SAAR BASIN

Position of Officials in the Saar Territory.

Note by the Secretary-General

The Secretary-General has the honour to circulate for the information of the Members of the Council and of the League of Nations, the following documents concerning the position of officials in the Saar Territory:—

1. Letter dated September 3rd, 1925, from the Chairman of the Governing Commission, forwarding:

2. A petition entitled "Memorandum on the unsatisfactory position of officials transferred from the service of the German Empire, Prussia, and Bavaria to the service of the Saar Government," dated August 22nd, 1925, from certain representatives of the Association of Higher Officials of the Saar, and

3. A petition with the same title, dated August 25th, 1925, from four other Associations of Saar officials.
Translation.

1. **Letter from the Chairman of the Governing Commission to the Secretary-General.**

SAARBRÜCK,

September 3rd, 1925.

Sir:

The Governing Commission has the honour to forward to you:

1. A Memorandum on the unsatisfactory position of officials transferred from the service of the German Empire, Prussia and Bavaria to the service of the Saar Government" which the Association of Higher Officials of the Saar Territory requested it, by letter dated August 26th 1925, to communicate to the League of Nations.

2. A second Memorandum with the same title, bearing the signature of four other associations of officials, and handed in on September 1st, 1925.

As these two memoranda only differ slightly, the Governing Commission need not examine them separately. In submitting the following observations it has followed the German text of the first of these two memoranda, as the French translation supplied by the Association of Higher Officials distorts the meaning of the original text in several important passages.

As regards the legal aspect, the memoranda quote the following texts: first, two decisions of the German Cabinet dated October 16th and 23rd, 1920, and
secondly the Governing Commission's decree of March 13th 1920\(^{(1)}\), the Staff Regulations of July 29th, 1920\(^{(2)}\), and a recent decision of the Supreme Court of the Saar Territory.

The first two texts referred to are probably an Order of the Imperial Cabinet dated September 23rd 1920 (the provisions of which were reproduced in a circular issued by the Imperial Minister of the Interior on October 13th, 1920) and a circular issued by the Prussian Minister of the Interior on October 23rd, 1920. These documents were dealt with in my letter of January 9th 1921\(^{(3)}\), and were treated in the Governing Commission's Sixth Periodical Report, dated January 25th, 1921\(^{(4)}\).

Having regard in particular to the terms of a Note from the German Government dated April 22nd, 1921\(^{(5)}\), copy of which was duly forwarded to you by the Imperial Minister for Foreign Affairs, the Governing Commission is convinced that these decisions of September and October 1920 will not bear the interpretation given them by the Association of Higher Officials of the Saar Territory.

The Governing Commission will therefore confine its attention to questions connected with the remuneration of officials serving in the Saar Territory by the Treasury of the Territory.

\(^{(1)}\) Official Journal No.3. 1920, pp. 109/110
\(^{(2)}\) See Council Document ORA.
\(^{(4)}\) Official Journal No.2. 1921, pp.193/210
\(^{(5)}\) Official Journal No.4. 1921, pp.328/330.
The decrees of March 16th 1920 and July 20th 1920 have not the precise meaning attributed to them by the signatories of the two petitions; they do not guarantee the equivalence in gold value of the salaries of officials serving in the Territory with the salaries of officials serving in the Reich. The undertaking given in Article 31 of the Staff Regulations, for example, is as follows:—

"Any improvement in the scale of salaries, pensions etc. of officials which are the result of German laws that have come into force since the Armistice, or shall later come into force, shall be examined by the Governing Commission with a view to ensuring equal advantages to the officials of the Saar Territory, so as to provide that they shall not at any time be in a less advantageous position than officials who occupy corresponding posts within the German Empire."

