

German court provides legal stamp for hard labour

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The highest German social court delivered a judgement on December 16 that exposes the real aim of the introduction of "one euro-jobs" by Germany's former Social Democratic Party (SPD)-Green Party government: to impose state-sponsored hard labour, break opposition to such measures by the unemployed, and thereby replace reasonably paid full-time jobs with a massive low-wage sector.

The 4th Senate of the Federal Social Court (BSG) in Kassel ruled on Tuesday that the unemployed must accept a one euro-job even if it involves a working week of up to 30 hours. The judgement overturns a number of regulations that until recently prevented such forms of cheap labour. Factors such as the qualifications of the unemployed person, the type of job offered, and the reimbursement involved no longer play a role.

The issue of one-euro jobs was raised by a 58-year-old engineer who had been unemployed since 2001. In August 2005 he was ordered by his local employment office to begin work as an assistant gardener for a local authority for a wage of €1.50 per hour. Between August and December he was required to work a 30-hour week covering trees with plastic.

The engineer told *Spiegel-Online* that his initial reaction was to turn down the job. He argued that a 30-hour week in a one-euro job would not leave him enough time to find a full-time position.

He also maintained that he was physically incapable of working full-time as an assistant gardener and that he had already accepted an alternative offer involving less hours at the time the employment office ordered he begin the 30-hour job.

The engineer's arguments were all summarily dismissed by the employment office, which

recommended that he be punished with a 30 percent decrease in his Hartz IV unemployment benefit for a period of three months. This meant he received a monthly allowance of just €241.50. The full level of Hartz IV unemployment benefits is €345 euro—a sum that is in itself inadequate for subsistence.

The engineer appealed against the judgement and now the social court has delivered its verdict, rejecting his appeal. The ruling means that an unemployed person with outstanding credentials must be prepared to perform the most menial types of work for up to 30 hours a week for one euro an hour—or otherwise be punished by deductions taken from his or her already miserly social insurance payments.

This judgement, which wipes out the rights of the unemployed, represents a fundamental attack on the entire working class. At the same time, the judgement is consistent with the new law governing unemployment benefits introduced in 2005 by the SPD-Green Party government headed by Chancellor Gerhard Schröder (SPD). The aim of the law was to force the unemployed to accept any and every form of work, irrespective of how low the pay, and thereby exert downward pressure on the wages of full-time workers.

Had the engineer rejected a second "offer" of a one-euro job, his allowance would have been cut by an additional 30 percent. The rejection of a third offer would have resulted in termination of any financial support.

The High Court judges justified their judgement on Tuesday by arguing that the one-euro jobs were a special measure aimed at "reintegrating" the unemployed into the labour market and had nothing to do with regular employer-employee relationships.

The minimal sum paid to one-euro jobbers, according to the court, is not intended as recompense for the work

performed, but only as an "incentive." However, the unemployed are not allowed to turn down this "incentive."

Using the same argument—that a one-euro job has no relevance for normal employer-employee relationships—such workers have no right to any payment if they are sick. At the same time, although they are working virtually full-time, they have no right to any holiday pay.

A further judgement by the Federal Social Court used the same line of argumentation. In this scandalous ruling, the judges declared that the unemployed must pay their own transport costs to travel to and from work. While the current law permits a small "additional expenditure remuneration," the judgement means that many one-euro jobbers will lose money by accepting a post involving a long commute to the workplace.

The pressure exerted by the Hartz laws is directed not only against the unemployed, but has direct consequences for full-time workers with regular jobs. Their jobs and wages are currently being undermined by a total of no less than 750,000 one-euro jobbers.

In many cases, this army of cheap labourers replaces full-time workers in cities and municipalities, which are able to reap huge savings. Such positions, e.g., horticulture work, are normally held by full-time workers. Many unemployed persons apply for such jobs as well, but now the same work is being performed for a pittance.

The replacement of full-time workers by one-euro jobbers is particularly prevalent in East Germany, where the budgets of cities and municipalities are usually highly indebted. According to the *Süddeutsche Zeitung*, "One-euro jobbers constitute a majority of the workforce in nearly a third of all East German companies." The paper adds that this work is performed "nearly always without any prospect of obtaining further employment."

In fact, just 15 percent of one-euro jobbers find any sort of job after completing their "work opportunity." The vast majority of this handful of jobs is either part-time or temporary. The largest group involved in one-euro jobs—those younger than 25—has virtually no chance of finding any sort of work.

While one-euro jobbers are not regarded as regular members of the workforce, their labour is counted by the government to manipulate its employment data. In

November, the government announced that the official number of unemployed in 2008 had fallen to under 3 million. The rapidly growing army of low-wage workers in Germany, including 750,000 one-euro jobbers, do not figure in this statistic.



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