



Social Policy in Occupied Czechoslovakia, 1938-1944

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During the war years little information has been available on social policy and social conditions in the countries occupied by the Axis powers. Articles have, however, appeared in the Review on labour conditions in occupied Norway, in the Baltic Republics and White Russia, and in Denmark.¹ The present article contains such details as are now available on the influence of occupation on social legislation in Czechoslovakia. As is pointed out, there was an important difference in the situation in that country and in the other occupied territories: the occupation of Czechoslovakia began before the war and the legislation of certain parts of the country was at once brought into line with German law. The author, who is an official of the Czechoslovak Ministry of Economic Reconstruction (still in London at the time the article was written), has been able to rely almost entirely on official Czechoslovak and German sources², so that the information here given can be taken as authoritative. It shows how drastically the rights of the workers were curtailed, and thus gives some idea of the difficulties that will be met with in restoring them, now that the country has been liberated.

THE situation in Czechoslovakia differed fundamentally from that of other European countries occupied by Germany. The occupation took place in peacetime and not after the war had broken out, and it was not a single act covering the whole country but a

¹ Cf. *International Labour Review*, Vol. XLIII, No. 6, June 1941, pp. 687-700, and Vol. XLVIII, No. 5, Nov. 1943, pp. 584-610: "Labour Conditions in Occupied Norway"; Vol. XLIX, No. 2, Feb. 1944, pp. 171-190: "Conditions in the Baltic Republics and White Russia under German Occupation"; Vol. L, No. 2, Aug. 1944, pp. 185-206: "Danish Social Policy in Wartime".

² The abbreviations given in brackets will be used in the notes to this article to indicate the following publications: *Sammlung der Gesetze und Verordnungen des Protektorates Böhmen und Mähren* (Slg.); *Reichsgesetzblatt* (RGBl.); *Slovenský zákonník* (Slov. z.).

gradual process, the degree of infiltration varying in different areas. It was naturally most marked in the areas which were subsequently incorporated in the German Reich: those which were occupied by German troops after Munich (the so-called Sudeten German area), and the district of Teschen, which was occupied by Poland in October 1938 and by Germany in September 1939 and was then made a part of Prussia. The situation was entirely different in what was known as the Protectorate of Bohemia and Moravia, which, according to Hitler's Decree of 16 March 1939, was given the status of a theoretically autonomous territory within the Greater German Reich. The so-called Slovak Republic, on the other hand, developed as an allegedly independent State, while Ruthenia (Carpatho-Ukraine) and parts of Slovakia came under Hungarian administration in 1938 and 1939. In all these areas the development of the legislation differed, and as a result the evolution of social policy also followed different lines.

It was in the nature of the occupying régime—leaving Hungary out of account in this connection—that the whole economic system of the country was brought into the service of the German war effort and that consequently the whole social policy of the country was altered.¹ These changes were introduced by a large number of legislative measures issued by different authorities, frequently cutting across each other, extremely difficult to reduce to order, and in many cases permitting the administrative authorities to ignore completely the existing legislative provisions.

It may be of interest to indicate here the numerical distribution of the Czechoslovak population after the political events of 1938 and 1939, and the relative importance of the different areas from the point of view of social policy. Taking as a basis the latest census (1930), the population figures and the number of persons engaged in industry, trade, and transport in the different areas were as follows²:

	Population	Persons employed in industry, trade and transport
Protectorate of Bohemia and Moravia	6,804,876	3,587,028
Area incorporated in the Reich (including Teschen)	3,894,990	2,356,609
Slovak Republic	2,450,096	728,362
Area occupied by Hungary	1,579,574	383,569

¹ The annual report of the Prague National Bank for 1943 stated:

The outstanding feature of 1943 in the field of industrial production was the total mobilisation in the service of the war effort and the systematic transformation, now largely complete, of the industrial system in accordance with the requirements of war economy (*Die Wirtschaft*, Prague, 4 Mar. 1944).

For a general survey of the systematic use of foreign labour by Germany for the purpose of increasing its productive capacity, see I.L.O. Studies and Reports, Series C, No. 25: *The Exploitation of Foreign Labour by Germany* (Montreal, 1945).

² Bulletin of the Czechoslovak National Bank, 10 Dec. 1938.

It will be seen that from the standpoint of social policy the area completely absorbed by Germany was the most important, with more than 60 per cent. of the population engaged in industry, trade and transport, although in the Protectorate the proportion of the population so engaged was also just over 50 per cent. The other areas were predominantly agricultural in character. This article will therefore deal mainly with conditions in the Protectorate, since the legislation in the area incorporated in the Reich differed little from German legislation. This does not mean that the whole of German legislation was automatically introduced in that territory, but that gradually the scope of various German Acts was extended to that area.

There were various stages in the course of events in the Protectorate. Immediately after the occupation the main concern of the occupying power was to exercise as little visible influence as possible on economic and social legislation. At the same time the Government of the Protectorate, which in theory was autonomous but in practice had to submit all its legislative texts to the Protector for approval, tried to compensate the Czech population for the loss of political independence by introducing a number of minor reforms. The situation changed when war broke out and gradually compelled the occupying power to make the fullest use of the extensive munitions industry of Czechoslovakia and also to recruit foreign workers in increasing numbers for employment in German factories. The result was a steadily increasing pressure on the Government of the Protectorate to induce Czech workers to increase their output and to show greater willingness to accept employment in Germany. When the situation of the German armies on the eastern front became serious and sabotage became more widespread in Czech factories, the occupying authorities were forced to take stringent measures. Early in 1942 the departments of practically all the ministries in the Protectorate which were concerned in industrial production and social policy were amalgamated in a single Ministry of Economic Affairs and Labour. At the same time the occupying authorities insisted on the appointment of a German, who was not even a citizen of the Protectorate, as Minister of Economic Affairs and Labour in the Czech Government. In this way the autonomy of the Government, which in any case was fictitious, was rendered completely meaningless although it continued to exist in name. From that time onwards Dr. Walter Bertsch, formerly a leading official in the office of the Protector, became undisputed master of the Czechoslovak economic system. In the course of a single year he completely overhauled the social policy of the country and adapted the whole of its labour legislation to the

needs of the German war economy. As German war industry became increasingly exposed to Allied air attack more and more undertakings or sections of factories transferred their activities to the Protectorate, and the main trend of policy was then to increase output within the country rather than to transfer Czech workers to Germany.