The meaning of this clause is made clear by the terms of the Article immediately preceding it, which reads as follows:—

Article 30:

"The retention of salaries, pensions, grants to surviving dependents, and financial advantages of all kinds shall be assured them in conformity with the German law in force in the Saar Territory as adapted to the special conditions prevailing in the territory."
The undertaking entered into by the Governing Commission in promulgating the Staff Regulations, and recently endorsed by a decision of the Saarlouis Court, - which as a matter of fact non-suited the complainant officials for quite another reason than that stated in the memorandum - was to place officials in a position similar to that which they would have enjoyed if they had remained in the employment of the German Reich. The Commission has consistently fulfilled this obligation, and has treated its officials with the utmost consideration.

At a time when their German colleagues were suffering severely from the depreciation of the mark, the officials of the Saar Territory received salaries in francs which were not merely equivalent but greatly superior to those they would have received in the Reich. The Governing Commission at that time went far beyond its premise, and took into account the special position of the Saar and the fact that the cost of living was greater there than in Germany.
In the last eighteen months or so, i.e., since the German currency has been stabilised, the situation has been reversed. The cost of living is appreciably higher in Germany than in the Saar Territory. While granting increases of salary on numerous occasions, to which reference has been made in its periodical reports, the Governing Commission has been obliged to give due consideration to the special circumstances existing in the Saar Basin. It has so calculated salaries as to place its officials in a position fully equivalent to that which they would have enjoyed in Germany.

In so doing it has carried out its obligations, but it is unable to meet the demands of officials who ask for salaries equal in gold value to the salaries of German officials calculated in Reichsmarks. If the Governing Commission did anything of the kind it would soon find itself in a singular position: the purchasing power of its officials would be wholly disproportionate to that of the rest of the population; and the cost of salaries and pensions would soon exceed the tax-paying capacity of the Territory. One of the organs of the miners' unions has already given expression to the alarm with which the working class views the claims of the higher officials. In other words, the salaries of the officials of a territory must be adjusted to its monetary, financial and economic circumstances. The Governing Commission, true to its pledges, has been guided by these considerations in fixing the latest salary-scales for officials in the Saar Territory.
The comparison between salaries in the Saar and in Germany, which is also drawn in the memorandum mentioned above, calls for several observations. The memorandum refrains from stating on what exact basis the salaries in Reichsmarks given for each of the Groups I to XVIII have been calculated. These salaries appear to be those contemplated for German towns in the so-called Class A, with a maximum bonus of 15% of the total salary; furthermore, they are not average salaries but the salaries granted to the senior officials of each group. For is it fair to compare the position of officials in the Saar Territory in general with that of German officials in Class A, who constitute only a small minority, for no comparison can be drawn between localities in Germany and in the Saar placed in the class described as Class A in the Saar and German regulations. Lastly, the memorandum takes the highest bonus, that of 15%, on the total salary, which is only granted in Germany in exceptional cases. In short, the salaries quoted in the petitions are those most favourable to the officials' case; but in reality the figures deduced by no means represent the average salaries paid in the Reich, whereas the maximum salaries provided for in the Saar regulations apply to practically all the officials of the Territory.

The outcome of this is that the percentage of 27.1%, which is said to represent the average difference between the salaries paid in the Saar and in Germany, is greatly exaggerated.

The difference in the cost of living in the Saar and in Germany, although difficult to establish with accuracy, is nevertheless very appreciable. The Governing Commission
has given due consideration to the published cost-of-living indexes, and to information obtained from all quarters; and it has come to the conclusion that the difference in the cost of living in the Saar and in Germany fully justifies the difference in gold value between the salaries paid in the Saar and the corresponding salaries paid in the Reich. Nevertheless, for social reasons, the Governing Commission has not thought it advisable to abandon the system which it has consistently followed of paying lower-grade officials at a higher rate than similar grades in Germany.

