

Auxiliary Service Law (December 1916)

Abstract

The Auxiliary Service Law represented the most lasting outcome of the Hindenburg Program. The law required mandatory service for all able-bodied Germans during the war and curtailed the freedom of workers to change jobs. After a bitter parliamentary struggle, the state made significant concessions to the labor unions in the administration of the law. The passage of the law under these terms gestured to the burdens that the war brought to the home front.

Source

The Auxiliary Service Law of December 5, 1916

§ 1. To the extent that he has not already been called into the armed services, every male German from the age of eighteen to sixty shall be obligated to participate in national Auxiliary Service for the duration of the war.

§ 2. All people shall [already] be considered to be rendering national Auxiliary Service if they are employed in government offices, official agencies, the war industry, agriculture and forestry, health care, organizations of any kind that are involved in the war economy, or in other occupations and trades that are directly or indirectly significant to waging war or economic regulation, as long as the number of these persons does not exceed the numbers required for the labor they perform. Those who are obligated to serve but who were engaged in agriculture or forestry before August 1, 1916, may not be removed from this occupation for purposes of transfer to another form of national service.

§ 3. The direction of the national Auxiliary Service shall be vested in the War Office, which has been established within the Prussian War Ministry.

§ 4. The question of whether and to what extent the number of persons employed in an agency exceeds the numbers required shall be decided by the competent national or state authorities in consultation with the War Office. The question of what is to be regarded as an official agency, as well as whether and to what extent the number of persons employed by such an agency exceeds the requirement, shall be decided by the War Office in consultation with the competent national or state authorities. Otherwise, the question of whether an occupation or trade is significant in accordance with § 2, as well as whether and to what extent the number of people engaged in an occupation, organization, or trade exceeds the requirements, shall be decided by committees that shall be formed in the district of every Deputy Commanding General or in parts thereof.

§ 5. Every committee shall consist of one military officer as chairman, two higher civil servants, one of whom should be a member of the Office of Industrial Supervision, as well as two representatives of employers and two of employees. The military officer, as well as the representatives of the employers and employees, are to be appointed by the War Office – in Bavaria, Saxony, and Württemberg, by the War Ministry, to which (in consultation with the War Office) responsibility for the execution of the law otherwise falls within these federal states. The higher civil servants are to be appointed by the state central authority or by an authority appointed by it. If the district of a Deputy Commanding General extends over the territory of several federal states, the officials are to be appointed by the competent authorities of these states; officials of the state in whose territory the firm, organization, or employee in question is situated will take part in decisions of the Committee.

§ 6. An appeal of decisions made by the committee (§ 4, Par. 2) shall be directed to a central authority that will be attached to the War Office, which will consist of two officers of the War Office, one of whom shall be chairman, two officials nominated by the federal chancellor, and an official nominated by the central authority of the federal state to which the firm, organization, or employee in question belongs, as well as a representative of the employers and the employees. The appointment of these representatives is regulated by § 5, Clause 2. If the interests of the Navy are affected, one of the officers shall be appointed by the Imperial Naval Office. In case of appeals of decisions by Bavarian, Saxon or Württemberg committees, one of the officers is to be appointed by the War Ministry of the federal state in question.

§ 7. Those who are not employed in Auxiliary Service in the terms of § 2 can be inducted at any time into Auxiliary Service. Induction normally follows a summons to report voluntarily, which is issued by the War Office or an authority designated by the state central authority. If this request receives no adequate response, the individual who is obligated to Auxiliary Service shall be inducted by written order of a committee, which will normally be formed in every recruitment committee's district and will consist of a military officer as chairman, a higher official, and two representatives of employers and two of employees. In the event of a tie, the chairman has the deciding vote. The officer and the representatives of the employers shall be appointed in accordance with § 5, Clause 2. The higher official shall be appointed by the competent state central authority, or by an authority appointed by it. Everyone who receives the special written summons must seek employment in one of the branches designated in § 2. If employment on the terms of the summons is not obtained within two weeks' time, the committee will assign the man to employment. Appeals of the committee's decision will be decided by the committee formed by the Deputy Commanding General. (§ 4, Par. 2). Appeals do not postpone the obligation to serve.

§ 8. As far as possible, assignment of employment is to observe due regard for the age, family conditions, place of residence, and health, as well as the previous occupation of the person who is obligated to Auxiliary Service. By the same token, consideration is to be given to whether the prospective wage is sufficient to support the employee and any dependents.

§ 9. No one may hire a man obligated to Auxiliary Service who is employed in one of the capacities designated in § 2, or who has been employed there during the previous two weeks, unless the applicant presents a certificate from his previous employer to the effect that the employee has left his job with the consent of the employer. Should the employer refuse to give such a certificate, the man who is obligated to Auxiliary Service may appeal to a committee that is to be formed, as a rule, in every recruitment committee's district and is to consist of a representative of the War Office, as chairman, and three representatives each of employers and employees. Two of these three representatives in each case are permanent; the others are to be drawn from the same occupation as the man who is obligated to Auxiliary Service. If, after investigating the case, the committee acknowledges that there are significant grounds for having left employment, it shall issue a certificate that will serve in lieu of the employer's certificate. A suitable improvement in conditions of labor in some form of national Auxiliary Service shall count in particular as significant grounds.

