

Resolution passed by the  
127th Senate of the German  
Rectors' Conference (HRK)  
on 24 June 2014 in Bonn

**On the exceptions to the  
rules in the draft of the  
minimum wage  
legislation**

**HRK** German Rectors' Conference

The Voice of the Universities

Ahrstraße 39    Tel.: +49/(0)228/887-0    post@hrk.de  
D-53175 Bonn    Fax: +49/(0)228/887-110    www.hrk.de  
Germany

Members of universities in Germany are affected directly by the draft of the law to increase the autonomy of tariff-setting, *Bundestag* document 18/1558 (federal government draft of legislation), because it primarily concerns the introduction of an across-the-board legal minimum wage through Section 1 of the draft of the Minimum Wage Act (MiLoG-E). Certain groups of persons are excluded from the application of the minimum wage in Section 22 of the draft of the Minimum Wage Act including students on work placements who

- are obliged to undertake a work placement as part of their course,
- are undertaking a work placement of up to six weeks as familiarisation before starting a course of study or
- are undertaking a work placement of up to six weeks as part of their university education.

**The HRK's position on these proposed regulations is as follows:**

1. The HRK agrees with the clarification of Section 22 para 1 no 1 MiLoG-E proposed by the Bundesrat, to exclude work placements in dual degree programmes e.g. due to higher education regulations or on the basis of agreements between higher education institutions and companies, from the scope of application. This should also take account of work placements which due to higher education regulations are undertaken before the degree course starts.
2. The draft does not take account satisfactorily of the fact that not only students at German higher education institutions but also those from foreign universities undertake work placements in Germany. These work placements are frequently sponsored by exchange programmes and are not covered by the exceptions in Section 22 MiLoG-E. This is not only unacceptable from the point of view of non-discrimination under European law, but is also counter to the internationalisation mandate of higher education institutions in Germany and makes it more difficult to find work placements for German students in other countries.
3. The ideal duration of a work placement is generally speaking three months. This period allows students on a work placement to acquire the practical knowledge they require at the necessary level of detail. A work placement of this length must also be possible for those students who do not have an obligatory work placement as part of their course or who want to undertake the work placement directly following their graduation for purposes of career familiarisation.