The associations of officials have also given insufficient weight to a number of general advantages which are enjoyed by Saar officials but not by their colleagues in Germany:

   a. Whereas in Germany between October 1st, 1923, and April 1st, 1924, apart from ordinary discharges, the Government of the Reich undertook a general reduction of staff which involved the dismissal in six months of 16% (134,000 persons) of the total number of officials and 50% (30,000 persons) of the total number of employees, in the Saar Territory only the usual number of officials left the service during the same period.

   b. The regulations as regards promotion are more favourable in the Saar than in Germany. Whereas in Germany officials promoted from one group to another lose four years' (and sometimes six years') seniority, similar promotion in the Saar only involves the loss of two years' seniority. The result is that officials in the Saar reach a salary-level earlier corresponding to their length of service than do their colleagues in the Reich of a similar grade.
a. The salaries paid by the Reich have been calculated on the basis of a working day of 9 hours; the War Territory, on the other hand, has faithfully observed the 8-hour day, though it must be remembered that a return to the 9-hour day, particularly on the railways, would enable considerable economies to be made.

It is therefore fair to conclude that officials serving in the War Territory enjoy a position as favourable as that of their colleagues in the service of the German Reich; and the position of the lower grades is even better. The Governing Commission has fulfilled its pledges given in 1920, although at the cost of considerable financial sacrifices.

The second Memorandum reproaches the Governing Commission for having divided officials into 18 groups, instead of in 13 as in Germany. It should be pointed out that this arrangement, which has the merit of being more elastic and of remunerating officials in proportion to the importance and responsible character of their work, is to their own advantage, as a number of them thus earn salaries which they would in no case be able to obtain under the 18-group system.

For purposes of information, and in order to afford a clear idea of the position of officials in the War Territory, the Governing Commission shows in the following table the salaries paid to a certain number of officials taken by way of example. The minimum salary corresponds to that of the lowest rank in each grade, plus the Class B cost-of-living bonus; and the maximum salary to that of the highest rank, plus the Class A cost-of-living bonus.

The lowest group in which there are any officials is Group II (which includes, for example, the gate-keepers at level crossings).
Group II.  (Minimum salary.................6,420 Francs  
(Maximum ".......................8,688 ")

Group V.  (Police constables and gendarmes of the  
(first class, railway draughtsmen,  
(engine drivers, gang foremen, Post Office  
(copying clerks)  
(Minimum salary.................8,136  
(Maximum "......................11,208

Group VII.  (Police clerks, non-commissioned-officers  
(in the gendarmerie, pupil-teachers,  
(registry clerks, engine-drivers, Post Office  
(clerks, tax collectors' clerks, gate-keepers,  
(etc.)  
(Minimum salary.................10,656  
(Maximum "......................15,744

Group VIII.  (Police Commissioners (junior), inspectors  
of weights and measures, elementary school  
(teachers, higher-grade railway and Post  
(Office clerks, collectors' clerks, etc.)  
(Minimum salary.................11,700  
(Maximum "......................17,700

Group XI.  (Chief inspectors of weights and measures,  
(headmasters of elementary schools, teachers  
in technical schools, railway engineers,  
(Post Office inspectors, etc.)  
(Minimum salary.................15,624  
(Maximum "......................22,320

Group XIV.  (Initial group of officials having been  
(through a course of higher education  
(labour inspectors, elementary-school  
inspectors, Justices of the Peace and  
(Judges in courts of the first instance;  
(secondary-school teachers, "Conseillers  
de Régence", collectors of taxes, etc.)  
(Minimum salary ............... 19,800  
(Maximum "..................... 30,132

Group XVI.  (Headmasters and teachers in secondary  
schools, vice-presidents of Courts  
(First-class "Conseillers de Régence",  
(etc.)  
(Minimum salary ............... 25,308  
(Maximum "..................... 36,912

Group XVIII.  (Attorneys, First-class "Conseillers de  
(Régence" with extended powers.  
(Minimum salary ............... 31,356  
(Maximum salary ............... 48,240.
These salaries apply to childless officials; a bonus is paid for children, equal for all officials, but varying with the number of children. It should be observed that in the higher groups the minimum salary indicated above is very rarely paid; this minimum only applies to small places in the Saar (Class B) in which there are mostly officials of the lower and middle groups.