EMPLOYMENT ORGANISATION

On 25 July 1939, "on the instructions of the Protector"¹, an Order was issued replacing the existing 184 employment exchanges by 23 employment offices with 85 branch offices.² Although until the date of Dr. Bertsch's appointment these offices fell within the sphere of activity of the theoretically independent Government, they were from the outset supervised by the German administrative authorities (district presidents) scattered over the country. In the larger towns the organisation of the employment offices was taken over by German administrative authorities. An Order of 16 May 1941³ considerably extended the scope of activity of these offices. Their tasks were no longer limited to placing in employment, but included the uniform control of labour supply, vocational training, wage policy, unemployment relief, and factory inspection; consequently they were amalgamated with the factory inspectorate. At a later date the employment offices were given certain powers to impose penalties under an Order of 2 April 1942.⁴ These penalties could be inflicted on persons guilty of offences calculated to disturb the stability of wages and salaries (*e.g.*, granting increased wages without the consent of the authorities) or to lower morale among the workers. In 1942 there were 18 employment offices with 102 branch offices.⁵ The employment offices which had been granted such extensive powers worked on the same lines as the similar institutions in Germany, and their system of card indexes and occupational classification was to a great extent assimilated to that of the Reich.⁶

In the areas incorporated in the Reich the German legislation concerning placing was introduced by an Order of 14 September 1939.⁷ The Czechoslovak factory inspectorate was replaced by

¹ DENNLER: *Sozialpolitik im Protektorat Böhmen und Mähren* (Berlin, 1940), p. 4.

² *Slg.*, 1939, No. 193; see also *Industrial and Labour Information*, Vol. LXXII, No. 3, 16 Oct. 1939, p. 79.

³ *Slg.*, 1941, No. 192.

⁴ *Slg.*, 1942, No. 128.

⁵ Notification of 12 June 1942 (*Slg.*, 1942, No. 206).

⁶ DENNLER, *op. cit.*, p. 5.

⁷ *RGBl.*, 1939, Part I, p. 1769.

industrial inspection offices by an Order of 15 February 1939.¹ In Slovakia, where the Germans insisted more strongly on the sending of all available workers to Germany, the existing Czechoslovak employment offices were replaced on 12 June 1940 by others organised on the German model.² As a result of the difficulties which Germany had experienced in the field of manpower even before the outbreak of war, an Order of 25 July 1939 was introduced whereby the Government of the Protectorate was obliged to provide for the introduction of compulsory labour service for all citizens of the Protectorate between the ages of sixteen and twenty-five years.³ After the outbreak of war the provisions of the German Emergency Order of 15 October 1938⁴ whereby the whole population could be called upon "to deal with public emergency situations or the threat of such situations" was extended to the Protectorate by an Order of 25 February 1940.⁵ The German inhabitants of the country were compelled to perform labour service for the Reich under Orders of 22 December 1939 and 30 November 1940.⁶ In the Sudeten German area the German measures concerning labour service were introduced immediately after the occupation by Orders of 27 October and 6 December 1938.⁷ The legislation of the Protectorate also reflected the growing difficulties of Germany and the desperate attempts that were made to solve the problem of the labour shortage. The legislation on this question was repeatedly amended and made increasingly rigorous, in particular by Orders of 23 January and 18 December 1941 and 4 May 1942.⁸ According to the Order of 4 May 1942, which was similar to the Order in force in the Sudeten area with regard to the supply of labour for work of particular national importance, all inhabitants of the Protectorate who were fit for work—irrespective of whether or not they were citizens of the Protectorate or Germany—were obliged, when ordered, to engage in work of national economic importance which was too urgent to be postponed. Work of this kind was defined as including any activity connected with the defence of the country, securing the food supply, producing consumers' goods, developing the country economically, improving transport condi-

¹ *RGBL*, 1939, Part I, p. 218.

² *Slav. z.*, 1940, No. 147.

³ *Sig.*, 1939, No. 190; see also *Industrial and Labour Information*, Vol. LXXII, No. 3, 16 Oct. 1939, p. 77.

⁴ *RGBL*, 1938, Part I, p. 1441.

⁵ *RGBL*, 1940, Part I, p. 230.

⁶ *RGBL*, 1939, Part I, p. 2472; 1940, Part I, p. 1544.

⁷ *RGBL*, 1938, Part I, pp. 1514 and 1719.

⁸ *Sig.*, 1941, No. 46, and 1942, Nos. 10 and 154; see also I.L.O.: *Legislative Series*, 1942, Boh. 1A; and *International Labour Review*, Vol. XLVII, No. 6, June 1943, p. 774.

tions, and relieving any general emergency or natural catastrophe.

