



Freie Arbeiterinnen- und Arbeiter-Union
angeschlossen an die Internationale Arbeiter Assoziation

FAU Berlin Banned As Union

Urgent call for international solidarity

As of yesterday, December 11, 2009, FAU Berlin (FAU-B) has essentially been banned as a union. The decision was made by the Berlin Regional Court (Landgericht Berlin) without a hearing. FAU-B was not even informed that the Neue Babylon GmbH – which is involved in a labor dispute with FAU-B – had started legal proceedings against them. The court's decision goes beyond merely taking away FAU-B's rights as a union within the Babylon cinema. From this point on they are no longer allowed to call themselves a union!

Background

FAU-B and its group within the Babylon cinema have been fighting for a labor contract since the beginning of June 2009. Although the Babylon cinema is government funded, pay has been miserable and workers rights have been ignored. A large portion of the cinema's staff is organized within FAU-B. This is the first significant labor dispute of the relatively small FAU-B. It has caused an uproar not only in Berlin, but in all of Germany. Anarcho-syndicalists in a labor dispute, an effective boycott that was prominent in the media, extensive and innovative demands, and the involvement of the workers themselves (which is rare in Germany) have made an impression on the public. When the pressure was at its height and the bosses could no longer avoid entering negotiations, not only did politicians intervene but ver.di (a big union in Germany, part of the umbrella organization of mainstream unions, DGB) took up negotiations with the bosses even though they had almost no members among the cinema's staff and no mandate from them. The workers, who were obviously flabbergasted, were excluded from negotiations.

Apparently a deal was made between ver.di, politicians, and bosses to get rid of FAU-B and calm things down at the cinema. But the staff and FAU refused to be silenced. Neue Babylon GmbH reacted by flexing some legal muscle and ver.di by attempting to damage FAU's image. Firstly, the boycott – one of FAU-B's main forms of pressure – was banned, and doubt was cast on FAU-B's ability to negotiate contracts (in Germany this is a prerequisite for being able to legally take collective action). At the same time, other court cases were brought against FAU-B relating to freedom of expression. But FAU-B did not back down. This led to the latest court decision, which basically bans FAU as a union.

The situation in Germany

FAU Berlin has long said that this labor dispute – as small as it may be – is not only about better working conditions but also about the freedom to organize. There has been little tradition of militant unionism or syndicalism in Germany since 1933. The umbrella organization DGB has a practical monopoly (corporatism), which is backed up by case law. This makes it very hard for alternative unions to grow. Self-organization and decentralization within unions in Germany are not encouraged and do not enjoy legal protection.

FAU-B's modest collective action has demonstrated that an alternative union is possible in Germany. Big unions and politicians, apparently afraid that this form of organization will spread like wildfire, are displeased by this development. This is the context in which FAU-B's union work has been banned. The court's decision implies that it is not possible to establish a legally recognized union in Germany because – paradoxically – you have to be a legally recognized union in order to become one. A union taking collective action without being an officially recognized union can expect stiff legal consequences. On two occasions FAU-B has been threatened with fines of 250,000 euros or jail sentences. FAU-B is not allowed to work legally as a union

anywhere. German anarcho-syndicalists thus see themselves banned once again after being prohibited in 1914 and 1933.

The court's decision is especially scandalous because it was rubber-stamped via summary proceedings without any hearing – FAU-B was not allowed to state its case. This is possibly to do with the fact that anyone in Germany can legally call themselves a union and that the judicial authorities wanted to act unilaterally. Germany has passed some ILO conventions, but they have little meaning here because big unions cooperate closely with the bosses and dictate what a union has to be like. Syndicalists enjoyed more rights under the Kaiser in the 19th century and in the 1920s. The situation in Germany is reminiscent of Turkey, for example, where unions are often banned.

The court's decision can possibly be overturned. But FAU-B remains realistic: everything is possible. Political cronyism is rife and the powers that be will make further attempts to block the growth of alternative unions.

Consequences

The consequences of the court's decision are wide-ranging and will be catastrophic unless the decision is overturned. An outright ban of FAU-B as a union would have had a similar effect. The decision regarding FAU-B is essentially applicable to FAU in Germany as a whole. As it sets precedence, it will automatically affect the entire union movement and the rights of workers. Whatever form an alternative union in Germany might have, this precedent will render it powerless in future. This case is a novelty in the sphere of German union-busting. This decision allows the bosses to negotiate with the union of their choice and to define what a union is. Workers' self-organization – whether in the Babylon cinema or elsewhere – has been blocked, and the institutionalized muzzling of the working class has been intensified. The lack of solidarity shown by ver.di through their intervention is partly to blame for this. The court decision may even be in their direct interest since ver.di has already written that they see FAU-B as competition that they have to take action against.

Solidarity!

The battle for union freedom in Germany has now begun. Every little bit of solidarity is needed. Bring this scandal to light, protest in front of German institutions, and demand that the decision be overturned and that FAU be given full rights as a union!

Please help us if you can. Your own ideas are welcome, but here are some suggestions:

- protest in front of German diplomatic missions (embassies, consulates) or other institutions representing the German state;
- send protest letters to German embassies in your country (and a copy to the management of the Babylon Mitte cinema);
- send protest faxes to the Berlin court responsible.

You will find the relevant information at <http://www.fau.org/verbot> as soon as we can put it online. It includes a list of German diplomatic mission, pointers to other relevant institutions, templates for protest letters, and the necessary contact data.

Protests are scheduled for **Saturday, December 19, 2009**. We would appreciate it if you could act really soon. But your solidarity is not restricted to that date – it can be expressed at any time.

***An important aspect:** It is possible that the court's decision be overturned by legal means. But we cannot rely on this. The simple fact that a ban against our union was pronounced so easily (even if we have right of appeal) demands a clear response. All the more so because this case is symptomatic of our rights as workers in Germany.*

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Please don't forget to send information about your protests to the Berlin comrades (faub@fau.org)!