The Governing Commission is convinced that the foregoing facts and considerations show that it has neither failed in its obligations nor ceased to treat the officials of the Saar Territory with all the consideration to which they are entitled, as far as its financial resources have permitted.

(Signed) V. MUNT.
2. MEMORANDUM ON THE PRECAUCIOUS FINANCIAL POSITION
OF REICH, RUSSIAN AND BAVARIAN OFFICIALS SECONDED
FOR SERVICE WITH THE ADMINISTRATION OF THE
SAAR TERRITORY.

Translation
from the German.

After the Governing Commission appointed by the Council of
the League of Nations had, on February 25th, 1920, entered upon
its duties in the Saar Territory, the German officials which it
took over were promised in a decree dated March 15th, 1920 that
they would in no case receive lower rates of pay than German
officials holding corresponding positions outside the Saar Terri-
tory, and, in conformity with this decree, the German officials
were given a guarantee in Article 31 of the so-called Officials'
Statute of 29th July, 1920, that at no time would their position
be worse than that of officials occupying corresponding positions
in the Reich.

Furthermore, by the Cabinet decisions of October 13th and
23rd, 1920, the German Governments concerned guaranteed to the
German civil servants in the Saar Territory, in the event of
the salaries due to them being illegally withheld by the Saar
Governing Commission, the payment of the amounts due to them
under German law.

As the Saar Government did not keep its promise, and, as the
salaries paid to German officials in the Saar Territory after the
stabilisation of the German currency, or at any rate after June
1st, 1924, fell much below the rates paid in the Reich, two actions
were brought against the Saar Government for payment of the difference by individual officials, who were, however, supported by all their colleagues. They lost their suits on the technical ground that no suit lay, but, substantially, the claims of the officials were recognised as fully justified by the Supreme Court in Sarrelouis. For, after stating the reasons for its decision the Supreme Court arrived at the following conclusion:

"According to the above consideration it is the duty of the Governing Commission - a duty imposed by law - to pay the officials which it has taken over salaries equivalent to those paid by the Reich or the States, as the case may be."

In spite of this decision establishing that the Governing Commission's obligation in this matter was not only moral but also legal, the latter when revising the scale of salaries subsequently to this decision, adopted a scale which was again much below that at present in force in Germany.

Taking as a basis a rate of exchange of 5 paper francs to one Reichmark, the annual loss on salary to German Saar Territory officials with a family of two children, is as follows:

<table>
<thead>
<tr>
<th>In Grade I</th>
<th>730 Reichmark</th>
<th>In Grade X</th>
<th>1825 Reichmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot; &quot; II</td>
<td>927 &quot;</td>
<td>&quot; &quot; XI</td>
<td>2256 &quot;</td>
</tr>
<tr>
<td>&quot; &quot; III</td>
<td>972 &quot;</td>
<td>&quot; &quot; XII</td>
<td>1852 &quot;</td>
</tr>
<tr>
<td>&quot; &quot; IV</td>
<td>997 &quot;</td>
<td>&quot; &quot; XIII</td>
<td>2328 &quot;</td>
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<td>&quot; &quot; V</td>
<td>1072 &quot;</td>
<td>&quot; &quot; XIV</td>
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</tr>
<tr>
<td>&quot; &quot; VII</td>
<td>1647 &quot;</td>
<td>&quot; &quot; XVI</td>
<td>2913 &quot;</td>
</tr>
<tr>
<td>&quot; &quot; VIII</td>
<td>1443 &quot;</td>
<td>&quot; &quot; XVII</td>
<td>1735 &quot;</td>
</tr>
<tr>
<td>&quot; &quot; IX</td>
<td>1570 &quot;</td>
<td>&quot; &quot; XVIII</td>
<td>3424 &quot;</td>
</tr>
</tbody>
</table>
The amount of these salaries is therefore on an average 27.1% below that paid to officials in the Reich.

On the last occasion when salaries were revised, the Governing Commission declared that the rates adopted were final, and refused to pay the higher German rates.