§ 10. The War Office shall issue instructions for procedures in the committees designated in § 4, Par. 2; § 7, Par. 2, and § 9, Par. 2. In appointing representatives of employers and labor in the committees (§ 5, 6, 7, Par. 2, and § 9, Par. 2), lists of candidates shall be obtained by the War Office from trade organizations of employers and employees. To the extent that similar committees (war committees, etc.) are already in place to undertake the duties of the committees specified in § 9, Par. 2, they may replace those committees with the consent of the War Office.

§ 11. In all firms that are engaged in national Auxiliary Service and are governed by Title 7 of the Industrial Code, and in which at least fifty workers are regularly employed, standing committees of

workers must be established. To the extent that standing workers' committees do not already exist in these firms in accordance with §134h of the Industrial Code or with legislation on mines, they are to be established. The members of these workers' committees shall be chosen by adult workers employed in the firm, or in a branch of the firm in question, from among themselves by direct and secret voting, in accordance with the principle of proportional representation. Details shall be fixed by the state central authority. In firms that qualify under Par. 1 and employ more than fifty clerical workers (those who are legally eligible for clerical workers' insurance), special committees (clerical workers' committees) shall be formed for these clerical workers in accordance with the same principles and equipped the same powers as the labor committees.

§ 12. It is the duty of the workers' committee to promote an amicable understanding among the firm's workers and between the workers and their employer. The committee must bring to the employer's notice and state its position on all suggestions, wishes, and complaints from the workers, insofar as these have to do with the firm's facilities, wages, and other matters of labor-relations and welfare. At the demand of at least a quarter of the members of the labor committee, a meeting must be held and the issue in question placed on the agenda.

§ 13. Should disputes arise over wages or other conditions of labor in a firm that qualifies under § 11, and should no agreement be reached between the employer and the labor committee, the committee designated in § 9, Par. 2 shall then be invoked as a mediator, unless both parties appeal to an industrial court, a miner's court, the mediation office of a craft association, or a mercantile court as a mediator. In this case, § 66 and 68 – 73 of the legislation on industrial courts are to be applied accordingly, with the stipulation that the arbitrator shall also issue a finding if one of the two parties does not appear or participate, as well as the stipulation that persons who have participated in the dispute as employer or as a member of the workers' committee may not participate in the finding of the arbitrator. If, in any firm engaged in national Auxiliary Service in accordance with Title 7 of the Industrial Code, there is no standing workers' committee either in accordance with the Industrial Code or legislation on mines, or in accordance with § 11, Par. 2 or 3 of this law, then the committee provided by § 9, Par. 2, can be invoked as mediator in disputes over wages or other conditions of employment; the same applies to agricultural enterprises. The provisions of Par. 1, Clause 2, apply as appropriate. If the employer does not submit to the finding of the arbitrator, the workers shall, if they desire, receive the certificate (§ 9) that entitles them to leave their employment. If the workers do not submit to the finding of the arbitrator, the certificate may not be given to them on the basis of the dispute that led to arbitration.

§ 14. The exercise of the legal rights of association and assembly may not be limited for persons who are employed in national Auxiliary Service.

§ 15. For industrial firms that are part of the Army and Navy, regulations are to be issued by the competent authorities in accordance with § 11 and § 13.

§ 16. Industrial workers who are transferred under this law into agricultural labor are not subject to regulations of the law on agricultural domestic labor.

§ 17. Information about questions of employment and labor, as well as about wages and conditions in firms, is to be issued when demanded by public announcement or by direct inquiry from the War Office. The War Office is empowered to inspect the firm through its representative.

§ 18. Imprisonment not to exceed one year and a fine not to exceed 10,000 marks, or either of these penalties, or detention, shall be the penalty for: (1) anyone who refuses employment assigned to him on the basis of § 7, Par. 3; (2) anyone who employs a worker in violation of the regulation in § 9, Par. 1; (3) anyone who does not provide the information provided for in § 15 within the appointed time, or who willfully makes false or incomplete statements.

§ 19. The Federal Council shall issue the provisions necessary to implement this law. General regulations need the consent of a committee of fifteen members appointed by the Reichstag from among its own members. The War Office is obligated to keep the committee apprised of all important events, to provide information to it upon demand, to accept its suggestions, and to obtain its opinion before issuing important general regulations. The committee is entitled to meet when the Reichstag is not in session. The Federal Council can threaten imprisonment not to exceed one year and a fine not to exceed 10,000 Marks, or either of these penalties, or detention, for failure to carry out its implementation provisions.

§ 20. The law shall come into effect on the day of its publication. The Federal Council shall fix the point when it expires. If the Federal Council makes no use of this power within one month of the conclusion of peace with the European Powers, the law shall expire.

Source: "Gesetz über den vaterländischen Hilfsdienst vom 5. Dezember 1916", 1916, p. 1333.

Available online at: <http://www.dhm.de/lemo/html/dokumente/hdg/index.html>

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