

German Labour Court bans air traffic controllers' strike

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5 August 2011

On Wednesday evening, the Frankfurt Labour Court banned an air traffic controllers' strike, which would have crippled air traffic over Germany on Thursday for six hours.

The court, under presiding Judge Renate Binding-Thiemann, justified the strike ban by saying that one of the demands of the air traffic controllers' union (GdF) was unlawful.

The demand at stake is the promotion of an air traffic controller to a higher wage grade after he has been temporarily working at the higher grade. The court justified its decision by ruling that, as the issue was already the subject of an existing collective agreement, the union was bound by an "industrial peace" obligation and could not make it an issue in a strike. Its verdict accepted most of the arguments of *Deutsche Flugsicherung* (German Air Traffic Control, DFS), the employer of the air traffic controllers.

Judge Binding-Thiemann claimed that the fact that the rejected claim was a relatively insignificant matter in the union's list of demands, was not relevant. The lawyer for the air traffic controllers union had described the issue as "trivial" and "small and insignificant in relation to the whole."

Immediately after the verdict was announced, the union lodged an appeal. The Hesse State Industrial Court had already placed a judge on standby, with the hearing due to begin at 21:30.

Before it began, however, the union called off the strike, supposedly in the interests of the travelling public. Neither passengers nor airports and airlines should be left in the dark, it said. Air traffic was then largely undisturbed on Thursday.

The decision of the Frankfurt Labour Court is a serious attack on the right to strike. The court was responding to a propaganda barrage against the air traffic controllers, which included not only the media and employers' associations but also government representatives.

The Federal Transport Minister Peter Ramsauer (Christian Social Union, CSU) accused the air traffic controllers of conducting their dispute "on the backs of countless

holidaymakers." He added that, "People have saved all year for their holidays and don't deserve that," warning the air traffic controllers "not to push things too far."

Stefan Lauer, a board member and Personnel Director of Lufthansa, said, "Such a strike in the midst of the peak tourist season would not only be completely excessive, but would cross the line to become harassment." The President of the Federation of German Air Transport, Klaus-Peter Siegloch, even accused the air traffic controllers of wanting to "take our passengers hostage."

The dispute is not primarily about wage levels—where the air traffic control union and employers show a willingness to compromise—but about working conditions and standards that impact on the safety of hundreds of thousands of airline passengers every day. The price war between airlines is being fought on the backs of the air traffic controllers, pilots and airline employees. Their workloads are increasing such that they are hardly in a position to fulfil their work, which entails great responsibilities.

This is particularly pronounced in the field of air traffic control. DFS employs 5,600 people, of whom 3,200 are organized in the air traffic controllers' union. 1,800 are air traffic controllers, the remainder being technicians, programmers and administrative staff. In Germany's busy airspace, air traffic controllers coordinate up to 10,000 aircraft movements each day. They also regulate military traffic. Any lapse in concentration, caused by stress or fatigue, can have fatal consequences.

DFS has failed for years to train enough new staff, and compensates for the lack of personnel through overtime and increasing workloads. It is this question that has sparked the current dispute.

The GdF is demanding a 6.5 percent rise in annual pay. DFS is offering an increase of 5.2 percent in two stages over two and a half years, linking the offer with the condition that in future, air traffic controllers will complete up to 150 hours mandatory overtime a year. Previously the limit for *voluntary* overtime was 150 hours. This limit will now be raised to 250 hours per year. The union has rejected this and

wants a maximum of 80 hours overtime per year.

According to GdF spokesman Matthias Maas, many air traffic controllers are already working at their limit. The DFS management demand would mean thirty more working days a year. Air traffic controllers would then have to work six days in a row more often and could only take one day off after such a shift pattern.

The union is also demanding that supervisor jobs only be filled by experienced air traffic controllers. DFS management rejects this as an unacceptable restriction on “business freedom,” and also wants to use administrative employees who would then be responsible for monitoring air traffic controllers without having had the proper training.

The conflict over air traffic controllers’ working conditions has been brewing for years. Last year, a strike was only averted at the last minute. Late last month, air traffic control union members voted overwhelmingly for industrial action. There was a 92 percent turnout in the ballot, of whom 96 percent voted for strike action.

The union leadership then announced a six-hour strike for August 4. At the same time, they urged DFS to invoke the arbitration process. This would automatically have meant the obligation to maintain “industrial peace.” But the DFS management refused to take up the union’s offer, and launched legal proceedings instead. Clearly, they are pursuing the goal of seriously weakening the air traffic controllers union by means of the legal action.

The GdF—like the pilots union Cockpit, the flight attendants union UFO, and the train drivers union GDL—is part of a group of smaller unions which have broken with the larger unions organised in the German Union Federation (DGB) because they no longer feel represented by them. Although they are politically conservative, these smaller unions have repeatedly organized strikes that have hit train and air travel.

Last year, a joint initiative by the German Employers’ Associations (BDA) and the DGB sought to undermine these smaller unions, by enforcing a ruling on so-called “contract unity.” This would have outlawed action by the smaller unions where a contract had already been agreed with the DGB unions. Now DFS is trying to drive the air traffic controllers union to the wall through court proceedings.

DFS is a commercial company, which was formed in 1993 out of a state agency, the Federal Agency for Air Control. It is 100 percent owned by the German state. Its privatization in 2006 had failed as a result of opposition from then-Federal President Horst Köhler.

It is not the first time that the air traffic controllers have been the target of violent attacks directed ultimately against the rights and social gains of the entire working class.

Thirty years ago, US President Ronald Reagan crushed the

air traffic controllers union PATCO and launched a frontal assault on the rights and social achievements of the entire American working class that continues to this day. And last year, the Spanish government of Jose Zapatero used the military and the courts against striking air traffic controllers, who were opposed to the government’s austerity measures.

In both cases, air traffic controllers were denounced by the media as a privileged minority, who were only interested in securing their own advantages. In fact, the attack on the air traffic controllers was cusp of a social counter-revolution.

The fact DFS will not abandon its aggressive approach is also shown by the person it favours as a possible arbitrator. This year, it is the employers’ turn to nominate a mediator if there is an arbitration process. Even before the verdict was announced in Frankfurt, they named the controversial Munich law professor, Volker Rieble.

Rieble has made a name based on his attacks on workers. Two years ago, in the *Neue Juristische Wochenschrift* (New Legal Weekly), he published a five-page attack on the supermarket cashier “Emmely”, who was dismissed after thirty years’ service for allegedly misusing coupons worth of €1.30. A court has now declared this dismissal illegal.

The air traffic controllers union, which constantly strives for compromise with the DFS, is unable to effectively counter this offensive. This requires the setting up of independent action committees, which will mobilize support throughout the entire working class and take up the struggle for a socialist perspective.



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