

German labour court bans Frankfurt airport strike

By Helmut Arens
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Only hours after a labour court in Frankfurt, Germany banned a scheduled solidarity strike by air traffic controllers at that city's airport, the same court also proscribed the ongoing strike by ground crew.

Many of the airport workers present in the courtroom reacted in shock at the verdict. They were outraged at this attack on their fundamental right to strike. Under pressure from angry workers, the Air Traffic Controllers Union (GdF) lodged appeals against both court decisions. But later the union back-pedalled, saying it would possibly not take this step.

In both cases, the court upheld the case lodged by Fraport, the airport operator, along with German flag carrier and largest European airline, Lufthansa, ruling in the companies' favour.

The first judgement concerned the planned solidarity strike by air traffic controllers in the control tower. This had been planned as a quite limited strike in terms of duration and personnel involved. The GdF had called the strike for Wednesday morning, bringing out the morning shift of tower controllers (12 people) from 5 to 11am. Nevertheless, the court ruled that the strike was "disproportionate and therefore unlawful".

Judge Matthias Kreutzberg-Kowalczyk justified this decision with the claim that the solidarity strike by the air traffic controllers would have had a greater impact and more serious consequences for Fraport than the apron workers' strike.

The ground crew workers, on strike for two weeks against Fraport, are seeking a significant rise in wages and better working conditions. Without the apron controllers, take-offs and landings at the airport are not possible. Through the systematic and planned long-term use of strike-breakers, however, Fraport has been able to limit the consequences of the strike to the cancellation of about 200 flights out of some 1,200

flights per day.

The planned solidarity strike by air traffic controllers, who are also GdF members, was the response of the union to the use of strike-breakers by the airport operator. Their strike alone could have led to the cancellation of an additional 400 flights because no one else can presently carry out the controllers' work.

The court ruling is part of a strategy to smash the GdF. First, the airport operator brings in a scab workforce, disregarding safety standards for which it is responsible, meaning the strike has only a limited impact. Then, the courts prohibit a temporary solidarity strike on the grounds it would have more effect than the main strike and is therefore illegal.

Media reports point out that this was not always the case. "In 2009, the Regional Labour Court of Baden-Württemberg ruled in favour of the employees, saying that a similar solidarity strike by air traffic controllers at Stuttgart airport was legal", the *Frankfurter Rundschau* noted, quoting Adam Sagan at the University of Cologne.

On Wednesday morning, the striking ground crew faced the next blow. The same judge also banned the main strike by the apron controllers, scheduled to run till Thursday morning. Again, the court was responding to an urgent case lodged by Fraport and Lufthansa, and accepted their arguments. In his ruling, Kreutzberg-Kowalczyk said, first, the union had broken the no-strike clause in the contract (which was based on a completely unimportant formality), and second, in addition to the employer, Fraport, the airport's main customer, Lufthansa, also faced disproportionate damage being inflicted.

With this argument, however, almost any strike can be made illegal, because every strike has an impact on third parties, whether consumers or related companies.

Just before the verdict, the judge had suggested he might not give a ruling, since the strike would not last much longer, and negotiations would then resume. But Fraport and Lufthansa insisted on a ruling. This is another sign that they are not seeking to resolve the labour dispute, but to bring the strikers to their knees.

In a short statement issued immediately after the ruling, GdF chair Michael Schäfer said it now seems no longer just about the strike at Frankfurt airport, but is aimed at the smaller sector unions.

In response to a question from a WSWs reporter, Schäfer said he had already gotten this impression the previous Friday evening, before the failure of negotiations. In his opinion, the dispute could have been resolved, but Fraport obviously did not want to reach an agreement.

Immediately prior to the court decision, the GdF leadership requested Fraport management to renew negotiations for all 200 apron workers, also offering to lift the strike for four weeks. However, the airport operator rejected this. Personnel Director Herbert Mai provocatively declared that he saw no reason now for hasty negotiations.

Instead of negotiations, Fraport and Lufthansa announced another blow to the GdF following the court ruling. They want to sue the union for damages running into “tens of millions” of euros. On Thursday, a court case was heard in Frankfurt lodged by Ryanair, Lufthansa and Air Berlin, seeking more than three million euros in damages for the GdF strike threats from last summer.

Moreover, Labour Minister Ursula von der Leyen (Christian Democratic Union, CDU) has proposed new legal regulations covering small unions. It has long been inconceivable “that what happened in Frankfurt could occur” and 200 employees could cripple an international airport, she said. Previously there had been the understanding that only one collective agreement applied in a workplace. This has worked well in the past. It should not be allowed that “a very small union” not only paralyses a workplace, but also causes “massive economic, and social consequences”, said von der Leyen.

It is increasingly clear that the strike by apron controllers in Frankfurt is being used to smash the GdF and to set an example for all other small unions. Fraport and the employers’ associations are working

together with the government and the public service union Verdi to impose concessions.

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