It is true that the obligation to undertake work of this kind existed for a limited period only, but it could be extended and was therefore in practice of unlimited duration. The only persons exempt from the obligation were mothers of children under fifteen years of age if the work was incompatible with the fulfilment of their maternal duties, and women during the period between the sixth month of pregnancy and the second month after childbirth. The obligation of male workers referred to work of all kinds, whereas women workers should (not could) be employed only on work normally performed by women. The obligation could be enforced for work "in other parts of the Reich territory" as well as in the Protectorate, but no definition was given of this term, and in practice Czechs were employed in the Todt Organisation in Norway, France, and elsewhere. The Order laid down that the personal and economic situation of the persons called up for such labour service should as far as possible be taken into account; persons already employed under a contract of employment could nevertheless be called up, but only if this was essential in view of the special importance of the work to be performed and after the employer had been consulted. Workers were called up by the employment office. The fact of being called up did not terminate any existing contract of employment, the period of labour service being considered as leave. Wages and working conditions under the labour service scheme were fixed in accordance with the provisions of the agreements in the area in which the work was performed, or with local custom. In the case of persons employed on labour service in the Protectorate, social insurance was usually taken over by the institution responsible for insurance for the type of work performed by the recruited worker, but in some cases the former insurance institution remained competent.¹ The worker was not permitted to leave his employment under the labour service contract before the specified period had expired, except in special cases with the permission of the competent employment office. The employer, on the other hand, could terminate the engagement without notice in so far as this was permitted by the general regulations on the subject. The Order further provided that no contract of employment or apprenticeship could be concluded or terminated within the Protectorate without the permission of the employment office. If the employment office gave a decision on the question of dismissal which was not satisfactory to the worker, he could make a

¹ Detailed regulations on this subject were issued by an Order of 10 July 1944 (*Sig.*, 1944, No. 153).

complaint in writing to the Ministry of Economic Affairs and Labour, but in practice this provision was of no value.¹

The Order analysed in the preceding paragraphs gave dictatorial powers to the employment offices controlled by Dr. Bertsch. In particular, they could break up the family life of any worker, sending the husband to work in one place and the wife somewhere else. It might be suggested that this was in line with the measures taken by other belligerent States to ensure the best possible use of the existing labour supply, but it should be noted that in the present instance the measures that were taken were intended solely to secure the victory of Germany, which was contrary to the desire of the overwhelming majority of the Czechoslovak workers who were affected by these regulations.

It is clear that any rigid system of this kind can be fully effective only if there is very careful supervision. This was secured by means of employment books and a system of compulsory registration. The employment book was compulsory for men and women workers, salaried employees, apprentices, home workers, etc.² These books were issued by the sickness insurance institution and served as evidence in dealings with employment offices, social insurance institutions, public welfare institutions, and employers. The employment book had to be shown to the employer on engagement and to the employment office on termination of a contract of employment. It showed not only personal details concerning the individual but also details of his past employment, his vocational training and any special qualifications, such as ability to drive a motor vehicle, fly an aeroplane, etc. When the sickness insurance institution issued an employment book, it also added a card to its card index and sent a copy to the employment office. When a certain number of workers with specified qualifications were required, the employment office simply took the appropriate number of cards from its card index and ordered those individuals to proceed immediately to the work in question. A railway ticket was enclosed with the order of the employment office, and no account was taken of the personal or family situation of the workers concerned. The regulations concerning employment books were supplemented by an Order of 24 July 1942³ concerning home workers. Any persons issuing work to be performed at home were obliged to provide the home worker with a book in which the nature and amount of the

¹ The provisions of the Order concerning labour service for young persons are dealt with below, p. 163.

² Employment books were introduced in the Sudetenland by an Order of 20 Dec. 1940 (*RGBL.*, 1940, Part I, p. 1649) and in the Protectorate by an Order of 26 June 1941 (*Slg.*, No. 241).

³ *Slg.*, 1942, No. 261.

work, the amount of remuneration, etc., were entered. These books had to be submitted to the employment office for inspection and were accepted there as evidence. It would appear that even the above measures did not prove completely satisfactory in ensuring that all fit persons in the population were forced into employment, for when the complete mobilisation of labour was decreed in Germany¹ the registration of all inhabitants of the Protectorate for the purpose of labour was also ordered in February 1943.² Registration was compulsory for men between the ages of sixteen and sixty-five and women between the ages of seventeen and forty-five, with the exception of pregnant women and women with two children under the age of fourteen years or one child under the age of six years. Registration was linked up with the issue of the new food ration cards, so that it was impossible for anyone to evade it.

It is naturally difficult to say what number of persons may have been affected by all these measures. All the available reports suggest that a very considerable fraction of German war production was transferred to the Protectorate, and a recent German source throws a little light on the question:

In the reduced [since Munich] area of Bohemia and Moravia the number of workers in employment rose by 50 per cent. from 1935 to 1939 . . . During this same period the number of workers in industry rose by a further 40 per cent., so that more workers are now employed in the industries of the Protectorate than were formerly employed in the whole of Czechoslovakia . . . In the iron and other metal industries, which are of special importance for war purposes, the number of workers is more than double the figure for March 1939 . . . The gross production of industry in Bohemia and Moravia in 1943 exceeded in volume the total output of the former territory of Czechoslovakia.³

The measures taken in Germany after 20 July 1944 to procure more manpower, such as raising the age for the registration of women to fifty years, were applied equally in the Protectorate.⁴

Young Workers

It is not surprising that the Nazi régime should from the very outset have devoted special attention to the youth of Czechoslovakia and made every endeavour not only to utilise their labour but also to dominate the minds of the young generation. At the beginning of the war all Czech universities were closed and Czech students were forbidden to attend the German universities in Prague

¹ Cf. *International Labour Review*, Vol. XLVIII, No. 1, July 1943, p. 95.

² Prague Radio, 2 Feb. 1943.

³ WIRTH: "5 Jahre Protektorat in Zahlen", in *Böhmen und Mähren*, Nos. 1-2, 1944.

