

The Right of Co-determination and the Right to Strike: Letter from Konrad Adenauer to Hans Böckler, Chairman of the Confederation of German Trade Unions, and Böckler's Response (1950)

Abstract

In a dramatic confrontation over the survival of co-determination in the coal, iron, and steel industry, the Confederation of German Trade Unions [*Deutscher Gewerkschaftsbund* or DGB] threatened a mass strike in case the parity model introduced by the Allies was rescinded by a Bundestag law. In the following letter, Chancellor Adenauer reminds DGB chairman Hans Böckler of the illegality of such a strike. The Basic Law guaranteed parliament the freedom to make decisions, and it could not be put under political pressure through the threat of a strike. In his response, Böckler points to other rights enshrined in the Basic Law: the rights to freedom of opinion and association. In the end, the strike was averted through negotiations and a compromise: co-determination in the coal, iron, and steel industry was left intact. But the DGB failed to achieve its broader goal of extending the co-determination model to all large industrial enterprises. Instead, the DGB was presented with the Works Council Law – a weaker law from the employee perspective.

Source

I. Adenauer's Letter to Böckler, November 27, 1950

[...]

Parliament will decide on the right of co-determination [...].

The announcement by the German Metalworkers' Union on holding a strike vote in iron-making factories fills me with concern. A sense of justice and the legal system have afforded workers the right to strike in all matters concerning the collective bargaining contract. The announced strike, however, goes beyond this framework. The goal of such a strike could only be to force the freely elected representative body of the people reach a decision that accords with the union's wishes by threatening, or bringing about, economic harm that affects everyone. I fear that this means setting out on a road that could ultimately lead to a conflict with the basic legal structure of the state.

Therefore, the federal government would very much appreciate it if the national board of the DGB would recommend that the German Metalworkers' Union exercise restraint in this matter and await parliament's decision.

II. Böckler's response to Adenauer, December 11, 1950

[...]

My letter of November 23 – I would like to emphasize at this point – was motivated by the desire to once again inform you, Mr. Chancellor, and thus the entire cabinet, of the seriousness with which the German unions perceive the problem of co-determination of workers in the economy. This seriousness is born not least from the realization that the creation of an economic order in keeping with the times, one in which the human rights of workers are given full consideration, is the most urgent issue of our day. The

German unions believe that only a vibrant social order can put a stop to massification and totalitarianism. They further believe that it is vital for democracy in Germany not to remain limited to the political realm but to also find its logical extension in the introduction of democratic principles into the management and shaping of the economy. The German unions find their stance confirmed in the very fact that economic power was abused for political purposes in the past, and in the sad consequences of that abuse, namely war and destruction.

The German unions have repeatedly informed the Bundestag and the federal government, as well as the public, of their views on economic democracy and their corresponding wishes. They continue to stand by their demands, because they see in their realization the only guarantee of our country's democratic development and secure future.

In your letter, you advanced the opinion that a sense of justice and the legal system have afforded workers the right to strike only in matters concerning the collective bargaining contract. I cannot agree with that view.

In this context, I would like to point to Article IX, Section 3 of the Basic Law, which grants workers the right to associate in order to safeguard and improve their economic and working conditions. Thus, workers are granted the right not only to organize for the purpose of regulating wage and work conditions but also to create economic conditions that support their ideas and interests. Paragraph 4 of the collective bargaining law of the Economic Council of April 9, 1949, also states that in addition to matters concerning the operation of factories, matters regarding the works constitution can also be subject to regulation under collective bargaining agreements. The works constitution, however, must be understood as referring to the totality of the rules governing the legal status of workers in a factory, including their position vis-à-vis the employer. Without a doubt, the rules governing the legal status of factory workers include the right of co-determination, not only with regard to social and personal matters but also to economic conditions.

The main committee of the German Metalworkers' Union, much like the main committee of the German Mining Union, is in full agreement with the national board of the Federation of German Trade Unions, and thus also with me, on the question of the right of co-determination.

[...]

Source: Christoph Kleßmann, *Die doppelte Staatsgründung. Deutsche Geschichte 1945–1955* [*The Founding of Two States. German History 1945–1955*]. Göttingen, 1982, pp. 485–86.

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