at least six months, you can take five working days of educational leave per year. In certain circumstances, you may be able to take ten working days of educational leave within two calendar years.
- ▶ **Thuringia:** As of 01.01.2016, Thuringia finally allows educational leave for employees and trainees. A waiting time of six months applies before you can claim your 3 days within a calendar year, rather than the standard 5. These days may be carried forward to the next year in some cases. Sadly, there are further limitations that either negate your entitlement or allow your employer to reject educational leave applications.

The aim of the **Bundesausbildungsförderungsgesetz** (BAföG), or the **Federal Education and Training Assistance Act**, is to make education possible for all young people, regardless of their social or economic status. If trainees or students, and their parents or spouses/partners are not able to provide sufficient financial support, BAföG offers support in the form of a grant or loan (see page 39). BAföG is paid for school training or university studies.

D

A **Dienstvereinbarung**, or **operational agreement**, is an agreement between the staff council and employer within public services. It only applies to the relevant public office, and could contain regulations about break times, canteen food etc. Also see 'Betriebsvereinbarung'

The **Duale System** is a **dual training system**, where trainees are taught both in a business and in a vocational school, and enter into a training contract with the owner of the business (trainer) (see page 10). Practical training is carried out as on-the-job training.

E

Ein-Euro-Job means **one-euro job**. These are low-paid employment programmes for the unemployed. Unemployed people can earn extra money by, for example, working for charity. Unfortunately, some companies exploit these cheap workers and use them to replace normal employees.

Erholungsurlaub means “relaxation holiday” - see Urlaub.

An **Erstuntersuchung** is the **initial examination** carried out to establish the health of a young person under the age of 18 before they begin their training. It is legally binding (see page 14).

Elterngeld is a **parental benefit** paid to parents whose children were born after 01.01.2007. If one parent reduces their employment to between 15 hours and 30 hours per week or completely stops working, they can claim parental benefit for a maximum of twelve months. This period can be extended for two further months if the second parent takes at least two months of parental leave, or if the applicant is a single parent. There is now also the possibility to apply for Elterngeld Plus, where each parent can apply for an additional 4 months of benefits if both parents work between 25 and 30 hours for 4 consecutive months. This parental benefit is 67% of the average net income for the previous year, capped at a maximum of €1,800 and a minimum of €300 for the unemployed. Parents earning less than €1,000 can increase the benefit rate to 100%. The rate can be reduced to 65 percent for net incomes over €1,200. The benefits are increased for siblings and multiple births. With a few exceptions, parental benefit is calculated as income on top of secondary unemployment benefit, social benefit and child benefit. You can find out more on www.bmfsfj.de or by contacting your union.

Elternzeit refers to **parental leave**, i.e. paternity and maternity leave, after the birth of a child. Parents can claim for unpaid leave from work and benefit from special termination protection. One or both parents can take parental leave. This leave is usually limited to a maximum of three years. During this time, parents are allowed to take up part-time employment of up to 30 hours per week. Parental leave must be requested at least seven weeks before the desired start date in writing. The parent must also declare to the company how long parental leave will be taken. During parental leave, parents can apply for partial parental benefit (see Elterngeld).

F

Fachabitur refers to a **vocational Abitur** qualification, which gives you access to universities all across Germany. You can complete your vocational Abitur at a vocational college. These schools generally require a certificate of education from a Realschule (comprehensive school) and successfully completed occupational training (see page 48).

A **Fachhochschule** is a **vocational university**, where you can study after completing your vocational Abitur (see page 50).

A **Fachoberschule** is a **vocational college**, where you can complete your vocational Abitur (see page 50).

If a trainee was absent a lot during their training, and there are too many **Fehlzeiten**, or **absences**, recorded in their training, they may not be allowed to sit their final exam. The oft-quoted 10% rule does not dictate whether someone will be accepted or not. This is more likely to depend on whether significant training content for your chosen profession was taught during these absences. The question of whether absences are too extensive, therefore, is subjective. We can presume from the application of justice that absences are too significant if they exceed 30%.

The **Freiwillige Soziale oder Ökologische Jahr** is a voluntary service for men and women. During this **voluntary social or ecological year out**, you can work in a public facility and potentially gain experience for your future career (see page 49).

G

A **gesetzlicher Vertreter** or **gesetzliche Vertreterin** is a **legal representative** that legally represents a minor e.g. when entering into an occupational training contract. In most cases, this is a parent. From your 18th birthday, you will legally be an adult and can make your own legal decisions.