⁴ Broadcast of the German News Service for Europe (DNB), 18 Aug. 1944.

and Brno. Only a small number of Czech students were allowed to take degrees at German universities. Quite a number of secondary schools were also closed, but great attention was paid, for obvious reasons, to training in technical schools. A special department for vocational training and education was established in the Ministry of Economic Affairs and Labour. In 1941 the concept of "partial vocational training" was introduced by an Order of 6 November.¹ This concept meant that an apprentice did not learn the whole of his trade, with the result that a mass of semi-skilled workers was produced who had just sufficient training to be used in the armaments industry without any qualifications that would prove of value to them after the war. Czechoslovakia, like the other countries of the European continent, therefore faces a very serious shortage of young trained workers in the post-war period.

The Order of 6 November 1941 made vocational guidance, apprenticeship, and the placing of young persons part of the tasks of the employment offices. Young persons leaving school had to register with the employment office and indicate what occupation they proposed to take up. This clause, together with other provisions of the Order, meant that the employment office was entirely free to determine the future of every young person without paying the slightest attention to the desires of the individual or his parents. A number of the earlier regulations on the subject were combined in an Order of 3 July 1943², according to which the Minister of Economic Affairs and Labour had power to determine in what branches of the economic system and for what trades apprentices should be trained. He had power to lay down a list of qualifications and a scheme of vocational training for every occupation in which apprenticeship existed. The list of qualifications indicated the types of work and of skill which the apprentice was expected to learn during his apprenticeship. The length of the period of apprenticeship was also fixed by the Minister, subject to a minimum of two years. During the war period apprentices with not less than two years' apprenticeship were entitled to pass the examination for completed apprenticeship—another measure which favoured the German war machine at the expense of the proper training of apprentices. The employment offices had power to transfer apprentices with not more than one year's training from undertakings which were closed down to other branches of industry. This meant that an apprentice from a weaving mill, for example, which was closed down as not being of importance for war purposes could be

¹ *Slg.*, 1941, No. 433.

² *Slg.*, 1943, No. 200.

compelled by the authorities to accept employment in a munitions factory.

The provisions of the Order of 4 May 1942 concerning compulsory service were supplemented by an Order of 28 May 1942 concerning compulsory service for young persons.¹ According to this Order, all citizens of the Protectorate between the ages of ten and eighteen years with the exception of Jews were liable for compulsory service, and there was no provision restricting this liability to work inside the Protectorate. The enforcement of these measures was entrusted to the Department of Juvenile Education, which was the central body responsible for the re-education of the youth of Czechoslovakia.

CONDITIONS OF EMPLOYMENT

The Wage Problem

The strict National Socialist principle of permitting no wage increases² could not be upheld by the occupying authorities in Czechoslovakia because that country could not be incorporated in the German economic system without a considerable rise in prices. It was therefore necessary for the authorities to permit certain increases in wages, although these fell far short of the rise in prices. With regard to the territory acquired by Germany as a result of the Munich agreement, it will suffice to quote a statement made by Konrad Henlein, Reich Commissioner, in Troppau on 4 October 1944:

One problem, the solution of which was both urgent and of decisive importance, was the assimilation of wages and prices to those in force in Germany itself. You are aware that this assimilation proved difficult and could only be carried out very gradually. This meant very great hardship for the workers in our factories . . . The level of prices was adapted to the German price level comparatively quickly, whereas wages lagged far behind. The consequence was that for a long time the level of incomes, particularly among industrial workers, was quite inadequate.³

Figures which appeared in the official Berlin periodical *Wirtschaft und Statistik* in August 1942 showed that the wages of unskilled workers in the district of Eger, which is highly industrialised, were the same as those in the agricultural districts of Pomerania and East Prussia, while those in the district of Aussig, one of the most highly industrialised areas in the whole of Europe, were on

¹ *Slg.*, 1942, No. 187.

² Hitler himself said in Sept. 1936: "It has been the fixed principle of the National Socialist leadership not to permit any rise in the weekly wage rates but to raise income solely by increase in performance."

³ *Die Zeit* (Reichenberg), 5 Oct. 1941.

the same level as wages in agricultural Bavaria and far lower than those in the neighbouring industrial district of Saxony.

An Order of 21 December 1939¹ stipulated that in the Protectorate there should be no increase of wages in undertakings employing more than twenty workers without the permission of the Ministry of Social Affairs and Health, and this provision was extended by an Order of 19 December 1940² to smaller undertakings as well. Subsequently, by an Order of 10 December 1941³, all wage increases were made subject to the permission of the Ministry, with the result that, in practice, wages were frozen, as was already the case in Germany and in the Sudetenland.⁴ The final step in this development was an Order of 7 December 1942⁵ whereby any increase in wages, salaries, educational allowances, and other statutory allowances, or any increase in earnings in the form of lump sum payments, was prohibited unless written permission was obtained from the Minister of Economic Affairs and Labour.⁶ According to this Order, the rule prohibiting any increase in remuneration applied also to home workers. In the case of newly established undertakings, wages and salaries had to be fixed at the rates current in similar undertakings; in cases of doubt, the Ministry gave the decision. Newly appointed employees in the higher categories were not permitted to receive higher salaries than those normally paid on 12 January 1942, but the Ministry had power to fix other rates of salaries if it thought fit. The Ministry could also permit exceptions to the freezing of wages, but this did not give the workers any legal claim to a higher rate of remuneration. This apparently unimportant provision excluded the possibility of any action before the courts in the matter of wage claims and thus deprived the workers of one of their elementary rights, while at the same time preventing those trade union organisations which were permitted to exist from exercising any influence whatsoever on the fixing of wage rates. The Ministry of Economic Affairs and Labour could increase or reduce wages or salaries at will without being obliged to pay any attention to the legislation in force. Attempts to entice workers away from their employment by offering higher rates of remuneration were strictly forbidden.

