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Labor Law
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Breach of contract of employment II K

Cancellation of additional food rations in cases
of arbitrary absenteeism.

Circular of the Reich Labor Minister dated 19 October
1941 (VII a 8193/44)

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absenteeism.

Circular of the Reich Labor Minister dated 19 October
1941 VII a 8193/44; Reich Labor Gazette 1944 No.31/32
I 3900.

The Reich Labor Minister

VII a 8193/44

Berlin, 19 October 1944

To the Factory Supervision Offices (Gewerbeaufsichts-
aemter) and their superior offices.

Cancellation of additional food rations in cases of
arbitrary absenteeism.

The question of cancellation of additional food rations in
cases of absenteeism and sub-standard output, which had
already been dealt with in the circulars ARG 452/42, 408/43
and 1384/43, has now also been dealt with in art. 13 of the
2nd directive for maintaining order in the plants, issued on
23 September 1944 by the Plenipotentiary General for Labor
Allocation after consultation with me (Reich Labor Gazette p.I
359, circular ARG 959/44). The following remarks are made in
amplification of this directive:

1. The mere fact that a person belongs to one or the other of
those groups of workers which are mentioned in the ordinance
concerning additional rations for workers on heavy or very
heavy work, dated 16 September 1939 (RGBL I p. 1825) or in
the decree, dated 29 January 1942 - III a 2100/ II C 11 b 200-
does as such not entitle that person to the additional
rations. It is a further prerequisite for the allocation of
additional food rations that the person is permanently per-
forming work of a type which entitles to additional food ratio.

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in other words that a certain kind of work is performed regularly. It will not always be easy to ascertain whether an employee is reaching the standard of efficiency or output entitling him to draw the additional ration. No general rules for this purpose can be established. It will nevertheless be possible for each plant to establish for the individual groups of workers a certain standard of efficiency or output to be used as a standard basis for additional food rations. For the assessment of lifting jobs, the directives concerning the lifting and carrying of loads contained in circular ARG 279/42 (section A) may serve as an indication. In those plants which use a wage system based on efficiency or output, the individual earnings of the employees can be used in order to establish cases of sub-standard output. This does not apply to the building industry only, but also to other industries in which new rational methods of pay have already been introduced. In cases of piece work, the degree of efficiency can easily be ascertained by multiplying the standard time by the standard number of pieces and then dividing the result by the actual number of pieces; thus, it can easily be established whether the output is smaller than the standard output which is rated 100. In cases in which wages have not yet been based on output, but in which premiums for individual workers or groups of workers have been introduced, it will also be possible to assess the efficiency of the individual by asking the supervisor for his additional opinion.

If the output is only slightly below standard, this can be disregarded. If it is considerably below standard, this will always result in the deprivation of the additional ration. Frequently, the minimum limit for the benefit of the additional ration has been fixed at 85%. It must be kept in mind, however that this delimitation can not be applied indiscriminately.

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One of the Factory Supervision Offices has established the following directives for the assessment of the efficiency of foreign civilian workers, Eastern workers and prisoners of war:

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"Food ration cards for workers on heavy or very heavy work may be granted only to those foreigners who reach an efficiency of almost 100% on their jobs. For this reason, by way of percentages, the plants will, when applying for additional cards on behalf of foreign workers, state which is the output or standard of efficiency of the foreigners compared with the German employees. Foreigners will be considered workers on heavy work, if their output or efficiency reaches at least 80%. If it is below this standard, the applications will, as a rule, be rejected. In order to increase efficiency, the applications will - in cases of 80 - 85% efficiency - be approved only for a definite time limit of at least 2 ration periods. After this time limit, the status of a worker on heavy work will be renewed only if the efficiency has increased in the meantime. - The additional ration for workers on very heavy work will be granted to foreign workers only in cases of 100% efficiency, in other words if they fully replace a German employee, the reason being that a worker on very heavy work receives much larger quantities of food than the average. If the output is smaller, a foreigner working on a job which entitles German workers to the food ration cards for workers on very heavy work will only obtain the food ration card for workers on heavy work."

By this method, the output of foreign workers has been increased to a considerable extent.

