

The contract unity law and the return of German militarism

Ulrich Rippert
29 May 2015

The German government intends to bring its contract unity bill into force prior to the summer break. Despite criticism from renowned jurists, the Bundestag adopted the bill last Friday with the votes of the grand coalition. The new law is due to pass the last parliamentary hurdle at the next sitting of the Bundesrat, Germany's upper house.

The bill, drafted by Labour Minister Andrea Nahles (Social Democrats, SPD) in close consultation with the German Confederation of Trade Unions (DGB), undermines fundamental workers rights, above all the right to strike and the right to form associations.

The law will allow the DGB to function as a monopoly corporatist trade union, like the German Labour Front under the Nazis or the FDGB in East Germany. The DGB trade unions have collaborated closely for years with employers and the government via their representatives in works councils in industry and the public sector. The new bill aims to cement this collaboration and suppress all resistance or any independent initiative by workers.

The bill has a long history. Five years ago, the federal labour court overturned the previously existing provision that only one contract should apply at each workplace. The court was responding to pressure from the liberal Free Democratic Party's (FDP) economics minister Philipp Rösler, who implemented a drastic liberalisation and deterioration of working conditions. The government at the time intended to put the DGB under pressure and compel it to allow competing trade unions.

The DGB responded by cooperating even more closely with the government and offering itself as co-manager to impose social attacks and layoffs. At the same time, profession-based trade unions used the new legal framework to secure better contracts in specific

areas. Many workers subsequently switched to the smaller trade unions, such as the GDL (railway), Cockpit (pilots), UFO (air traffic controllers), GDF (ground staff) and Marburger Bund (doctors).

Due to the attempts by growing numbers of workers to find a way to break out of the straightjacket of the DGB unions, employers' associations and the DGB demanded a law that would grant DGB unions virtually unrestricted power in factories and public administrations.

This is now to be regulated in the following way: the legal requirement for contract unity will come into force when competing trade unions fail to agree on how to proceed in contract negotiations. The company will then only recognise as a contract partner the trade union which organises the most workers at the company. As this is generally the DGB trade unions, the profession-based unions will be deprived of the right to conclude contracts, and thereby their existence.

Although the SPD's bill is in clear breach of article 9 of the German constitution, which extends the right to "everyone and all professions" to "form associations to realise and promote labour and economic conditions," it is being rushed rapidly in to force.

Thomas Dieterich, a former judge at the German constitutional court, criticised the "deliberate deceiving of the public." The government claimed that the right to strike would not be touched, although this was in fact the case. Dieterich thus considered the contract unity bill to be in breach of the constitution. It "would significantly limit the ability of the trade unions to act," he told the *Berliner Zeitung*. According to Dieterich such a development cannot be reconciled with the German constitution.

Several smaller trade unions have announced they will launch constitutional challenges. Klaus

Dauderstädt, chairman of the professionals' association (DBB), which includes the GDL, has threatened to appeal to the constitutional court on several occasions.

The vehemence with which the government has responded to criticism and its rush to hurry the contract unity bill through the parliamentary institutions is directly connected with the current economic and political crisis. The German government has reacted to this crisis in two ways: first, through a drastic intensification of exploitation by means of continuous job cuts and severe undermining of working conditions; and secondly, with a military build-up and preparations for war.

At the beginning of 2014, Foreign Minister Frank-Walter Steinmeier (SPD), Defence Minister Ursula Von der Leyen (Christian Democrats, CDU) and President Joachim Gauck proclaimed that Germany's military restraint was over. Since then, the government has been pursuing an aggressive and militarist foreign policy. It has announced the spending of billions on the rearming of the German army so it can once again intervene around the globe.

The funds necessary for this are to be squeezed out of the working class. The catastrophic destruction of living standards in Greece, dictated by the German government, is a foretaste of what they are planning in other European countries, including Germany.

All forms of protest and resistance, against the social attacks as well as against the militarist policies widely hated in the population, are to be suppressed. This is the purpose of the contract unity law, which is to forbid all opposition in industrial operations.

At the same time, state-imposed conformism is taking place at the universities, with all opposition to the war propaganda from professors being criminalised. Anyone who dares to stand against war, poverty and exploitation is to be silenced and made acquainted with the firm hand of the law.

In this, the DGB stands firmly on the side of the ruling elite. DGB chairman Rainer Hoffmann wrote for the foreign ministry web site "Review 2014: reconceptualising foreign policy," which pushed for a new type of German great power politics and worldwide interventions by the German army. His contribution clearly placed him on the side of the German army and foreign ministry.

Hoffmann's predecessor, Michael Sommer,

maintained close ties to the German army. At the time, the DGB presented a joint declaration for peace with the German army, noting in all seriousness that not only the trade unions, but also the army was part of the peace movement. On 13 June, the DGB will participate in the celebrations of the 60th anniversary of the German army's founding.

As was the case at the beginning of World War I a century ago, the trade unions are cementing a ceasefire with the government and suppressing strikes. This is the aim of the contract unity law.

It must be energetically opposed. But it would be an illusion to believe that profession-based unions or greater militancy can defend the interests of the workers. While opposition to the corrupt machinations of the trade unions in industry is growing, it is becoming clearer every day that the struggle against layoffs and social cuts is directly bound up with the fight against militarism and war.

The working class faces political tasks. It must view every protest and resistance as the preparation for, and part of a broad political mobilisation against the German government. This requires a political perspective based on two principles: first, it must be international and directed towards developing collaboration between workers throughout the world; and second, it must oppose the capitalist profit system and its unceasing intensification of exploitation, i.e., it must be socialist.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact