



**Initiative for Democracy
in Economy & Workplace**

Luxemburger Str. 176
50937 Köln

Tel.: 0221.888 69 00-2
kontakt@arbeitsunrecht.de

www.aktion.arbeitsunrecht.de/en

aktion ./ arbeidsunrecht | luxemburger- 176 | 50937 köln
Smyth Toys Superstores
att.: Anthony, Pdraig, Thomas & Liam Smyth
Lyrr Building 1, Mervue Business Park
7XP9+CV Galway
County Galway
Ireland

Berlin, 23th November 2018

Stop Union Busting! Put an end to interference with shop committees in Germany!

Pay union wages!

Dear Mistern Smyth, dear Anthony Smyth,

I am writing to you on behalf of the Aachen Committee *Solidarity with Mona*. We are a group of activists, civil rights advocates und unionists working for the protection of shop committees and in defence of workers' rights.

Your employee Mona El-Tahwagi is under permanent attack as shop committee chairperson at the branch store in Würselen and as member of the general shop council of the company in Germany. We are defending this admirable unionist against legal persecution, harassment and mobbing. On 29th November this year she will have another appearance in labour court in Aachen regarding allegations which your management there has made up out of whole cloth.

The Toys R Us staffers have been fighting since 2015 for a union contract. And for just as long, German management under the leadership of Detlef Mutterer has been proceeding against shop committee members.

We don't know what you're planning on doing with the 93 German, Austrian and Swiss stores of the bankrupt toy chain Toys R Us which you seem to have snapped up out of their bankruptcy assets for the ludicrously low price of 79 million Euros, according to financial press reports from April 2018. Just now, there are several speculations: maybe it's a tax write-off scheme, maybe a strategic move in advance of the Brexit.

In case you have serious plans to establish Smyth Toys Superstores as a profitable business in the German-speaking regions, you should expect major opposition unless you let go of the disastrous union busting strategy of your U.S. predecessor.

The mood in Germany right now is very precarious and unpredictable with regard to companies practicing exploitative methods, that won't pay union wages and which attack shop committees. The discount air line Ryanair came into discredit due to wage dumping and was forced to make concessions to the unions.

Another risk for you to consider is that Ireland is already in disrepute in Germany because of socially harmful and even criminal tax avoidance (Apple, Amazon etc.) as well as dubious special-purpose vehicles such as Hypo Real Estate. Do you really want that kind of bad reputation for Smyth Toys?

We have determined that since Smyth Toys bought the German Toys R Us stores in April 2018 the number of attacks on the work of shop committees and democratically elected representatives has increased dramatically:

- Three unionists are currently under attack in the branch stores at Siegen and Würselen and at the Cologne headquarters.
- Work-release for shop committee work has been called into question and wage reductions have been threatened.
- Management has refused legally mandated training for shop committee persons, thus necessitating legal action to compel the assumption of these costs (i.a. in Rostock, Kaiserslautern, Harbke, Duisburg, Koblenz).
- Management refused to provide needed working materials such as computers, printers and books, for instance in Essen, Duisburg, Rostock, and Kaiserslautern.
- Information is being withheld from the general shop council and the economic council.

In contrast to the Irish situation, in Germany shop committees are legally mandated and protected by legislation. Interference with the work of a shop committee is a criminal offense (§119 BetrVG). German shop committees are an achievement of the November Revolution of 1918. One hundred years later, this institution is a democratic achievement which is beyond question in our country.

We demand from Smyths Toys:

- Stop all legal harassment of shop committee members by 5th December 2018 and act in conformity to the law!
- Agree to all training measures for shop committee members pursuant to the Industrial Constitution Act (BetrVG)!
- Put an end to arbitrary wage reductions and other attacks against shop committee members.

Unless we receive a clear signal of acceptance from you until the 5th of December 10 am, we will use the most sales intensive day of the year in German retail shopping to provide your customers with information about the business methods of Toys R Us and Smyth Toys. This is traditionally the Saturday before the 3rd advent Sunday, this year the 15th of December.

We would be pleased if you and your employees were to enjoy an unburdened Smyth Toys brand name market entry - and if additional turmoil in Christmas sales can be avoided.

Very sincerely yours,

Elmar Wigand | Press spokesman, action vs. injustice@work

The letter is supported by the following groups: Aachen Committee *Solidarity with Mona*, National working group against workfare of The Left party, The Left party local branch Aachen.

PS:

We urge you to forego the services of the hardcore law practice **Meyer-Köring** in Bonn. We also doubt that your manager in Germany **Detlef Mutterer** is the right person for a successful fresh start. Both of them have obviously gotten in completely over their heads.

