

German worker dismissed for “stealing electricity” at work for cell phone

Dietmar Henning
11 August 2009

Employers in Germany, who have been encouraged by the pro-business policies of the government and legal system, are undertaking ever more provocative measures against workers.

At the start of the year the case of a supermarket checkout employee Barbara Emme, known as “Emmely”, hit the headlines after she was sacked for allegedly pocketing bottle deposit slips amounting to the sum of 1.30 euros. Now another worker in Oberhausen has been dismissed on the spot for charging his cell phone at his workplace. The estimated value of the electricity used is 0.014 cent or less than one-seven thousandth of a euro.

The worker, Mohammed Sheikh, emigrated from Pakistan and has lived and worked in Germany for over 20 years. For the past 14 years he has worked in the Oberhausen industrial plant Jawa, which produces seals for manufacturing purposes.

On June 5 he was dismissed without notice for “stealing electricity”. The written notice of his dismissal reads: “Dear Mr. Sheikh, hereby do we terminate without notice our contract with you. This morning we established that you charged your mobile phone during work time from our electricity mains. Following enquiries your colleagues confirmed that you load your mobile phone every morning at the plug socket on the job. This is an offense...”

The boss of the company also claimed that the 51-year-old Sheikh had also taken a photo of the machine on which he worked. This is also forbidden, although the company head did not explain why. According to Sheikh’s lawyer, Hans Henning Klingen, the company “did not go so far as to claim that Mr. Sheikh had sought to engage in industrial espionage... Nobody would have believed it anyway, because there is nothing to spy on. Mr. Sheikh simply produces seals.”

Mohammed Sheikh had a simple explanation for the photos, i.e. to show his five-year old son what his father did at his workplace. After being warned by the head of the company he had refrained from taking any further photos

and did not complain about the punishment he received for taking the one photo—a half hour loss of wages.

His lawyer regards the reaction of the company head as illegal, but his client was obviously intent on maintaining a good relationship with his employer. “But it obviously did him no good,” Klingen noted.

Mohammed Sheikh was not only surprised by his dismissal, he was infuriated. He told a television reporter he was extremely worried about the future of his family and could hardly sleep at night. “I must work. How else can I provide for my family? I have bought our apartment.” Sheikh has lived in the Ruhr city of Oberhausen since coming to Germany. His oldest son is 25 years old. Sheikh’s first wife died and he has three other young children, including a three-month-old baby, with his second wife.

Since his dismissal Sheikh and his family have received miserly Hartz IV welfare payments. Because of his dire economic position he was awarded legal aid by the labor court in Oberhausen. A spokeswoman for the labor court told the media that in her opinion, the sum of the alleged theft was the smallest ever given for a dismissal in her experience.

In its initial judgment the labor court suggested to the employer that Sheikh be re-employed when he agreed never again to charge his cell phone or take photos on the premises. Sheikh was prepared to agree to such a compromise—his lawyer stressed—even though other colleagues used company sockets to power radios or coffee machines and nobody had ever complained. The company turned down the offer, however.

Sheikh assumes that the company wanted to dismiss him in order to employ a new worker at a much lower salary. In his entire 14 years at the company he has had a spotless record and a previous attempt to get rid of him failed because the company lacked any basis for his dismissal.

The company has sought to use the same argument as was used in the case of the Berlin supermarket check out operator “Emmely”, i.e. the clause in labor law which states that dismissal is justified when the “violation of property

damages the breach of trust between employer and employee, irrespective of the sum involved.”

Following considerable press coverage of the case of Mohammed Sheikh in Germany and abroad, combined with intensified legal action on his behalf, the Jawa headquarters provisionally withdrew his dismissal notice last week.

In the meantime Mohammed Sheikh is working at his former job, but it remains unclear for how long. His lawyer, Klingen told the WSWS, one had to wait to see how things proceed. “If there are any problems it will not be due to Mr. Sheikh.”

Dismissals for workers, millions for the bankers

The attorney Klingen stressed, “I have not encountered such a case in my three-and-a-half decades as a lawyer.” Although the case seems petty and absurd it fits into a scenario, which has developed in recent months. Following the controversial case of Emmely, the fate of the worker Mehmet G. hit the headlines. The waste disposal worker was sacked on the spot because he had rescued a child’s cot from the garbage, intending to use it for his own child. On July 30, the labor court in Mannheim declared that the act of taking the bed from the garbage was illegal, but that the employer’s dismissal notice was invalid. Two days before the Mannheim judgment the Federal Labor Court in Erfurt allowed the cashier Emmely to appeal the judgment against her. The final decision in that case has not yet been made.

In similar cases workers are even less fortunate. Courts have recently confirmed both the dismissal of a kitchen assistant, who had taken two bread rolls from a hospital, and a supermarket cashier, who could not account for a deficit of 1.36 euros in her cash till. In all of the cases the courts refer to the “precedent” set in 1984, when the Federal Labor Court confirmed the sacking of a baker’s shop assistant, who had eaten a piece of cake valued at 60 Pfennig (today about 30 cents) without paying.

At the same time there is a growing list of cases in which bankers and fund managers have plundered the economy and pocketed millions in a thoroughly criminal fashion and gotten off scot-free. Although they squandered billions they are treated indulgently by the courts, and are even able to claim millions in bonuses because, as the judges have ruled, a “contract is inviolable.”

The first major trial in Germany dealing with millions in compensation packages for investment bankers employed by the Dresdner Bank was postponed last week because the judge was ill. The trial is taking place because the former

capital market boss of Dresdner Bank, Jens Peter Neumann, is demanding 1.5 million euros in redundancy payments—in addition to a bonus of three million euros, which he has already received.

Last year Dresdner Bank reported an operating loss of 6,3 billion euros and Neumann was largely responsible for these losses. Since then the government has provided 18 billion euros to allow the Commerzbank to take over the ailing Dresdner bank.

Following the takeover last January a stop was put on redundancy and bonus payments. This led to at least twelve legal actions by bankers in Frankfurt and London, including Neumann. These have largely met with success. In the middle of July a court in London called upon the bank to pay out a sum of ten million euros to four investment bankers. One of the quartet is Stefan Gütter, the ex-head of distribution for the former Dresden subsidiary, Dresden Kleinwort. In other cases the bank made settlements out of court and paid out millions to bankers. Neumann also has good chances of pocketing his redundancy money. When it comes to the misappropriation of millions then the courts are blind to any “breach of trust”.

The reason for the resurgence of such reprisals against the working class lies with the ever more right-wing trajectory of the Social Democrats and the entire political establishment, along with the collapse of the trade unions and their transformation into open partners in the oppression and exploitation of the working class. This has contributed to and coincided with an enormous growth of social inequality in Germany and the dismantling of social and legal protections won through generations of struggle.

This has encouraged employers to go onto the offensive against workers and has exposed the class character of the judiciary. The weight of legal opinion lies with the Neumanns and the Gütters, not with the Mohammeds or Emmelys.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact