

# After working to the bone ... German orchestra leader sacked following musicians' protest

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In November, Burghard Toelke, the director and first violinist of the Staatsbad Philharmonie Kissingen in Bavaria, Germany was dismissed a few days after his orchestra's musicians conducted a protest.

At Toelke's initiative, the orchestra members had demanded better pay, shorter working hours, bonuses for additional non-professional work and clear holiday and travel rights. This summer Bad Kissingen, along with ten other historic spas, was declared a UNESCO World Heritage Site. At the ceremony to commemorate the town's recognition, local dignitaries gathered in deluxe surroundings, only to be confronted by the musicians wearing yellow vests with the word "Strike."

The musicians' employer is the Bayrische Staatsbäder Bad Kissingen GmbH, and its shareholders are the state of Bavaria and the city of Bad Kissingen. City Mayor Dirk Vogel is a member of the Social Democratic Party (SPD). As recently as 2012, his SPD predecessor Kay Blankenburg spoke enthusiastically about the spa orchestra, which features in the Guinness Book of Records for playing 727 concerts in a single year.

In 2018, the orchestra was renamed the Staatsbad Philharmonie Kissingen. The name was intended to emphasise the high musical standard of the orchestra and appeal to young, well-trained applicants. Within a few years, a large proportion of the orchestra was due to retire. The newly appointed orchestra leader was violinist Toelke, an outstanding musician with international experience who threw himself into the artistic work with verve.

Toelke was fascinated by a special feature of the Staatsbad Philharmonie: it maintains the tradition of the Great Berlin Salon Orchestra, a delightful 13-member ensemble of strings, winds, percussion, piano and harmonium, capable of playing virtually "everything." The demands made on the musicians are considerable. All of them are soloists. Several are masters of two instruments.

Within a short period of time, the orchestra transcribed many parts from historical scores in unpaid arduous work. Its sheet music archive grew to about 3,000 works ranging from baroque to operetta, musical, big band jazz pieces, hit songs, Beatles

and classical music. Works played included pieces by Beethoven, Wagner and Tchaikovsky, as well as Dvorak's famous "New World" symphony, all of which all normally require a large orchestra.

The orchestra was soon sought after beyond the confines of the spa. A premium annual ticket expanded its audience beyond the town. Subscription concerts with renowned singers increased its appeal. The orchestra's employer highlighted the quality of the ensemble to the public. In September, however, management responded to the orchestra's demand for a collective agreement by dismissing two young musicians shortly before the end of their probationary period. Spa guests and local residents joined protests against this unfair action, while other orchestras sent letters of solidarity. The highlight of the protests was a joint concert with musicians from eight different orchestras in front of the town hall.

The city initially refused to reverse the dismissals. Instead, the orchestra received the "offer" of a salary increase far below the wage orchestra musicians are entitled to according to their years of service. The offer placed orchestra members on the same financial footing as newcomers to the profession. The orchestra's weekly working time was formally reduced from 40 to 30 hours, but its demand for 9 instead of 13 weekly concerts was rejected. In practice, this meant that the amount of work needed to prepare the concerts either had to be done in unpaid overtime or in fewer hours, all at the expense of musical quality.

In the press, the ensemble, whose artistic level had previously been praised for making Bad Kissingen a prime "cultural location," was now accused of being "too good." It was striving for an unnecessary level of quality, complained the local SPD faction leader. The demand was raised by the Staatsbad GmbH that the orchestra once again concentrate on "key tasks," i.e., provide pretty background music for spa guests, prompting one musician to comment sarcastically that only a single player at a ship's piano was obviously needed.

The letter from the mayor, Vogel, to the DOV, the orchestra's trade union, is outrageous. He reiterates the rejection of collective bargaining talks, and provocatively asks

whether any public employer was prepared to “permanently employ an orchestra whose members are supposed to work nine hours a week, but in the end earn the same as an office manager in the civil service?”