¹ *Sig.*, 1939, No. 330.

² *Sig.*, 1941, No. 11.

³ *Sig.*, 1942, No. 13.

⁴ Regulations of 12 Oct. 1939 (*RGBl.* 1939, Part I, p. 2028). Cf. also PAULSEN: "Die Lohngestaltung im Protektorat Böhmen und Mähren", in *Reichsarbeitsblatt*, 1942, Part V, p. 245.

⁵ *Sig.*, 1942, No. 404.

⁶ According to an Order of 1 Apr. 1942, all collective agreements in force on 31 Dec. 1941 were to remain effective unless specific decisions to the contrary were given by the authorities (*Sig.*, 1942, No. 127).

This completely medieval Order—other clauses of which will be discussed later in this article—was supposed to apply only for the duration of the war, but it was to remain in force until specifically repealed. It left the workers entirely at the mercy of the Ministry of Economic Affairs and Labour and deprived them of any possibility of opposing a reduction in wages or seeking better paid employment elsewhere. When the Order was promulgated, Dr. Bertsch published a newspaper article announcing that the German system of payment by results was to be introduced in the Protectorate. He wrote: "The payment of fair wages is guaranteed when the worker is paid according to the value of the work done and not according to his previous training or to the time actually required to produce any article."¹ So far as the author is aware, this principle was applied at least to a number of undertakings in the metal industries. Dr. Bertsch stated in another article that during 1943 the Ministry had devoted special attention to the development of a modern system of payment by output, more particularly for the building industry and in a number of measures concerning wages in the metal industries.²

The question whether the incorporation of Bohemia and Moravia in the German economic system led to an increase in the real wages of the workers can be answered by a further quotation from Dr. Bertsch which may be considered as authoritative:

Statistical surveys show that under the influence of the German administration the average wages fixed by agreement throughout the whole of industry have risen by more than 60 per cent. as compared with March 1939. In spite of the adaptation of the price level which was carried out at the same time and in spite of the restrictions necessitated by war conditions, the workers have been able to maintain the same level of real wages as formerly.³

Even Dr. Bertsch himself did not suggest that there had been any *rise* in the level of real wages.

Holidays with Pay

The Czechoslovak legislation concerning holidays with pay for workers was repealed in the Protectorate by an Order of 18 December 1941 and administrative regulations of 23 April 1942.⁴ When the new regulations were introduced, a few minor changes were made, such as an increase of one day in the length of the

¹ *Neuer Tag* (Prague), 12 Dec. 1942.

² BERTSCH: "Fünf Jahre Protektoratswirtschaft", in *Die Wirtschaft* (Prague), 18 Mar. 1944.

³ BERTSCH: "Arbeitsrecht und Lohnpolitik", in *Kölnische Zeitung*, 11 May 1942.

⁴ *Slg.*, 1942, Nos. 33 and 150.

holiday granted to miners. On the other hand, an apparently harmless clause made the whole of the workers' claim to a holiday illusory. The new legislation stipulated that during the war, and in exceptional cases even in normal times, provision might be made for a worker to receive a cash payment instead of a holiday. The regulations of 23 April 1942 permitted such a system in the case of miners provided that the latter agreed to accept the cash payments. Thus the Germans destroyed at one stroke the principle that certain provisions of social legislation are mandatory and that the parties are not permitted to contract out.

Special regulations were issued on 18 December 1941¹ for workers in the building industry and subsidiary trades; these were similar to the German regulations of 20 May 1936², which were made applicable to the Sudetenland by an Order of 27 April 1939.³ According to these regulations, each worker received a holiday card issued by the post office. The card was kept by the employer, who affixed a special stamp weekly when paying the worker's wages, the value of the stamp being proportionate to the amount of the wage. When the worker had 32 stamps on his card he was entitled to four days' holiday, and when he had 48 stamps he was entitled to six days' holiday, and so on. The wages for the holiday period were paid by the post office. The main purpose of this system may well have been to introduce compulsory saving without the payment of interest, but in any case the regulations represented an interesting innovation.

Hours of Work

Czechoslovakia was proud of the fact that as early as December 1918 it had introduced legislation restricting hours of work to eight in the day and forty-eight in the week. This legislation was replaced by the German regulations of 30 April 1938⁴ in the area which fell to Germany after Munich, and after the outbreak of war it was replaced by the Emergency Hours of Work Order of 12 December 1939.⁵ According to those regulations the eight-hour day remained theoretically in force, but it was possible to extend working hours to ten in the day without any official authorisation. In the Protectorate the Order of 13 August 1942⁶ combined the provisions of the two German texts referred to above in a more

¹ *Slg.*, 1942, No. 34.

² *RGBl.*, 1936, Part I, p. 454.

³ *RGBl.*, 1939, Part I, p. 848.

⁴ *RGBl.*, 1938, Part I, p. 447; 1939, Part I, p. 154.

⁵ *RGBl.*, 1939, Part I, p. 2403.

