



The Employment of Prisoners of War in Germany

A recent issue of the Review contained an article describing in general outline the regulation of the conditions of employment of prisoners of war in relation to the Geneva Convention of 1929.¹ At the present time Germany is unquestionably the country in which prisoners of war are employed on the largest scale, and the Office has therefore thought it useful to supplement this general survey by such additional details as are available from official sources concerning the German view of the use to be made of prisoner labour in the present war, its organisation, and the actual treatment of the prisoners. Although the regulations concerning the employment of prisoners are constantly being amended, and must, moreover, be considered in relation to their application in practice, a study of the existing texts nevertheless reveals some characteristic and comparatively enduring features, which form the subject of the following article. The information on which it is based relates solely to the prisoners of war who are employed within the territory of the Reich in connection with the German war effort, as substitute labour enabling German workers to be released for other service.

ORGANISATION

Number and Occupational Distribution of Prisoners

Semi-official accounts of the employment of prisoners of war² published some time ago, and therefore to some extent already out of date, pointed out that the number of prisoners employed in Germany was not as large as might have been inferred from the figures of prisoners taken reported in the war communiqués from the western and eastern fronts. At the time to which this observation relates, the number of Polish prisoners still held in camps was very small; neither the prisoners from the Netherlands nor those from Norway had been transferred to the Reich; and some French prisoners had been released, while others had been left in occupied territory.

The number of prisoners of war employed in Germany has varied from time to time in the course of the war, but has steadily

¹ *International Labour Review*, Vol. XLVII, No. 2, Feb. 1943, pp. 169-196: "The Conditions of Employment of Prisoners of War: The Geneva Convention of 1929 and its Application".

² Cf. *Reichsarbeitsblatt*, No. 15, 25 May 1941, Part V, p. 256: "Der Kriegsgefangeneneinsatz im zweiten Kriegsjahr", by Dr. HÖLK.

tended to increase; at the beginning of 1943 the total number of employed prisoners was about 1,750,000.¹ The types of work done by prisoners have also varied, their qualifications having been subject to constant review with the object of securing the most productive and efficient use of their abilities. Indeed, the whole system of organising the employment of prisoners of war, described in outline in the following pages, aims solely at using prisoner labour to the best possible advantage, a fact which necessarily influences the prisoners' fate.

When the first masses of Polish prisoners reached Germany in 1939, the German authorities immediately set out to make effective use of them. The majority were farm workers and the grain harvest was over, but in spite of the lateness of the season nearly 300,000 Polish prisoners were employed in harvesting other crops, and thus helped to secure Germany's food supply. During the winter, 15 per cent. of these prisoners were transferred to forestry and land clearance work or employed in industry. In the following spring, however, many were again shifted back to agriculture, leaving only 9 per cent. of employed prisoners in other employment.

Later, the Balkan campaign provided the German authorities with a vast supply of farm workers, from Yugoslavia in particular, who had to be used according to their qualifications. This reinforcement of the agricultural labour force led to the reclassification of the other prisoners, mainly the French, who were capable of employment in industry either immediately or after a period of training. Flying squads were formed for urgent work needed to meet special circumstances or seasonal requirements. Factors to be taken into account in allocating this labour were not only the priority due to German workers for the jobs in which they could be used most profitably, but also the supply of foreign civilian labour, and later the large-scale settlement schemes planned for eastern Europe, for instance, for workers from the Netherlands. At the beginning of 1940 nearly all the prisoners were employed in agriculture and forestry, but the proportion employed in these branches had fallen to 65 per cent. by the middle of the year and to 52 per cent. at the beginning of 1941, that is, in winter.

A constant effort was made to sort out specialised workers for employment in building construction, the metal industries, forestry, mining, and other industries. While during the slack season in agriculture nearly half the prisoners were employed in non-agricultural work, the position was naturally reversed in summer.

A card index showing the prisoners' individual qualifications was made on the basis of interrogation, examination, and tests, intended partly to bring to light misinformation, whether deliberate or inadvertent. To complete the sorting-out process, the authorities made every effort to concentrate the prisoners suitable for employment in particular regions, for instance, miners in the mining areas and specialised workers in the vicinity of undertakings where they could be most effectively used. The difficulties attendant on the

¹ This figure, based on official sources, is given by Professor E. KULISCHER in a study of wartime population displacements in Europe, to be published shortly by the INTERNATIONAL LABOUR OFFICE in its series of Studies and Reports.

organisation of the employment of these prisoners can be appreciated when it is remembered that it involves the provision of transport, at a time when priority for all means of transport is claimed for military needs, as well as the supplying of guards, interpreters, and quarters.

Organisation of Camps

The camps are divided into two kinds: camps for officers, who are employed neither as workers nor as supervisors (*Offizierlager*, abbreviated to *Oflag*), and central camps for non-commissioned officers and men (*Mannschaftsstammlager*, abbreviated to *Stalag*), from which labour is recruited. All the latter camps contain tens of thousands of prisoners, and are described by Roman figures followed by letters, as for instance, *Stalag XIV B*. The formation of labour detachments (*Arbeitskommandos*), as provided for by the Geneva Prisoners of War Convention of 1929, enables most of the prisoners to be allocated in small groups to agricultural or industrial work, and, where facilities are available, to be housed near or even at their place of work. Labour detachments are units of at least 20 men and rarely number more than 100.

There are also transit camps (*Durchgangslager*, abbreviated to *Dulag*), at which a preliminary sorting out is done, and *Frontslager*. The latter are not, as might be inferred, camps situated near the front, but those in occupied territory. Prisoners confined in them may enjoy certain advantages, such as the benefit of local customs, which may make them less homesick, familiar food, and payment in their own currency. The latter measure simplifies the question of the transfer of pay, but is not always wholly to the prisoners' advantage, since the official rate of exchange in the territory of the detaining Power is high. These camps, in France at least, have been progressively evacuated and the prisoners transferred to Germany.

Collaboration between Military Authorities and Employment Services

Germany has not merely employed prisoners of war on a casual basis, as dictated by the hazard of military operations. The mobilisation of prisoner labour has been organised as part of the general mobilisation of man-power for the execution of the economic programme laid down in the Four-Year Plan, under the authority of the General Controller of Labour appointed by a Decree of 21 March 1942.¹

So far as the organisation of the employment of prisoners in Germany is concerned, the most striking innovation made during the present war is the collaboration of the German employment services with the Army High Command. The latter retains the ultimate authority over this special type of labour, which is still regarded as military labour, but all questions concerning the allocation, output, and pay of the prisoners, and in particular their incorporation into the German war economy, must be settled by agreement with the general employment services organised by the

¹ Cf. *International Labour Review*, Vol. XLVI, No. 4, Oct. 1942, p. 462.

Ministry of Labour, now under the authority of the General Controller of Labour.

At the regional and local levels alike, the employment offices are represented in the camps and collaborate with the military authorities, who consult them, and who are thus relieved of all the technical aspects of a task which they could hardly perform satisfactorily alone, in addition to their responsibility for all the practical administration of the camps.

An officer for employment (*Arbeitseinsatzoffizier*) is attached to each camp and is responsible for all matters relating to the employment of the prisoners, while the various employment offices are represented by a civilian employment service. Close collaboration between the two ensures the necessary co-ordination between the military authorities, which retain control of the prisoner in every respect, and the civilian employment services, which are responsible for seeing that he is used to the best advantage of the German war economy. General directions for the employment of the prisoners are laid down by the Army High Command, in agreement with the Ministry of Labour. Undertakings requiring prisoner labour may apply only through the proper employment office.¹ All applications are examined by the Ministry of Labour, and, if approved, are passed on to the employment service for action. The employment service then tries to fill the orders through its representatives in the various camps.

Labour detachments, which are attached for administrative purposes to a camp controlled by the military authorities, are also within the jurisdiction of the employment service from the technical standpoint.

From time to time instructions concerning the use of prisoners of war are published by the Ministry of Labour and communicated to all the central authorities and organisations concerned.²

In organising the employment of prisoners of war as part of the general organisation of labour supply, the employment service aims at making the best possible use of prisoner labour, and this involves exacting hard work from every prisoner. On the other hand, certain favourable provisions of national legislation may be extended to the prisoners as provided by the Geneva Convention. Thus, employing undertakings are obliged to insure them against occupational accidents. Prisoners are not, however, insured against sickness or invalidity, care during sickness being the responsibility of the camp authorities.

To appreciate clearly what is involved in organising the employment of prisoners of war, it must be remembered that this type of labour, recruited on the battlefield, is of a very special kind. The last word in regard to prisoners always lies with the military authorities, without whose consent no changes can be made in the conditions of employed prisoners, for instance, by the employer. Never-

¹ *Reichsgesetzblatt*, Part I, 21 Apr. 1942, p. 179. Cf. also *International Labour Review*, Vol. XLVI, No. 4, Oct. 1942, p. 463.

² Cf. General Circular of the Ministry of Labour, dated 10 July 1940, concerning the employment of prisoners of war (*Reichsarbeitsblatt*, No. 21, 25 July 1940, Part V, p. 384), and also two Notifications of the Ministry of Labour dated 31 July and 20 Aug. 1941 (*Reichsarbeitsblatt*, No. 24, 25 Aug. 1941, Part I, pp. 365 and 368).

theless, as already noted, the military and civil authorities collaborate methodically and continuously to secure the best possible output from prisoner labour.

The reclassification of the French prisoners is an example of the spirit in which the employment offices have approached their task.¹ There was in Germany a shortage of labour among skilled building workers and in the metal and mining industries, and even in forestry. The French prisoners, like those of other nationalities, were mostly agricultural workers, since specialised workers of the kind needed had not as a rule been sent to the front. In 1940 only 3.5 per cent. of the prisoners from the western front, not all of them French, had been suitable for employment in the building industry, and 6.5 per cent. in the metal industries. From the beginning of 1941 a great effort was made to comb out all the specialised workers who might have escaped the first investigation. In some cases training was given. The authorities in charge of the card index of occupational qualifications estimated that at that time 75 to 80 per cent. of the prisoners taken on the western front had been reclassified in their original occupations, the proportion being 80 per cent. in the case of metal workers. Side by side with this reclassification, however, it was necessary to provide substitutes for the transferred workers in agriculture, where they had acquired some experience and training in the course of several months' employment.

Thus the main tasks of the employment offices were to find as many prisoners as possible for employment in industry, subject however to the necessity of providing ample labour for agriculture at the harvesting season (at least before the campaigns on the eastern front, which opened up a new source of agricultural labour supply); to keep available a large supply of labourers to be drawn upon for emergency work in the construction of roads and railways; and to form flying squads at short notice to meet certain requirements.

The instructions of the Ministry of Labour pointed out that, while prisoners should not be employed on work having direct connection with the operations of the war, forbidden by the Prisoners of War Convention of 1929, they should always be employed with due regard to the necessities of war and on work important for the war effort (*kriegswichtig*). The employment of prisoners for other purposes is strictly forbidden; for instance, on laying out public gardens, sports grounds, pleasure grounds, or building public monuments, unless it can be proved that no other labour is available for the work. Employers who fail to conform with these instructions may have the allowances for the maintenance of the prisoners suspended, or even the prisoners themselves withdrawn without any substitute being provided. It is pointed out that prisoners of war are an exceptional and extra source of labour which must on no account be used extravagantly, but must be regarded as a valuable contribution to the war economy which it would be criminal not to use sparingly. The employment offices are the authorities responsible for seeing that these directives are observed, and for ensuring that the limits beyond which the employment of prisoners

¹ Cf. *Reichsarbeitsblatt*, No. 15, 25 May 1941, Part V, p. 258.

would be prejudicial to German civilian labour are not overstepped, since, where output and skill are equal, preference must always be given to German, or even to foreign civilian workers. The employment offices must also see that the labour market is not disturbed by the mass intake of prisoners, a problem which scarcely arises at present owing to the constantly unsatisfied demand for fresh labour for the war economy.

Side by side with the extension of the employment of prisoners of war, the work of each individual prisoner is tending to become harder, and each one is required to put forward his maximum effort. The instructions to employers constantly stress the obligation to obtain a maximum output. In fixing rates of pay for prisoners of war, however, account is taken of the fact that they can hardly be expected to work with the same zeal as German workers.

CONDITIONS OF EMPLOYMENT

In the course of time, the civilian and military authorities have found it necessary to define the legal and administrative position of prisoners of war, both in its main lines and in matters of detail.

The Employment Relation

The circular of the Ministry of Labour dated 11 July 1940, already quoted, pointed out that there is no contract of employment between the employer and the prisoner, but only a contract between the employer and the military camp authorities. At the outset, actual contracts for the transfer of personnel were made; such contracts, however, were not governed by ordinary law, but by special rules quite separate from the general provisions of contracts of employment. Later, a Decree issued by the Army High Command on 20 March 1942¹ laid down that in future such contracts between the camp authorities and the employer were unnecessary. The conditions governing the transfer of personnel would be conveyed to the employer by a notification, which might be amended by the military authorities according to circumstances, in particular as regards the rate of pay. The employer would merely have to give a written acknowledgement of the number of prisoners allotted to him and to state that the provisions regulating their conditions of employment had been brought to his notice.

While the employer usually receives from the camp authorities compensation for his expenditure on maintenance, quarters, guards (when provided by him), and other services, he has to pay the prisoners' wages to the camp authorities under conditions which are described below. The instructions issued therefore necessarily define the conditions under which these rights and duties are to be fulfilled. In principle, the prisoner is allotted to the employer for an unlimited period; as a rule, 14 days' notice is given to the employer of the recall of any prisoner by the camp authorities, in order to enable arrangements to be made for the reorganisation of the work. In urgent cases, the military authorities may decide, or the employment office recommend, that a prisoner should be transferred

¹ *Idem*, No. 12, 25 Apr. 1942, Part I, p. 208.

without notice, compensation or replacement. The employer may not lend prisoners to any other undertaking, except to provide urgent temporary assistance in agriculture.¹

Labour detachments usually consist of 20 workers, or 10 for agricultural work. Some exceptions are allowed under the responsibility of the employer, who must provide supervision and undertake to see that the prisoners are assembled at night at their quarters. Undertakings wishing to have less than 20 or 10 prisoners, as the case may be, must combine their applications and make joint arrangements to discharge their responsibilities.