Gewerkschaften are **unions**, and they are made up of dependent employees. They represent their interests and the interests of employees in general. Membership of a union is voluntary but advised. Membership generally costs a certain percentage of your gross monthly income (see page 53). The umbrella organisation for unions is the DGB - the Deutscher Gewerkschaftsbund.

Gleichberechtigung refers to **equal rights** and opportunities for men and women. Even though equality is required by law, the reality is often different. Women still get paid a quarter less for doing the same job, and don't have as much representation in business and politics.

H

The **Handwerksordnung**, or **Crafts Code**, provides the legal basis for carrying out craft careers and organisation within the industry.

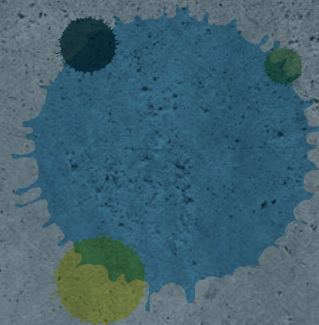
I

Insolvenz, or **insolvency**, is when a company is not able to meet their payment obligations, or if they will soon not be able to do so. After insolvency has been declared, insolvency proceedings can be initiated. An insolvency administrator is allocated to either restore the company's ability to meet their payment obligations or to liquidate the company in order to satisfy existing creditor claims, e.g. from banks, business partners or employees. You should continue your training during the insolvency process. Affected employees and trainees can apply at the Agency for Work for insolvency payments to cover a maximum of three months' unpaid wages (see [page 30](#)).

J

Jugend- und Auszubildendenvertretung (JAV) refers to **youth and trainee representation**, who represent the interests of young employees and trainees under the age of 25. JAV has the legal right to advocate for youth-specific interests in matters such as training quality or the maintenance of training places.

The **Jugendarbeitsschutzgesetz** (JArbSchG) is the **Youth Workers Protection Act** and it applies to all employees under the age of 18 - regardless of whether they are trainees, helpers, interns or trained employees. The law limits things like work times and fields of employment (see [page 16](#)) for the protection of young people, and sets out a higher minimum for breaks, holidays etc (see [page 19](#)).



K

Kindergeld means **child benefit**, and it is usually paid for children under the age of 18. However, it can be paid until the age of 25, as long as you are in education (school, occupational training or university) or are looking for a training place or a job after your training programme, and as long as you are not regularly working more than 20 hours per week. €190 are allocated monthly for the first and second child, while €196 is allocated for the third child, and €221 for any further children. Child benefit can be applied for via the relevant family association - this is usually based within the Ministry for Work.

Klassensprecherinnen and **Klassensprecher** are **class spokespeople**, who are elected to represent school classes' interests. They advocate for student problems either at the school conference or in meetings with teachers. This form of representation can also help with problems with individual teachers (see page 33).

A statutory **Krankenkasse**, or **health insurance provider**, offers health insurance that all dependent employees have to have. From a certain income threshold, it is possible to change

to a private health insurance provider or to be a voluntary holder of statutory health insurance. There are various providers, such as the Allgemeine Ortskrankenkasse (AOK), alternatives such as Barmer, business health insurance providers and craft guild insurance providers, which mostly focus on a specific industry.

Krankenversicherung means **health insurance**, and it is a main column of the social security system. This health insurance means that employees are protected against absence from work due to long-term illness, for instance. Social security contributions are generally shared by the employer and employee, where the employee proportion is slightly higher. All supplementary payments, such as prescription charges, must be paid by the employee alone. Social security contributions are calculated based on a certain percentage rate, so that the contribution increases as income rises. This obligation to pay social security contributions unfortunately does not apply to high incomes (insurance obligation threshold). In 2016, this limit is €56,250.00 per year, and the contribution assessment threshold, i.e. the maximum sum from which contributions are taken, is €50,850.00 per year for statutory health insurance and care insurance.

Kriegsdienstverweigerung means **conscientious objection** to military service. The central authority for the rights and

protection of conscientious objects provides up-to-date information on their website www.zentralstelle-kdv.de. As of 1st July 2011, general national service has been suspended. At this time, no young men are forced to join the armed forces for mandatory service.

Kündigung, or **termination**, is the one-sided ending of an employment agreement by the employer or employee. Termination mostly comes with a notice period, regardless of how long you were with the company, so your employer cannot simply terminate your employment with immediate effect. If it comes to it, you should contact your union for advice (see page 24) about how to contest a termination. Trainees can only be dismissed without notice and without important grounds during their probation period. Afterwards, a trainee's employment contract can only be terminated on important grounds (such as theft, repeated absence etc). A termination must be made in writing. If you would like to contest a termination, you must do so within the first three weeks of receiving your termination notification!