⁶ *Slg.*, 1942, No. 287.

rigorous form, and at the same time all provisions of a contrary nature were repealed. According to this text the hours of work might be extended to ten in the day and sixty in the week "if conditions in the undertaking so require" without any authorisation being obtained. If the hours of work normally included a considerable waiting period, they could be extended to twelve in the day in the case of men—again without the permission of the authorities—and they could be further extended, without restriction, by the employment offices. The Order contained one provision which did not exist in the German legislation whereby under certain circumstances, such as work which was necessary for the resumption or maintenance of full technical activity in the undertaking, hours of work could be extended without the permission of the authorities beyond ten in the day if it was impossible to replace the workers by others, or if the employer could not reasonably be expected to engage people from outside the undertaking. In the case of work which was by its nature continuous, workers might be compelled to work a sixteen-hour shift once in three weeks provided that they were granted two rest periods of twenty-four hours each during those weeks. There was no upper limit to hours, and it could be said that in practice there was absolutely no limitation of hours of work in Czechoslovakia. The following statement from an authoritative source gives some idea of the consequences of the extension of working hours:

Up to December 1943 the number of hours worked had risen to a much greater extent than the number of workers employed, so that in Bohemia and Moravia the capacity for industrial production, as measured by the number of hours worked, was greater than that of the whole of the former territory of Czechoslovakia.¹

Disciplinary and Anti-Sabotage Measures

Under the system introduced by Dr. Bertsch, the provisions of labour legislation were widely used for purposes of political persecution and for preventing sabotage activities by the Czech workers. The Wage Stabilisation Order of 10 December 1941² laid down the principle that no worker should remain away from work, refuse to work or deliberately reduce his output, nor should he display a lack of discipline in order to secure his dismissal before the normal termination of his contract. That Order was replaced by the Order of 7 December 1942, already mentioned, in which the provisions concerning the "maintenance of workers' morale" were extended

¹ "5 Jahre Protektorat Böhmen und Mähren", in *Wirtschaft und Statistik*, Feb. 1944.

² See above, p. 164.

to a degree unparalleled in modern legislation. According to that Order, no worker or apprentice could refuse the work entrusted to him by his employer or by the representative of the employer, irrespective of whether the work involved overtime, night work, or work on Sundays or public holidays, nor could he remain absent from his work or deliberately reduce his output. Absence from work was taken as including repeatedly arriving late without due cause, leaving work before the proper time, or showing a lack of discipline, in particular by actions or by gross insults to superiors, which interfered with the normal progress of the work. So far those provisions were modelled on the regulations in force in Germany and the Sudeten territory.¹ Other provisions of the Order, however, went far beyond those in force in Germany proper. One clause actually gave employers in the Protectorate the right to impose penalties on their employees in the case of repeated absence from work, continued unpunctuality, etc. The penalty permitted for these offences was a fine which might be as much as the average daily wage. In the case of repeated refusal to perform the work, workers might, "if it seemed necessary for educational purposes", be sent to a compulsory labour camp at the request of the employment office. They might remain in the camp until it was considered that the educational purpose for which they were sent there had been achieved. The regulations governing the contract of employment and other conditions of work did not apply to persons employed in a compulsory labour camp. Those regulations speak for themselves. With complete cynicism the Order went on to provide for the protection of the workers against any action by their employers. It was stated that the employer, or any persons acting in a supervisory capacity, must refrain from any malicious misuse of their authority to exploit the workers and from grossly insulting the workers or in any other way neglecting their social obligations. This means that the employer was not liable to punishment unless he acted maliciously and grossly failed in his duties, whereas no such limitation was made in the case of offences by the workers. It may be of interest to note that the regulations concerning the right of employers to impose penalties on their workers were first introduced in Czechoslovakia by an Order of 20 May 1940² applying to the Sudeten area. The provisions were taken over word for word by Dr. Bertsch and applied to the Protectorate.

The use of labour law as a means of political persecution can be seen in the Order of 2 May 1941³, according to which the Protector

¹ Cf. Order of 20 July 1942 (*Reichsarbeitsblatt*, 1942, Part I, p. 341).

² *Die Zeit* (Reichenberg), 21 May 1940.

³ *Verordnungsblatt des Reichsprotectors*, 1941, p. 241.

could cancel any contract of employment without regard to legislative or contractual provisions if the worker was considered guilty of activity contrary to the interests of the Reich. Such activity was defined as any act of omission or commission directed against the existence or security of the Greater German Reich. No judicial proceedings were required to give effect to this provision. With regard to social insurance, an Order of 29 May 1942¹ provided that the payment of pensions would be suspended in the case of persons "who had acted in a manner inimical to the Reich after 16 March 1939", but no definition was given of what this clause covered. The decision to suspend the pension was left entirely to the Minister of Economic Affairs and Labour, against whose decision there was no appeal. If a worker remained absent from work without reasonable cause, or was guilty of deliberately reducing his output, he was liable to have his supplementary food card (granted to persons engaged on heavy work) withdrawn.²

Conditions of Employment of Jews

The fate of the Czechoslovak Jews and so-called non-Aryans is sufficiently well-known. Those who were at all capable of working were forced to perform very strenuous tasks. The German Order of 3 October 1941 and the administrative regulations of 31 October 1941³ concerning the employment of Jews, which had already been enforced in the Sudetenland, were taken over by Dr. Bertsch for the Protectorate and made even more rigorous by an Order of 17 July 1942.⁴ These regulations are really completely outside the scope of social policy. Jewish employees were not entitled to the continued payment of wages in case of illness or to any output bonuses, family allowances, or other special allowances. They could be dismissed at any time on one day's notice, although they themselves had to observe the statutory period of notice if they wished to leave their employment.

SOCIAL INSURANCE

It is impossible, within the limits of this article, to describe all the changes that have been made in the various branches of social insurance in the different parts of Czechoslovakia since 1938. All that can be done is to indicate the main principles of the legislation

¹ *Slg.*, 1942, No. 200.

² Decree of the Ministry of Agriculture and Forestry (*Neuer Tag*, Prague, 25 Mar. 1944).

³ *RGBl.*, 1941, Part I, pp. 675 and 681.