2. All cases in which an employee does not fulfil the working hours prescribed in the plant will be considered absenteeism resulting in the deprivation of the additional ration. It does not matter whether the employee had already reached the minimum number of working hours which is the normal prerequisite for the additional ration. If, for example a working time of 60 hours is prescribed in a plant, the additional

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ration card may not be granted to the employees recognized as workers working long hours, on heavy work or on very heavy work if they have only worked 55 or 48 hours. These employees, too, must fulfil the working hours prescribed in the plant, in order to obtain additional ration cards.

3. The period for which the additional ration cards will be withheld in cases of arbitrary absenteeism cannot be fixed by way of a general rule. However, the following directives have proved useful in many cases: if the employee is absent one day or less, the additional or special cards will be withheld for the next week; if he is absent for 2 or more days, they will be withheld for the next two weeks, in special cases even longer. It is prohibited to take off individual coupons forming part of the ration card (in proportion to the length of the absence of the employee etc.); the entire card will be withheld in all cases. Some plants are handing out the cards at the end of each week only so that they may maintain a better control. This procedure is admissible. In such cases, the additional cards may be withheld already for the current week.

4. If the workers arbitrarily go slow on their work, the additional cards will be withheld for at least one week, otherwise until the employee is again performing his standard output. In these cases, too, individual coupons will not be taken off the card.

5. The workers fed by camp kitchens mostly receive those foodstuffs which are covered by the additional cards, in the shape of dry foodstuffs. In these cases, the deprivation of the additional food will, therefore, best be effected by reduction of the dry food. In this connection, the following procedure has proved suitable, particularly with regard to foreigners: For those workers fed in camps who are entitled to additional food rations, the plant issues special additional food control cards with coupons for the daily additional rations. Only those camp inmates obtain

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the additional food in the camp, for whom the foremen or leading hands have stamped the control coupons for the day in question. In case of bad performance, the coupons are not stamped.

The amount of food allocated to the German and foreign civil workers living in camps is higher than the food rations of workers on normal work; the difference roughly amounts to the additional food granted to workers on long hours. For this reason, it had been suggested frequently to reduce the camp food rations to the rations of a normal worker in those cases in which camp inmates are absent from work or in which their work is below their standard output. Up till now, these suggestions had not been approved, the reason being that the difference between the camp rations and the normal rations was not meant to be an additional allocation for special efficiency but a compensation for the family allocations not granted to camp inmates. In future, however, it is intended in the case of Eastern workers to make the camp food ration dependent on the output or efficiency of the individuals (see the decree of the Plenipotentiary General for Labor allocation) (soon to be printed as an ARG circular) VI a 5783.28/166 in combination with the circular of the German Labor Front, Labor Allocation Office, dated 11 August 1944). It is the intention of the German Labor Front not only to reduce additional allocations, if any, but also the normal camp ration in cases of sub-standard output, and to use the food thus saved as premiums for particularly industrious workers. This reduction of the rations is a disciplinary measure with the aim to cause the slackers to resume their normal efficiency. In the same proportion in which this measure proves successful, the saving of food and the premiums for industrious workers will, therefore, diminish; eventually, they will disappear completely. The future results of this method will, therefore, be significant. For this reason, significant observations will be reported to me.

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On principle, it will be the personal responsibility of the plant leader to ascertain whether the reasons for the granting of additional cards have lapsed; his responsibility in this connection derives, i.a., from art. 6 of the ordinance dated 16 September 1939 (RGBL I p. 1825) concerning additional food allocations to workers on heavy and very heavy work. It is a matter of course that he will be assisted in doing so by the Factory Supervision Office, which has collected extensive experience in this matter and which had already examined the individual claim to the additional food ration. Only in rare cases, the Factory Supervision Office will have cause or opportunity to take action on its own in order to have the additional food ration card withheld. The employee will be notified of the cancellation of the additional food ration card either by the plant leader or his delegate, after consultation with the shop steward.

7. Apart from the cancellation of the additional and special cards, the last sentence of art. 13 of the directive of 23 September 1944 provides for an additional measure against those employees who break their contract of employment or who are idle during working hours, viz. their exclusion from special allocations of tobacco, spirits etc. made to the plant. This measure is particularly important, because it can be applied also to those employees who do not obtain additional ration cards.

By order

/s/ Neitzel

I hereby certify and confirm that the overleaf photostat is correct.

/s/ Dr. Henning

Attorney and Deputy Defense Coun

Nuernberg, 7 April 1948

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