Vogel outrageously equates the number of nine weekly concerts demanded by the orchestra with its weekly working hours and regards the orchestra to be completely overpaid for its current total of 13 concerts. Everyone knows that the principal work of musicians is invisible to the audience. Concerts are preceded by intensive orchestra rehearsals and long hours of individual practice at home.

Toelke is furious that his employer’s only concern is keeping spa guests happy with an undemanding musical program. He is particularly disappointed with the fact that an SPD mayor refuses to pay the orchestra in line with a proper contract. The response of the SPD here, however, as in other areas of society, is typical. For many years the SPD has imposed austerity measures in cooperation with the trade unions while seeking to dissipate all opposition.

The exchange between Vogel and the DOV union is also exemplary in this respect. Instead of a strike, the orchestra union organised a melodious protest and declared in its reply to Vogel that it had “little interest in escalating the conflict further.” The union praised its role as a specialist for “tailor-made in-house collective agreements” and explains in its latest press release that “positions in the current dispute are in fact not that far apart.”

With an open threat to dissolve the orchestra, which allegedly only wants to work “nine hours a week,” the SPD mayor is appealing to the most backward prejudices about allegedly rapacious artists. It is a serious warning reaching far beyond the city of Bad Kissingen—an outright refusal to recognise musicians’ rights won in the past.

There are hardly any permanently employed musicians in today’s spa business. They are usually hired on a seasonal basis or replaced every few weeks—often with musicians from Eastern Europe desperate enough to work for miserly wages. In the Staatsbad Philharmonie, the largest spa ensemble still employed on a permanent basis in Germany, artists from Poland, Japan, Korea, Belarus and an excellent pianist from Iran work alongside German musicians. The dismissed clarinetist comes from Spain, the dismissed young flautist, who gave up her position in a large symphony orchestra to play in Bad Kissingen and prevailed against 60 competitors, is from Turkey. In the meantime, the two have apparently been reinstated.

They will probably be expected to express their humble gratitude for being allowed to play in the state which is the birthplace of Bach and Beethoven. After the orchestra’s action at the UNESCO ceremony, some venomous voices were raised against the role of “foreigners,” which, as Toelke recalls, also included a city council member.

Following Toelke’s dismissal, the press and the orchestra

union DOV have fallen silent. The union has not even mentioned Toelke’s scandalous dismissal. However, the expressions of solidarity with the small orchestra from ensembles in several German states, including the Staatkapelle Berlin, shows that musicians do not regard the dispute as a local issue. The same pressures apply everywhere.

Thus, there are certain parallels to the 2011 orchestra strike in Berlin, when the city’s three opera orchestras demanded better pay according to a nationwide collective agreement—a contract the city’s Senate (a coalition of the SPD and the Left Party) evaded when it left the state employers’ association. The musicians were particularly outraged by the state employer’s intention to no longer remunerate temporary work by orchestra members and thereby create a single comprehensive orchestra based on a smaller number of musicians. In addition to unpaid extra work for the employed musicians, the Senate policy meant cuts in the quality of performance by the three very different orchestras.

The 727 performances of the Staatsbad Philharmonie are impressive proof of the considerable demand for high-quality culture on a smaller scale. Toelke rightly fears further consequences if savings are made at this level: “We also want to inspire children with our music. Will our school concerts be cancelled now?”

The action taken by the musicians in Bad Kissingen and the dismissal of its musical director make one thing clear: the cultural needs of the population cannot be defended within the framework of trade union actions or with appeals to politicians. For years now, Germany’s music schools have replaced permanent teachers with low-paid freelancers.

The experience of the Bad Kissingen musicians is by no means unique. Especially in the two years of the COVID-19 pandemic, it has become clear the extent to which culture is subordinated to the profit interests of big business and the banks, and how smaller institutions, ensembles and cultural initiatives are being left out to dry.

Musicians can only defend their livelihoods and the cultural interests of the population by joining forces with teachers, parents and workers in other areas and countries on the basis of opposition to capitalism.



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