The **Kündigungsschutzgesetz**, or **Protection Against Dismissal Act**, exclusively deals with the topics of termination and termination law. This act provides information about when a dismissal is not socially justified, and therefore can be challenged at court. This protection against dismissal only applies to

employees working for longer than six months in a company with more than 10 employees, not including trainees. §22 of the BtIG applies to terminating trainee contracts.

Kurzarbeit means **short-time work**, which is when an employee's work times and wages are reduced during difficult financial times in order to reduce staff costs and avoid dismissals. The docked proportion of the wage can be compensated by the Ministry for Work by up to approximately 60% (or 67% if the employee has children) in the form of short-time work compensation. The employer must have exercised all means to avoid short-time work for trainees in the company before implementing this measure. Short-time work for trainees should only be implemented in exceptional cases.

M

Minusstunden - What happens if your employer suddenly sends you home as there is "no work", or allocates less than your agreed weekly training time (e.g. to "save" hours for later)? Is there such a thing as **undertime**? Being sent home because there isn't enough work does not mean that you have to recover the time or that your wages will be docked. The

trainer alone carries the risk of not being able to occupy you - they cannot pass this onto you by making you make up the time or docking your pay (§19, paragraph 1, section 2, letter a) of the BBiG and §615 of the BGB). Because "work time" during training serves the purpose of teaching you everything you need to know for your career, it should not be possible that a rota does not include your monthly work time. You could argue, for example, that daily work time must be laid out in the training contract (§11, paragraph 1, section 4 of the BBiG), and that this makes the trainer responsible for teaching you everything you need for your occupational training at all times - and that they did not fulfil this obligation if they did not train you within the agreed time. You could also argue that reduced remuneration due to insufficient work time caused by the employer is no longer reasonable pay (not high enough) in the sense of §17, paragraph 1 of the BBiG. In such a case, it is mostly presumed that planned training is cancelled and therefore you keep your claim to full compensation and do not have to make up these hours. If one of these cases does apply, you should declare either in writing or in the presence of a reliable witness your willingness to complete your training on the days in question to the extent outlined in your contract (the full daily work time). You should then exercise your claim to full remuneration and/or full work time in writing to your trainer. If you need any help with this, or if your trainer still wants to dock your pay or make you make up the hours, please contact your works/staff council and union.

Mitbestimmung is the specialist term that refers to the works or staff council's **right to participate** in the decision making processes in the company and other opportunities for employees to influence the company, such as entering into tariff contracts or setting up an advisory board. A "full" or "real" participation in the sense of the Works Constitutions Act and local personal representation laws applies if a works or staff council have to give their approval for a project or are completely included in the set-up of any measures. There are also rights of cooperation and information (see page 34).

The term **Mobbing** means **bullying** and comes from the English word "mob", meaning to "crowd around noisily, accost, attack". Bullying means psychological terror at the workplace, and it can happen anywhere that people are together in groups over long periods of time. Bullying can take a range of forms, e.g. harassment, scheming, disingenuousness, lies and deception. If it is a boss doing this bullying, it can also be called "bossing". You must stand up against bullying. Your union will support you.

The **Mutterschutzgesetz** (MuSchG) is the German **Maternity Protection Act**, and it protects expectant and young mothers from health hazards at the workplace. §1 of the law states "Anyone employing an expectant or breastfeeding mother must take measures to protect the health and safety of the expectant or breastfeeding mother, in both the set-up and maintenance

of the workplace, including all machines, tools and devices and employment regulations". Laws concerning protection against dismissal for pregnant women and maternity leave also apply (see page 29).

P

(Ruhe-)Pausen are **breaks**, and they must be at least 15 minutes long. You are allocated a specific amount of break time depending on your age and work hours (see page 19).

The **Personalrat**, or **staff council**, represents employees within public services. It has the same interest representation tasks as a works council (see page 34).

Pflegeversicherung means **care insurance**, and it is the newest branch of the social security system. It provides its members with appropriate services and financial support if they need care services. Everyone paying into the insurance policy is a member.