Pay and Deductions

The rules laid down by the military authorities require that the food and quarters provided by the employer must be good and adequate, and must be paid for in accordance with a fixed scale.

In theory, a prisoner performing paid work for an employer outside the prisoners' camp must provide for his own board and lodging, and a deduction is therefore made from his pay² for this purpose. The Geneva Convention of 1929 provides for the conclusion of agreements between the belligerents to determine the proportion of the prisoner's pay which may be deducted, but such agreements appear to be the exception rather than the rule at present. The deduction may be variable, moreover, even if the normal rate is known³, so that in considering the earnings of prisoners of war a distinction must be maintained between gross earnings and the net amount remaining to the prisoner's credit after the cost of his board and lodging has been deducted by the employer or the camp authorities. This is particularly important when comparing the earnings of prisoners with those of German workers. Generally speaking, since the deduction for maintenance is part of the wage, just as the maintenance expenses of a civilian worker are taken into account in assessing his earnings, the rates indicated must be regarded as referring to total earnings, irrespective of deductions for board and lodging. Where, in exceptional cases, a prisoner working for a private employer is lodged in a camp, the employer has to refund the prisoner's maintenance expenses to the camp, besides paying the balance of the wage due when the deduction has been made. On the other hand, when it is specified that board and lodging are to be provided by the employer, it must be understood that the employer himself makes the necessary deduction from the prisoner's pay.

According to official data concerning gross wages, that is, before the prescribed deductions are made, the wages of prisoners of war are reckoned on the basis of 60 per cent. of the wages of German

¹ The conditions governing the loan of prisoner labour are laid down in a Circular of 27 May 1942, dealing in particular with wages and reimbursements to the employer. Cf. *Reichsarbeitsblatt*, No. 17, 15 June 1942, Part I, p. 288.

² In July 1940, the rate of deduction was 0.80 marks for food (0.15 marks for breakfast, 0.40 marks for dinner, and 0.25 marks for supper), plus 0.20 marks for lodging. For a prisoner held under ordinary law, the food allowance is only 0.40 marks (*Basler Nachrichten*, 9 June 1942).

³ In referring to the remuneration of prisoners of war, a term signifying compensation or indemnification (*Entgelt, Vergütung*) is generally used in preference to "wages" (*Lohn*).

workers performing an equal amount of work per hour in the same occupation. The explanation given for this lower rate is that a prisoner, for various reasons, is not capable of the same output as a German worker. Further, prisoners are exempt from the payment of a 10 per cent. tax payable by all German workers, which in their case is paid by the employer. In case of piece rates, bonus rates, or special arrangements, a prisoner should normally receive 80 per cent. of the standard rates. Special regulations roughly based on these principles have been laid down for particular industries, such as public works and forestry, with particulars of the methods of calculation.¹

In practice, the rate of pay for the work of prisoners of war depends on the value which the detaining Power attaches to their work and on the extent to which they are assimilated to the country's own workers in the same occupation, subject of course to the deductions already indicated. In spite of all attempts made to reclassify them or train them for industrial work, many of the prisoners are still employed in agriculture, where wages are low.

Other Conditions

According to the instructions issued to employers, the conditions of employment of prisoners should in theory be the same as those of German workers. It is specified, however, in accordance with the Geneva Convention of 1929, that the time spent on the journey to and from work must be included in working hours, which should be neither longer nor shorter than those of German workers. The same principle of assimilation to German workers applies in respect of the weekly rest and Sunday work. The increasing effort demanded of all labour under wartime legislation, however, means that the provisions of the Convention are not always strictly applied on this point.²

In the event of a prisoner's sickness, the employer is no longer responsible for paying his wage to the camp authorities, since no work is performed. He must, however, continue to provide the sick prisoner with board and lodging until his admission to hospital, and is not supplied with a substitute during this period. This rule also applies in the event of accidents or loss of time due to weather conditions, except in the case of such urgent work as building and road construction, for which special rules are laid down.

Neither the employer nor his agents may take any disciplinary action against the prisoners, who are wholly under the control of the camp authorities in this respect.

Lastly, wherever possible, prisoners working in an undertaking must be kept separate from other workers. They should not be allowed to have contact with the foreign labour employed, and in particular, civilian workers from their own country, mainly for reasons of security.

¹ For further particulars of the wages paid to prisoners of war in Germany, cf. *International Labour Review*, Vol. XLVII, No. 2, Feb. 1943, *loc. cit.*, p. 191.

² For the measures concerning the hours of work of prisoners of war in Germany, cf. *Idem*, Vol. XLV, No. 2, Feb. 1942, p. 205.