

# German court attacks train drivers strike

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A three-hour strike by the German train drivers union (Gewerkschaft Deutscher Lokführer - GDL) on Friday morning caused widespread disruption to the country's train service. The strike action mainly affected regional and suburban train service in a number of major cities. According to the GDL, which represents about three-quarters of all German train drivers, the majority of its membership took part in the action.

The strike, however, by no means brought train traffic to a stop. The German Railways Board (Deutsche Bahn DB) used the months of ongoing negotiations with the union to systematically prepare for the labor dispute. It implemented an emergency plan aimed at ensuring that approximately two-thirds of the company's 750 long-distance trains and up to half of the 19,000 regional and suburban trains could remain in service.

This seems to have largely succeeded. According to a spokesperson for DB, just 15 trains remained inoperative in stations after the strike began. It was the company's own emergency timetable which led to widespread travel delays throughout the day—although the strike had lasted only three hours—as well the effects on long-distance traffic. A German labor court had issued a judgment at short notice forbidding a strike against long-distance trains.

As with previous warning strikes in the summer, DB attempted once again to use the courts to prevent train drivers from taking action. The DB management applied for a ban with the labor court in Chemnitz, whose director, Burghard Houbertz, had already decided in August in favor of the company and had forbidden a strike planned by the GDL at that time. As the weekly *Die Zeit* newspaper noted: "This was precisely the reason why DB chose the court in Chemnitz—not exactly a city at the heart of the rail network—as the scene for its legal dispute, as representatives of the company quietly admitted."

The court hearing was planned to begin on Thursday at 3 p.m. In the event, the session lasted for over eight hours, following a motion by the GDL challenging the judge's impartiality and repeated heated arguments between the representatives of the DB and the GDL. The GDL chairman, Manfred Schell, personally attended the hearing and made a number of accusations against DB management—at the same time making clear that the trade union would respect the court's judgment.

At 2 a.m. Friday morning, judge Houbertz finally gave his ruling. He declared that there were no grounds for a general ban on the strike, but in order to limit the consequences of any action the strike was to be limited to suburban train systems. He banned any strikes in the long-distance network and threatened the GDL with a fine of 250,000 euros should it defy his judgment.

Because the decision came so late, DB had already activated its emergency timetable. The result was the disruption of a third of all long-distance trains—although the GDL had abided by the court's judgment and not pulled out its members.

The arbitrary ruling by the Chemnitz court was subsequently criticized by both sides in the dispute. The GDL declared it could see no justification for the ban on strike action for long-distance traffic, while the DB lawyer, Thomas Ubbert, was angry that the strike as a whole had not been banned: "I do not completely understand why strikes were forbidden in the sphere of long-distance and freight traffic but not in suburban

traffic," he declared.

In fact, the Chemnitz judgment represents a major attack on the right to strike. The right to strike fails to exist in practice when any judge can forbid a strike merely on the grounds of its "disproportionality." The only strikes that are then permissible are purely symbolic actions, which have no economic consequences, i.e. strikes that are entirely inconsequential.

In terms of disproportionality, it is the GDL that is most affected. This relatively small trade union, comprising 34,000 members, is confronting a company worth billions, which not only has the backing of the German government and business circles, but also the other major railway union Transnet, as well as the entire German Federation of Trade Unions (DGB).

Frank Bsirske, chairman of Verdi, the country's biggest service trade union, used the organization's national congress of to lash out at the train drivers. Accusing the GDL of lacking "solidarity" and trying "to single-handedly achieve the most they could," he compared the train drivers union with the doctors' union, the Marburg Federation, and the pilot's union Cockpit, which had also, he claimed "single-handedly ditched the principle of solidarity with the majority."

Transnet put out a statement declaring the action of the GDL to be "incomprehensible": "With their actions the leadership of this organization is splitting the workforce. This is the work of those intent on smashing up contracts." In addition, Transnet boss Norbert Hansen called upon his members to work as normal during the strike and thereby stab train drivers in the back.

At the same time, Verdi and Transnet condemned the judgment made by the Chemnitz court. For Bsirske the ruling embodied unacceptable "class law" and was an "attack on the constitutional right to strike." A member of the Transnet executive stated that the GDL was a trade union, "which was quite entitled to carry out a labor disputes, as we also can," but in light of the campaign carried out by both organizations against the train drivers strike, such comments are completely hypocritical—as is their claim that the GDL is breaking "solidarity" with its demand for a substantial wage increase. Both Verdi and Transnet have agreed to special limited contracts for particular sections of workers—although for much lower wage levels than those now being demanded by the GDL.

In Berlin, Verdi accepted a contract for public service workers involving pay cuts, which is now being used as a pattern by employers for reducing salaries across the country, and in 2002 Transnet agreed to a deal for its members which resulted in wage reductions and worsened working conditions. The conditions laid down by the 2002 contract were in fact the basis for a campaign by train drivers to pressure their union, the GDL, to quit their joint contract agreement with Transnet.

As soon as any group of workers—such as the pilots, doctors and now train drivers—stage a revolt against the wage levels laid down by the trade unions, and demand a better deal they are accused of "splitting" and disrupting "solidarity." In reality Bsirske and Hansen are fearful that the train drivers' initiative could encourage other sections of workers. According to figures released by both trade unions, 800 train drivers formerly organized in Transnet have recently switched to the GDL. There is also a great deal of public sympathy for the GDL.