A **Praktikum** is an **internship** and it can be a good career orientation opportunity for many young people. But watch out:

internships are not as strictly regulated as normal employment and are often misused. Often, interns have to perform regular work tasks yet are badly paid or even not paid at all. What you need to know: internships are learning placements and, as of 01.01.2015, the government succumbed to union pressure and decreed that interns are also subject to the statutory minimum wage of €8.50 per hour, unless:

- ▶ the internship is mandatory e.g. as part of a school or university programme,
- ▶ the internship lasts less than three months in order to provide orientation for a training programme or university degree,
- ▶ the internship lasts less than three months and the intern is a university student.

Furthermore, a written internship contract is required for any internship. This should outline all details about compensation, work times and the duration of the internship, and lay out all learning aims. Want to know what applies to your internship? Contact your local union branch.

Probezeit refers to the **probation period** that begins when your training starts. It must last at least one month, but no longer than four months. It can last up to six months for full-time training courses. Within this time, you or your employer can terminate the contract without providing a reason (see page 13).

Q

The term **Qualität der Ausbildung** means **training quality**, and it refers to anything that makes your training experience a time of a qualified, high-quality learning for you (see page 12).

R

Rechtsschutz means **legal protection**, and it refers to a union member's right to legal advice and court representation in matters relating to labour and social law. Sometimes, a case at the Labour Court or Social Welfare Court can be your last chance to exercise your rights - such as if you are contesting a termination or written warning. Union members can benefit from professional representation in court due to their union's legal protection services and - if necessary - take the case through several courts without financial risk (see page 53).

The **Renteneintrittsalter**, or **pension age**, describes the age of entitlement to a full pension. In Germany, this is possible from the age of 67. In March 2007, a gradual increase of the

pension age from 65 to 67 was introduced. This "pension at 67" makes it harder for young people to find job, as older people have to work for longer. Even today, most employees cannot work at 65. People wishing to retire earlier are often met with pension sanctions. The youth union criticises the "pension at 67" pension reduction law. This also means that today's youth will only be able to receive a full pension from at least the age of 67.

Rentenversicherung means **pension insurance**, and it is a column of the social security system. Almost all employees must be covered by this pension. The assessment threshold for statutory pensions is €6,200.00 (in the west) or €5,400.00 (in the east) per month for 2016. The main purpose of pension insurance is to pay pension payments to insured people and surviving dependents, as well as payments for medical treatments e.g. treatment to improve and restore the ability to work. As the state pension probably will not increase proportionally in future, and therefore will not cover the cost of living, many employees also have a private pension or work pension to ensure their financial security in old age. In contrast to communally financed state pensions, private pensions depend on the person's own income, making them more dependent on the economy and capital markets.

S

A **Schlichtungsausschuss** or **Schlichtungsstelle** is a **court or board of arbitration**, which is set up by the chamber of trade or chamber of commerce and industry. They serve to settle disputes between employers (trainers) and trainees before the case has to go to court. If such a court or board exists, you must take part in a free settlement procedure before you can take the case to court. Cases are not made public. The court of arbitration is made up of representatives of the employee and employer, and tries to get both parties to agree. If this is not successful, they issue a verdict. This verdict is only binding if both parties (trainer and trainee) accept it within one week.

A **Schulkonferenz** is a **school council** made up of teachers, parents and pupils, and this proportion is generally regulated by state laws. The school council provides advice and makes decisions about school-related problems, and can be used by school representation to introduce their concerns (see page 33).

Schwerbehindertenvertretung is a **representative body for severely disabled people**, and one is appointed in companies with at least five disabled employees. They represent these parties' special needs in dealings with the employer, the works council and within the workforce (see page 37).

Sexuelle Belästigung means **sexual harassment**, and it shouldn't really exist. The topic may have been hushed up for years, but the problem exists as much today as it did a hundred years ago. A survey of several large companies in Germany showed that two out of three female employees has been sexually harassed by a colleague or superior in some way during their careers. Only in 1994 did lawmakers decide to at least try to protect harassed women by passing the "Act to Protect Employees from Sexual Harassment in the Workplace" (this employee protection law was then replaced by the General Equality Act (AGG)). In the case of sexual harassment, lawmakers allocate significant rights to the affected party and obligate the employer to take measures to protect their employees. You must stand up against sexual harassment. Your union will help you. You can find quick initial support - anonymously - on www.doktor-azubi.de, the DGB-Jugend's online advice platform.

Solidarität, or **solidarity**, is when people advocate for one another and support each other in the promotion of their interests, even if they themselves are not affected by the problem. Solitary is the most important basic principle of unions (see page 54).