⁴ *Slg.*, 1942, No. 260.

that has been introduced. The Munich decision and its consequences threatened to destroy the whole structure of Czechoslovak social insurance. The Central Social Insurance Institution, the Central Miners' Benefit Society, the Salaried Employees' Insurance Institution, and the workers' accident insurance institutions lost about a third of their members as a result of Munich. After 15 March 1939 only about half the members remained. The first steps that had to be taken, therefore, were a number of administrative measures, which were followed by changes in the substance of the legislation.

In the area annexed by Germany after Munich, the German social insurance system was introduced and special institutions on the German model were set up. The provisional regulations were replaced by definitive regulations on 27 June 1940¹, but since then those have been amended on several occasions. The Order of 27 June 1940 applied also to Teschen. In the area occupied by Hungary, the Hungarian legislation was introduced, although certain of the more advantageous provisions of the Czechoslovak system were retained temporarily. Thus sickness insurance for agricultural workers, which did not exist in Hungary, remained in force.² Slovakia established its own insurance institutions by Orders of 18 March and 12 April 1939.³ In the Protectorate the organisation of social insurance remained for a time unchanged except for the amalgamation of certain funds.

After lengthy negotiations, international agreements were drawn up concerning the distribution of the funds of the Czechoslovak insurance institutions between the Protectorate and Germany (14 March 1940)⁴, Germany and Hungary (24 June 1940, supplemented on 27 March 1941)⁵, Germany (acting for the Protectorate) and Slovakia (13 April 1940)⁶, and Slovakia and Hungary (21 February 1942).⁷

Gradually the social insurance system in the Protectorate was also changed, although the German legislation was not introduced in that territory. All the changes, some of which were very far-reaching, were introduced as amendments to the Czechoslovak laws which had been retained in force. It cannot be denied that although some of the reforms, which affected all branches of insurance, represented a decline in the standards which previously

¹ *RGBl.*, 1940, Part I, p. 957.

² *Süd-Ost-Ökonomist*, 19 Jan. 1940.

³ *Slov. z.* 1939, Nos. 17 and 55.

⁴ *RGBl.*, 1940, Part II, p. 107.

⁵ *RGBl.*, 1941, Part II, p. 332; 1942, Part II, p. 118.

⁶ *RGBl.*, 1943, Part II, p. 253.

⁷ *Slov. z.* 1943, No. 98.

existed, a number of them, at least on paper, were beneficial to the insured persons. There were, in the first place, some increases in cash benefits, which were essential because of the rising level of prices and the depreciation of the currency. Subsequently there were amendments of substance which represented an improvement, as, for example, those introduced by the Order of 21 December 1943 concerning accident insurance.¹ It was perfectly clear that the purpose of all these reforms was to change the hostile attitude of the Czech workers towards the occupying authorities into at least a neutral attitude. The most important changes were made in the case of accident insurance, which was so extended in scope that it ceased to be a purely workers' scheme. Independent farmers, teachers and students in technical schools, etc., were all included within the scope of the scheme.

The value of many of the reforms, and in particular of the increase of pension rates under old-age and invalidity insurance, is extremely doubtful when it is remembered that the insured persons very often were completely ignorant of their rights and that the legislation deprived them of the right which they naturally had under the former democratic régime of submitting the assessment of their claims by the insurance institution to an impartial judicial authority for checking. The new regulations for miners' insurance introduced by the Order of 30 March 1942, provided that no judicial award could be given with regard to the granting of supplementary pensions.² Similarly, in the case of old-age and invalidity insurance for workers, another Order of 30 March 1942 stipulated that no legal remedy was permitted with regard to the assessment of pensions.³

A further difficulty was that new regulations which entirely changed the situation were constantly being made at short intervals. The old-age and invalidity insurance scheme for workers was remodelled five times in less than five years. Moreover, the text of the regulations was extremely confused and often could be understood only after very careful study such as no average insured person could be expected to undertake. Even for the expert it was often difficult to determine which clause should apply in any given case, and the regulations concerning the calculation of pensions were so complicated that inaccuracies in these calculations were almost inevitable. In these circumstances, refusal to permit a legal remedy and failure to issue any instructions explaining the claims of individual insured persons led to complete uncertainty as

¹ *Slg.*, 1944, No. 1.

² *Slg.*, 1942, No. 100.

³ *Slg.*, 1942, No. 98.

to what the legal position was. It must also be remembered that the new regulations took no account of the financial basis on which the Czechoslovak social insurance system was built up. When the occupying authorities found difficulty in raising the necessary funds, they simply left the financial burden to be borne by the Protectorate.

The best proof that the legislators during this period had absolutely no sense of their responsibilities can be found in the fact that most of the regulations contained no provision whatever for covering the increased expenditure involved. It therefore seems probable that as a result the reserves of the Czechoslovak social insurance institutions must now be completely used up. That will constitute one of the most serious problems which the new Czechoslovakia now has to face. As the work of a generation acting for the benefit of future generations has been completely destroyed, it would seem necessary to start again from the foundations and build up a new social insurance system.¹

Unemployment Relief

After the great economic depression had died down in the late 1930's, the problem of unemployment relief became much less acute. When Czechoslovakia was occupied there was no very extensive unemployment, and such unemployment as there was soon disappeared as a result of German armament manufacture. Nevertheless, the occupying authorities, for political reasons, felt it necessary to abolish the existing system of unemployment relief because it was based on the principle of trade union membership. The existing legislation was replaced by a number of Orders, the most important of which was that of 19 March 1940.² According to this Order, relief was payable after a means test to persons "who are available for work but have ceased to be engaged in an employment rendering them liable for sickness insurance and are thus involuntarily unemployed". This meant that independent workers were not covered by the scheme. Contributions amounting to 1 per cent. of the average wage were paid jointly by the employers and workers together with the sickness insurance contribution, and a further $\frac{1}{2}$ per cent. of wages was paid by the Protectorate. These contributions were paid to the Central Social Insurance Institution, which had a special fund for unemployment relief. The employ-

¹ Proposals for a reform of the Czechoslovak social insurance system have been described in the *International Labour Review*, Vol. LI, No. 2, Feb. 1945, pp. 141-166: "A Programme of Social Insurance Reform for Czechoslovakia", by Emil SCHOENBAUM.