The GDL, however, is incapable of fulfilling the expectations of its members. The sharp exchanges between GDL head Manfred Schell and his adversary, the DB executive committee, stand in glaring contrast to his tame conduct of the dispute. Although 96 percent of GDL members had voted in favor of an unlimited strike at the beginning of August, the union leadership delayed calling any action. The last thing that GDL chairman and CDU (conservative Christian Democratic Union) member Schell wants is a broad mobilization, which would not only be directed against the railway executive committee, but also against the government and big business interests.

Schell excluded any further strikes over the weekend and continues to hope that the executive committee will submit a new offer. Schell's appeal for the intervention of the German chancellor to intervene in the strike was summarily turned down by a government spokesman, and DB chairman Hartmut Mehdorn has made clear he is not prepared to compromise. He is primarily concerned with pressing ahead with his plans for the privatization of German railways, and in this respect the GDL represents an obstacle, even if it has repeatedly demonstrated its willingness to compromise.

The same conclusion has been drawn by *Die Zeit*, which notes that Mehdorn would have problems in enticing potential investors to invest in a company with three separate trade unions, "which mutually try to outdo one another in their demands, and play off their personnel against each other" (*Die Zeit* October 4). A victory for the train drivers would mean "that the sale of shares in the German railway to private investors would be in danger. What sort of investor readily invests in a company with three trade unions competing with one another for power and influence?"

Mehdorn has the full support of Transnet and the GDBA, which fully back his plans for privatization and regard the GDL as unwelcome competition.

A defeat for the GDL on the other hand would almost certainly seal its demise as an independent organization. It cannot simply capitulate. Nevertheless, there should be no doubt that the first priority for the GDL is its status as a reliable "contract partner". To this end, the union is quite prepared to sacrifice the demands raised by the train drivers.

"According to form, GDL boss Schell stuck to the demand for wage increases of up to 31 percent, but at the same time signaled in background talks that he naturally expected a deal involving much less," reported *Die Zeit*. "What is not up for negotiation apparently is the union's demand for its own separate contract. Anything less would represent a threat to the existence of the trade union."

Members of the *World Socialist Website* spoke in Berlin and Frankfurt with strikers and distributed leaflets, which stated: "The defense of workers' incomes, as well as of social and democratic rights, requires a fundamentally new political strategy, one that does not make the profit interests of big business the measure of all things, but places the needs of working people at the centre and so pursues socialist objectives. Production in general, and particularly in such important enterprises as Deutsche Bahn, must be taken out of the control of the financial aristocracy and placed in the service of society as whole."

In Frankfurt striking train drivers had gathered in the main station around a banner bearing the text "For family-fair conditions of work." One hour later, shortly after nine, the Frankfurt station management sent security guards to throw the strikers out of the station, including the chairman of the GDL, Manfred Schell. Afterwards the GDL spoke of "house prohibition."

Some of the strikers were dissatisfied with the way in which the dispute had been conducted. They criticized the fact that the DB management had been given so much time to make preparations to break the strike.

Marco S., a young train driver, said: "It is wrong to proclaim the strike in advance. Instead, the leadership should just declare that from 8 a.m. everything will be closed down and nothing more will run - and on a

national basis. And not just for subway railways and the suburban traffic, but all areas of the network, so that management finally gets the message!"

Marco told the WWS that he was due to have driven a train to Hamburg: "An official was used to replace me at short notice, a civil servant, who is now driving my train, and I have been put on standby because management was afraid I would strike. Exactly the same thing is taking place in the subway. Trains are running every thirty minutes and are being driven by officials. The strike was known about a long time ago and the management was able to react by engaging officials or other colleagues who are members of Transnet: Now they have been given the job of handling the trains. "

Thomas Mühlhausen (GDL from Bebra) told us: "The DB is taking such a hard line with the train drivers because they want to ensure that we create a precedent... Mr. Mehdorn is determined to ensure that the railways are registered on the stock exchange during his chairmanship and that is only possible with a moderate wage increase. But we have played along now for thirteen years, since 1994, and just taking inflation into account we have a real wage loss of more than ten percent. It is barely worth going out of the house to work: the colleagues simply need more money to live. That is the conflict."

He revealed that the railway management had inserted job ads in several newspapers for new train drivers and is evidently eager to rid itself of the organized train drivers in preparation for the forthcoming privatization: "The company must be 'prettied up' for privatization," he said.

An older colleague stated: "In several newspapers there was obviously an attempt made to recruit train drivers as strike breakers. That is completely illegal. The work can only be carried out by someone who is familiar with the network. We have to see it in connection with the planned labor disputes: DB had inserted ads in a number of major newspapers.

"One of the ads even referred to a starting wage of 32,000 euro—that really surprised us and the colleagues were really angry. That is roughly the total we would receive if we were to achieve our aims in the strike. The existing starting wage is way under this figure and it is unthinkable that a train driver could receive so much. This is a very hard and enormous provocation.

"The job of train driver was always a technical occupation, which involved a high level of training. We have evidently been deliberately picked out to provoke us. In addition, the information about the training given by private railway companies, which employ people after a period of training, is not exactly positive. It is fortunate that there have not been more serious accidents."



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