

# Germany: Court lifts strike ban against train drivers

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The Regional Labour Court in Saxony, Germany, has lifted the ban imposed on the train drivers' trade union, which had prohibited it from taking strike action that affected long-distance routes and goods traffic. Judge Werner Leschinger ruled that a restriction of the constitutionally enshrined right to strike was illegal. The choice of means by which workers conduct a struggle must be left to the parties involved in the collective bargaining process, he said.

The superior court set aside the decision of the Chemnitz Labour Court, which had banned strikes affecting goods and long-distance traffic on 5 October as "disproportionate".

Train drivers reacted to the judgement with enthusiasm. They can now extend their strike to goods traffic, stepping up the pressure on Deutsche Bahn (DB, German Railways). The chairman of the drivers' union (Deutsche Lokführer—GDL) Manfred Schell spoke of an "extensive victory" for the trade union.

The judgement represents a defeat for the DB management. It had also lodged an appeal against the lower court's verdict hoping to gain a new ruling that all strikes by the GDL were illegal. But it would be a misapprehension to believe that DB will desist from its confrontational course. The pressure on the train drivers from all sides is actually increasing.

GDL boss Schell hopes there will now be negotiations with management. Even while in the courtroom, he appealed to the DB management to submit an offer for negotiation and announced that talks could start on Monday without the immediate pressure of a strike. The GDL chairman hopes that management can be brought to the negotiating table by the court judgement and the direct threat of a strike affecting goods traffic. But there are no signs that DB is ready to negotiate.

Railway CEO Hartmut Mehdorn reacted to the court's decision indignantly and announced he would take legal advice to ascertain whether DB could challenge the ruling in the Constitutional Court. DB Chief Personnel Officer Margret Suckale spoke of a "black day for the German economy". The engine drivers' union GDL had been "given the right to paralyse the country". A widespread strike affecting goods traffic would be "difficult to cope with".

Speaking on television, Suckale warned the GDL that it now bears a great national responsibility. She called on the drivers' union to begin new negotiations, without, however submitting any improved offer.

The court judgement means that the drivers' strike enters a new phase. The DB management has obviously decided to intensify the dispute even further. It has refused to conclude a separate collective agreement with the GDL and stubbornly rejects making any concessions. Nothing has changed as far as management is concerned in the desire to teach a militant section of the workforce a salutary lesson and bring the drivers' union to its knees, or to destroy it if necessary.

All the large employers' organisations, the German Trade Union Association (DGB) and the federal government are all standing behind Mehdorn and the DB management. Just before the court announced its ruling, when the decision was clear to see, Federal Transport Minister Wolfgang Tiefensee of the Social Democratic Party wrote a letter to the GDL leader, in which he called on him to show moderation in the dispute. As the *Frankfurter Rundschau* reported last Friday, Tiefensee stressed that there was much at stake in the dispute and all involved would have to contribute to a solution.

The president of the Gesamtmetall employers'

association, Martin Kannegiesser, attacked the striking engine drivers. He told the press that it could not be permitted for “a specialist trade union to use its potential for extortion” in a way that hindered the normal conduct of business. If necessary, the legislators should intervene in order to lay down how far a strike may go, in order to “prevent worse happening”, he said.

On the day the court heard the case, the Berlin headquarters of the public service union Verdi once more launched a fierce attack against the striking drivers. This time it was a deputy Verdi chair Margret Mönig Raane who called the GDL’s demands egotistic, lacking consideration for all the other railway employees. The drivers’ behaviour was “not acceptable”, she said. It was impermissible that industrial solidarity was being broken apart and it was “every man for himself”.

In the recent past, Verdi has played a key role in enshrining cuts in wages and social spending in the collective agreements it signed. The public sector contract agreed by Verdi represents a worsening of conditions for all concerned. In the spring, against the express opposition of its own members, Verdi gave its blessing to a move by Deutsche Telekom to hive off 50,000 staff into a low wage in-house company.



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