² *Sig.*, 1940, No. 101.

ment offices decided on the payment of the relief. An Order of 27 August 1943¹ repealed all the former regulations concerning unemployment relief, including those on unemployment insurance, but retained the existing system of contributions. Unemployment relief then became little more than financial assistance to enable workers to find employment. The new Order provided financial aid for vocational training, the purchase of tools and other working equipment, fares to a new place of employment, and family benefit for the families of workers who were employed away from home. Independent workers were not included. It was provided that the granting of unemployment relief by the employment office was dependent upon the worker's inclination to work as shown by his actions; it could be refused if the income or financial situation of the unemployed person was "so favourable that the granting of unemployment relief would clearly be condemned by public opinion". The Minister for Economic Affairs and Labour had also power to exclude certain groups of persons from relief if the opportunities for employment were so numerous that they could easily obtain work and wages by their own efforts.

WORKS COMMITTEES AND TRADE UNION ORGANISATION

It is not surprising that the occupying authorities repealed the democratic legislation concerning the representation of workers in factories and freedom of association. Even this step, however, was only taken gradually, and the situation differed in the various parts of the country. In the area incorporated in the Reich after Munich, all trade union organisations and workers' representative bodies in undertakings were immediately dissolved by an Order of the Reich Commissioner of 14 November 1938.² A further Order of 25 May 1939³ extended to the newly-won territory, the provisions of the German National Labour Act of 20 January 1934.⁴ The National Socialist Party district leader (*Gauleiter*) or his representative was granted the right, on the suggestion of the head of the undertaking and the leader of the party organisation in the undertaking, to nominate confidential representatives. Similar regulations were introduced in the area of Teschen by an Order of 6 February 1940.⁵ Throughout the whole area the German Labour Front was set up as the only legally recognised representative of the workers' interests in exactly the same way as in Germany.

¹ *Slg.*, 1943, No. 250.

² *RGBl.*, 1939, Part I, p. 925.

³ *RGBl.*, 1939, Part I, p. 975.

⁴ *RGBl.*, 1934, Part I, p. 45 (cf. I.L.O.: *Legislative Series*, 1934, Ger. 1).

⁵ *RGBl.*, 1940, Part I, p. 1511.

A different course was followed in the Protectorate. The German Labour Front was brought into existence for the benefit of German workers living in the area. In undertakings owned by Germans with German workers only, or with German and Czech workers, confidential representatives of the workers were appointed in accordance with the German National Labour Act. In all other undertakings in which five or more Germans were employed a "German representative" was appointed. As a general rule the provisions of the Czechoslovak legislation on works committees did not apply to workers of German nationality, just as the German Labour Front did not act as the representative of the Czech workers. This system was laid down by an Order of 14 September 1939.¹ As far as the Czech workers were concerned, the provisions of the legislation concerning works committees in industry and works councils in coal mines remained in force, save for the fact that no elections were held and that the persons holding office at the time of the occupation of the country automatically remained in office for an unlimited period. Their terms of office were prolonged by a succession of Orders, the last of which, on 15 March 1943², provided that the Ministry of Economic Affairs and Labour could at any time remove from office the members of works committees, and that any persons removed from office or otherwise ceasing to fulfil their duties would be replaced by appointment. Whenever the number of members of a committee became less than half the former figure, the whole committee had to be newly appointed. Similarly, committees were nominated in new undertakings or in those which had not formerly fulfilled the statutory requirements for the appointment of such a body (increase in the number of workers to over thirty). The Czech trade union organisations were granted no right to propose candidates. Consequently the whole system became purely decorative, since it was made completely impossible in practice for the works committees to carry out their statutory duties.

Under pressure from the occupying authorities, all the Czech trade union organisations were amalgamated as early as 1939 to form a unitary organisation which was not based on the principle of compulsory membership. By an Order of 14 August 1941³ the Government of the Protectorate prescribed that trade union organisations should be amalgamated by the authorities and that the authorities could transfer members from one union to another. As a result the trade union organisations in the Protectorate ceased

¹ *Verordnungsblatt des Reichsprotectors*, 1939, p. 142.

² *Sig.*, 1943, No. 73.

³ *Sig.*, 1941, No. 347.

to have the slightest practical importance for their members, and in any case they were placed under the supervision of a German labour trustee.

Similarly, in the Slovak Republic an Order of 30 June 1939¹ replaced the existing works committees by newly nominated committees, although the Czechoslovak legislation on the subject was not repealed. Appointments were made on the basis of suggestions put forward by a unitary trade union which had a monopoly of representation. Under an Act of 6 May 1942² this unitary organisation was replaced by a compulsory organisation on Fascist lines which covered all workers and pensioners.

* * *

To sum up, the drastic changes made by the occupying power in the social legislation of Czechoslovakia deprived the workers of practically all the rights which are guaranteed in any modern, democratic State. They were subjected to forced labour, even outside their own country; they had no protection against the indefinite prolongation of hours of work; freedom of association was denied them; and even some of their social insurance rights were lost.

¹ *Slov. z.* 1939, No. 142.

² *Slov. z.* 1942, No. 70.