

TABLE 4.2

Occupational Protections for Women, Children, and the Unborn in Germany, 1933-1945

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| April 30, 1938   | "Youth Protection Law" bars child labor, excepting work in the home and in agriculture and forestry. <sup>a</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| August 1, 1940   | Children under the age of 18 are barred from work with asbestos. <sup>b</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| January 20, 1941 | Boys under the age of 18 and girls under 20 are barred from work with aromatic nitro-compounds and glyconitrates; nursing mothers and pregnant women also barred from work with such substances. Monthly exams required for all workers. <sup>c</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| May 17, 1942     | "Maternal Protection Law" ( <i>Mutterschutzgesetz</i> ) bars pregnant women from any employment that may endanger either the mother or the child. The law specifically bars pregnant women from work involving: lifting or carrying loads heavier than 5 kg; long periods of standing; use of machines requiring foot control; exposure to occupational toxins or carcinogens (e.g., lead, mercury, benzene-related solvents, or halogenated hydrocarbons); work involving exposure to X-rays or radioactive substances; assembly-line work or piece-work; and night-shift or holiday work. Pregnant women are henceforth not allowed to work from 6 weeks prior to delivery until 6 weeks after delivery; women also cannot be fired for being pregnant or for giving birth. Nursing mothers working more than 4½ hours must be given 45 minutes to nurse their infants; nursing mothers working 8-hour shifts must be given two 45-minute breaks. Pregnant and nursing mothers are not allowed to work more than 9 hours per day in agricultural work. <sup>d</sup> |
| December 2, 1942 | Children under 18 are barred from work with cyanide; apprentices over 16 can be employed, but only if they are not involved in pouring off the crucible or cleaning the residue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| April 20, 1943   | Women and girls working on streetcars are required to be at least 1.6 meters tall and between 18 and 40 years old. Work may be only during daylight hours. Women with goiter, hearing problems, cramps, or foot or leg ailments are barred. <sup>e</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| March 23, 1943   | Women are permitted to drive trucks up to 3.5 tons, but only if they are over 21 years of age and not for more than 8 hours, and not after dark. Women are not, however, allowed to crank up the motor or to hand-carry heavy loads. Pregnant women are barred from all such work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Note: These protections were not generally extended to foreign or slave laborers, of course, or to women in German concentration camps. Nor is it clear to what extent these regulations were enforced, especially in the final years of the war.

<sup>a</sup> "Verordnung über die Beschäftigung Jugendlicher in der Eisen schaffenden Industrie," *Reichs-Gesundheitsblatt* 13 (1938): 226 ff.

<sup>b</sup> *Reichsarbeitsblatt* 3 (1940): 263.

<sup>c</sup> *Reichsarbeitsblatt* 1 (1941): 75.

<sup>d</sup> "Gesetz zum Schutze der erwerbstätigen Mutter (*Mutterschutzgesetz*)," *Arbeitsschutz* 3 (1942): 157-62.

<sup>e</sup> *Reichsarbeitsblatt* 1 (1943): 280 and 3 (1943): 141.

employment of these people was "to exploit them to the highest possible extent at the lowest conceivable degree of expenditure."<sup>19</sup> Official protections were not entirely absent,<sup>20</sup> but supervision was often lax or nil.

Early on in the war, most foreign laborers were Russian or Polish civilians. Soviet prisoners of war were "exempted" from such work, largely, it seems, on the basis of Hitler's fear that they would do more harm than good in German factories. Within a span of about three years, nearly two and a half million Soviets were allowed to starve to death in German POW camps. Late in the war, when the decision was finally made to put some of these men and women to work, food rations were meager and treatment was often less than humane. Russian workers received only about half the rations German workers did, and Sauckel's brutality earned him the death sentence at Nuremberg after the war.<sup>21</sup>

Even for "healthy" Germans, though, protections were eventually weakened to fulfill quotas required by the militarizing economy. A December 23, 1938, ruling, for example, required all unmarried women under the age of twenty-five to work a year on the land. That same day, the Youth Protection Law of April 1938 was amended to permit boys under the age of sixteen to work in steel mills until 9 P.M. in weekly rotations; young men over the age of sixteen were allowed to work all hours, including night shifts between the hours of 8 P.M. and 6 A.M. Similar amendments were drafted for work in other hazardous industries, like glassworks, and a 1939 ruling empowered the Ministry of Labor "to invalidate the provisions of the youth protection laws for other industries connected with armaments."<sup>22</sup> Backsliding such as this led Martin Gumpert to denounce the labor protection laws of the Reich: "Behind a propaganda facade of humaneness there is the most shameless exploitation of child and youth labour which any legislator has ever dared to institute."<sup>23</sup>

Most of the protections implemented at this time were designed to prevent accidents, though physical injuries were by no means the only dangers. The escalating pace of work seems to have caused a rash of nervous ailments—especially ulcers and other stomach disorders—though it is hard to say how many of these