The Reich, Prussia, and Bavaria, on the other hand, consistently adhere to the above cabinet decisions.
The German officials in the Saar Territory who are the sufferers from this state of affairs, therefore respectfully request the Council of the League of Nations to instruct the Governing Commission of the Saar Territory to place the German officials seconded for service in the Saar on the same footing as other German officials, thus giving them the equality of treatment which has been guaranteed to them by law and which, according to the decision of the Supreme Court at Saarbrücken, the Governing Commission is legally bound to grant.

For the Union of the Higher Officials of the Saar Territory:

(signed) Prüfer.
Lorgerichtsdirektor Luyken.

Studienrat. Studienrat.

Saarbrücken, August 22nd, 1925.
On February 26th 1920, the Governing Commission appointed by the Council of the League of Nations entered upon its duties in the Saar Territory, and on March 16th 1920, it issued a decree in its Official Journal promising the German officials taken over by the Governing Commission that they should in no case receive lower rates of pay than the German officials occupying similar positions outside the Saar Territory. The Governing Commission accordingly gave a guarantee to those officials, in the Officials' Statute of July 29th 1920, that they should at no time be in a worse position than officials occupying equivalent positions in the Reich. This provision is contained in Article 7, which guarantees equal status, and in Article 11 which promises equality of treatment from a financial point of view.
Since the stabilisation of the currency in the Reich, the pay of the German officials seconded for service in the Saar Territory has fallen much below the rates in force in the Reich. Several officials, who were supported, however, by the whole body of officials separately sued the Governing Commission of the Saar Territory for the payment of the difference. Both were unsuccessful for a technical reason, i.e., that no action lay; but substantively, the officials' claims were admitted by the Supreme Court of the Saar Territory to be fully justified. The conclusion arrived at by the Court after stating the reasons for its decision was the following:

"According to the above considerations, it is the duty of the Governing Commission - a duty imposed by law - to pay the officials which it has taken over salaries equivalent to those paid by the Reich or the States as the case may be."

In spite of this decision laying down that the Governing Commission's obligation in this matter was not only moral but also legal, the latter, when revising the scale of salaries subsequently to this decision adopted a scale which was again much below that at present in force in Germany.

Taking as a basis a rate of exchange of 5 French francs to 1 Reichsmark, the present annual loss on salary to the German Saar Territory officials with a family of two children is as follows:
The amount of these salaries is therefore on an average 27.1\(\frac{1}{2}\) below that paid to officials in the Reich. This is felt particularly acutely in the lower grades, since the Governing Commission has not brought its scale of social allowances up to that adopted in Germany, notwithstanding the fact that these allowances form an integral part of German legislation on salaries.

On the last occasion when the salaries were revised, the Governing Commission declared that the rates they fixed were final, and gave a negative reply to a later petition, dated August 7th 1925, requesting further revision of the rates of pay in view of the prevailing intolerable distress.

Furthermore, in the actual grading of officials injustices have existed for years which the Governing Commission has also refused to set right.

In order that these injustices should be removed, the officials first requested the Governing Commission to redistribute the officials among the eighteen Saar grades in the same proportion as German officials are classified into thirteen grades. The Governing Commission refused to discuss the matter.

Thereupon the officials asked that the classification into thirteen grades should be re-introduced and that the German principles for promotion should be recognised. This petition was also refused.

The German officials of the Saar Territory therefore respectfully request the Council of the League of Nations to instruct the Governing Commission of the Saar Territory to place the German officials seconded for service in the Saar on the same footing as other German officials.
both in the matter of official status and of pay, thus giving them the equality of treatment which has been guaranteed to them by law and which according to the decision of the Supreme Court at Saarlouis the Governing Commission is legally bound to grant.

Saarbruck.
August 25th, 1925.

Union of Saar Territory Officials
(Signed) Schneider  (Signed) Pallmann

Union of Clerks and Officials in the Saar Territory
(Signed) Schmitt

Union of Technical Employees of the Saar Territory
(Signed) illegible

German Railway Workers Union (E.V.)
(Signed) Elz