The **Sozialversicherungssystem** is the **social security system**, the most important part of social welfare. It includes health insurance, care insurance, pension insurance, unemployment insurance and accident insurance.

Streik means **strike**, and this is a union's last legal tool to fight for improvements in working and living conditions in tariff disputes. As employees don't have any means of production, they can only put pressure on their employers by withdrawing their workforce - and going on strike. Trainees also have the right to strike if needed. During a strike, unions offer support to their striking members. Many countries in Europe also permit political strike. This is not directed at the employer with regards to a tariff negotiation but rather as a means to pressure for political change. Political strike is not permitted in Germany.

T

Tarifautonomie, or **tariff autonomy**, is the right of parties to a tariff contract to enter into a tariff contract with one another and establish work conditions herein independently and without external influences, e.g. politics.

Tarifverträge are **tariff contracts**. These regulate wages, pay, work times and general working conditions for the employees of a company or branch. They are negotiated by employers and employer associations as well as the relevant unions. Tariff contracts are agreed for a set time, and must be newly negotiated when due to expire. If a union member's own company agreed to the tariff contract, or is part of an association that agreed to the tariff contract, the member has a legal right to what is laid out in the tariff contract (see page 53).

U

Übernahme means being **taken on** as an employee in your chosen career after you pass your final exam. Unfortunately, there is no basic right to being further employed after your training - however, some tariff contracts do include such stipulations. For example, the IG Metall union successfully fought for the basic right to permanent employment after training for their trainees in their last tariff negotiations. You should inquire about being taken on early (at least three months before the end of your training), and get in touch with your works council or staff council. As interest representatives, JAV members have a claim to employment after their training (see page 48).

Überstunden means **overtime**, and this term applies whenever you work more than the work time agreed in your contract. In tariff contracts, operational agreements or employment contracts, the term may be described or defined differently. Overtime, i.e. any exceeding of contractually agreed working hours, can only be requested by a trainer if this time will be compensated either by extra pay or free time.

Gesetzliche Unfallversicherung means **statutory accident insurance**, and it is another branch of the social security system. All employees and trainees are covered by this insurance. This insurance covers you during work activities as well as during travel to and from work. The company is responsible for contributions to this accident insurance. Insurance is provided by trade associations, who also finance accident prevention, accident pensions etc.

Urlaub means **holiday**, and this refers to work-free time without reduction of pay (holiday remuneration) to allow the employee to recover. Statutory minimum leave allowance is based on age for employees and trainees under the age of 18. Employees and trainees under 16 generally have 30 working days of holiday, while those under 17 have 27 working days of holiday and those under 18 have at least 25 working days of holiday entitlement. All employees and trainees over the age of 18 are subject to the statutory minimum holiday entitlement of 24 working days. This equates to four weeks a year. Most industries are subject to tariff contracts with holiday entitlement over the legal minimum (see page 22). In some companies, mostly due to tariff contracts, a holiday bonus is also paid out. This is usually paid out once a year in addition to holiday pay. To work out how much holiday and holiday pay you are entitled to, contact your union to ask if there is a tariff contract that ensures additional holiday and/or a holiday bonus.

V

Vergütung is **remuneration**, another word for pay. A trainee's pay may also be called a training allowance, as trainees are part of the company in order to learn, not to work (see also: Ausbildungsvergütung).

Vertrauensleute are **persons of trust**, and they have a different role than the works council or staff council within a company. Persons of trust represent the interests of union members within departments. They know where the pressure points are due to their daily contact with staff.

Vollzeitschulische Ausbildung refers to a kind of **full-time training** taken completely - with the exceptions of internships - at a school. Mostly, people taking part in these courses are called "students" rather than "trainees". In contrast to dual training programmes, full-time training programmes do not offer any training allowance (just travel expenses, BAföG student finance etc). As the new Occupational Training Act also allows full-time training courses to be tested by trade chambers, it is also possible to complete training without a training contract.

W

A **Warnstreik** is a **warning strike**, a short work stoppage by dependent employees in order to build up pressure for tariff negotiations. In contrast to a strike (see page 85), missing pay is not compensated by strike support, and a warning strike is often carried out during tariff negotiations to demonstrate that the unions could carry out a larger, longer strike if the employer does not move.

Z

Zeugnis - see Arbeitszeugnis or Ausbildungszeugnis.

Zeugnissprache means **reference code**. This refers to the language used in references, which often looks positive but could contain a negative evaluation. Certain formulations can be equivalent to certain "grades" (see page 47).

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