



Clearing away and building up: what the Allied Control Council decided for the trade unions

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Between 1945 and 1948 the Allied Control Council exercised joint supreme authority over Germany as a whole. It dissolved the German Labour Front, repealed the National Socialist labour order and, with labour courts, works councils and voluntary arbitration, created a framework within which free trade unions could grow anew. The wage freeze and the end of the Council in 1948 set limits to this reconstruction.

Between 1945 and 1948 the four victorious powers exercised supreme authority in Germany, each in its own zone and jointly for Germany as a whole. Their joint body was the Allied Control Council (Alliiertes Kontrollrat) in Berlin. During these three years, decisions were taken on which the labour law of the Federal Republic built: works councils, labour courts, arbitration. Some of these had been won by working people long before the Control Council existed. After twelve years of dictatorship, it gave them a legal basis once again.

The framework

"Free trade unions" with a proviso

The starting point was set by the Potsdam Conference. Its communiqué of 2 August 1945 states: "Subject likewise to the necessity for maintaining military security, the formation of free trade unions shall be permitted."

The sentence contained both things that shaped the years that followed: the promise that working people could once again join together, and the proviso that the occupying powers would keep watch over this. Trade unions therefore first emerged locally, with the approval of the respective military government.

A council that had to agree

The Control Council met for the first time on 30 July 1945. It consisted of the commanders-in-chief of the four powers and took its decisions unanimously. Whatever one power did not want did not come about. This explains why some things moved quickly and others were left pending for a long time.

Clearing away

The end of the Labour Front

Control Council Law No. 2 (Kontrollratsgesetz Nr. 2) of 10 October 1945 dissolved the NSDAP, its subordinate organisations and its affiliated associations. Among them was the German Labour Front (Deutsche Arbeitsfront), which since 1933 had taken the place of the smashed trade unions. Its assets, which included the confiscated property of the trade unions, were seized.

The end of "leader" and "followers"

It took longer in the case of the Law for the Ordering of National Labour (Gesetz zur Ordnung der nationalen Arbeit) of 1934. It had made the employer the "leader of the enterprise" and the employees his "followers". Control Council Law No. 40 (Kontrollratsgesetz Nr. 40) of 30 November 1946 repealed it, together with all the regulations issued to implement it. It came into force on 1 January 1947.

Building up

Labour courts

Control Council Law No. 21 (Kontrollratsgesetz Nr. 21) of 30 March 1946 placed the labour courts on a separate footing once again. For procedure, it referred to the Labour Courts Act (Arbeitsgerichtsgesetz) of 1926, that is, to the position before National Socialism. Anyone who wanted to sue for wages or challenge a dismissal thus once again had a court designed for disputes arising from the employment relationship.

Works councils

A few days later, on 10 April 1946, the Control Council issued Law No. 22, the Works Councils Act (Betriebsrätegesetz). It permitted the establishment and activity of works councils throughout Germany, "to safeguard the occupational, economic and social interests of wage earners and salaried employees". In many workplaces such bodies already existed by then: working people had formed them themselves in the first weeks after the end of the war, often while clearing up the works and getting them running again.

The law was brief. What a works council had a say in, in detail, was to be settled in agreements with the employer. In the years that followed, the Länder supplemented it with laws of their own. In the Federal Republic it was replaced in 1952 by the Works Constitution Act (Betriebsverfassungsgesetz).

Larger federations

Local trade unions on their own could not negotiate collective agreements for entire industries. Directive No. 31 (Direktive Nr. 31) laid down principles for the establishment of trade union federations; it was published in the Official Gazette of the Control Council (Amtsblatt des Kontrollrats) under the date 3 June 1946. The powers had previously disputed the question of how far trade unions were allowed to join together across localities and zones. The Soviet Union pressed for an inter-zonal merger; the United States initially rejected it. The historian Gunther Mai has described how the USA gave way only later, too late to bring the developments in the zones back together.

Arbitration without compulsion

Control Council Law No. 35 (Kontrollratsgesetz Nr. 35) of 20 August 1946 set out how labour disputes could be settled outside the courts: by agreement in the collective agreement, by state conciliation or by arbitration proceedings. An arbitration award became binding only if both sides expressly agreed to it.

This was a deliberate break with the Weimar era, in which the state could declare arbitration awards binding. Those who set wages and working conditions were to be the parties to collective bargaining themselves. This principle, free collective bargaining, has formed part of the core of German labour law ever since.

The limits of these years

The wage freeze

Not everything the Control Council decided was in the interests of working people. With Directive No. 14 (Direktive Nr. 14) of 12 October 1945 it froze wages at the level of 8 May 1945. The intention was to prevent inflation. The consequence was that trade unions could hardly negotiate over the most important thing, wages. A supplement of September 1946 allowed wages below 50 pfennigs to be raised and the wages of women and young people to be brought into line with those of men for equal work and performance. In the Bizone the wage freeze was not lifted until November 1948.

The end of the Control Council

On 20 March 1948 the Soviet representative walked out of the Control Council after the Western powers had refused to discuss their plans for a West German state. After that, the Council never met again. From then on the trade unions developed separately: in the West into the German Trade Union Confederation (Deutscher Gewerkschaftsbund), founded in 1949, and in the East within the Free German Trade Union Federation (Freier Deutscher Gewerkschaftsbund) under the leadership of the SED.

What remains

The Control Council did not found any trade unions. Working people did that themselves, first in their workplaces and towns. But within a short time it cleared away what the dictatorship had put

in place of free representation, and drew up a framework within which new representation could grow: labour courts, works councils, voluntary arbitration.

That wages are negotiated between trade unions and employers, and not fixed by the state, seems self-evident today. It was not. It was deliberately decided that way after 1945, and it will only stay that way as long as there are trade unions that negotiate.

Further reading

- Amtsblatt des Kontrollrats in Deutschland, 1945–1948.
- Gunther Mai: Der Alliierte Kontrollrat in Deutschland 1945–1948. Alliierte Einheit – deutsche Teilung? München 1995.
- Michael Schneider: Kleine Geschichte der Gewerkschaften. Ihre Entwicklung in Deutschland von den Anfängen bis heute. Bonn 2000.

Cited as

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