



International Organisation of Employers  
Organisation Internationale des Employeurs  
Organización Internacional de Empleadores  
*The Global Voice of Business*

Geneva, 29 August 2017

## **Committee of Experts on the Application of Conventions and Recommendations (CEACR)**

International Labour Office (ILO)

4, Route de Morillons

1211 Geneva 22

### **Article 23.2 of the ILO Constitution. Application in law and practice of Convention 87 in:**

**Algeria, Anguilla, Argentina, Aruba, Bangladesh, Belize, Botswana, Cabo Verde, Cambodia, Canada, Caribbean Part of the Netherlands, Central African Republic, China - Macau Special Administrative Region, Colombia, Comoros, Congo, Croatia, Curaçao, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, France, French Southern and Antarctic Territories, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Montenegro, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Papua New Guinea, Rwanda, Saint Lucia, Sierra Leone, Saint Maarten, Somalia, Switzerland, Syrian Arab Republic, Timor-Leste, Vanuatu, Uruguay, Yemen**

### **Introduction**

The International Organization of Employers (IOE) presents comments to the CEACR on the application in law and practice of ILO Convention 87 in the ILO Member States listed above.

As in previous years, IOE respectfully expresses its deep disagreement about the Experts non-binding extensive guidance on a “right to strike” into Convention 87 and about the Committee of Experts requesting governments to bring their law and practice in line with these interpretations (see Annex I).

The IOE would like to underline that Convention 87 does not contain rules on the “right to strike”. IOE recalls once again the outcomes of the tripartite meeting “*concerning the question of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level*” in February 2015. The Government Group to this tripartite meeting adopted a statement in which, while recognizing “*that the right to strike is linked to freedom of association which is a fundamental principle and right at work of the ILO*”, it also noted “*that the right to strike ... is not an absolute right*” and that “*The scope and conditions of this right are regulated at the national level*”. It is important to point out that the Government Group Statement, which was

later on confirmed by the Government Group in the ILO Governing Body in March 2015, nowhere says that the scope and conditions of the "right to strike" are regulated in Convention 87.

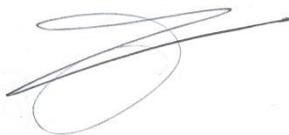
As a consequence, IOE wishes to clarify that:

- Requests by the CEACR to governments to align their law and practice to its own rules on the "right to strike" have no basis and are in any case non-binding;
- Governments are thus not bound under Convention 87 to adhere to the CEACR's rules on the "right to strike";
- Governments can legitimately express their disagreement on this point and are not obliged to provide, in the context of their reporting obligations or direct requests made to them under Convention 87, information regarding their law and practice on the "right to strike";
- ILO Office follow-up to Committee on Application of Standards (CAS) conclusions on C. 87 cases must not deal with the "right to strike" as the CAS conclusions on C. 87 cases neither contain requests to Governments to bring their law and practice in line with the "right to strike" nor include suggestions to request the Office's technical assistance in this regard. ILO Office follow-up must accurately respect this specific mandate given under the CAS conclusions. It should be recalled that the CAS conclusions are adopted by the ILO's supreme body, i.e. the International Labour Conference.

The Employers kindly invite the Experts, again this year, to revisit their position on the "right to strike and bring their position in line with the Governing Body agreed position.

The Employers trust that the CEACR, in doing so, will constructively support a positive outcome of the Standards Initiative process.

Kind regards,



**Linda Kromjong**

Secretary General

*The International Organisation of Employers (IOE) is the largest network of the private sector in the world, with more than 150 business and employer organisation members. In social and labour policy debate taking place in the International Labour Organization, across the UN and multilateral system, and in the G20 and other emerging processes, the IOE is the recognized voice of business. The IOE seeks to influence the environment for doing business, including by advocating for regulatory frameworks at the international level that favour entrepreneurship, private sector development, and sustainable job creation. The IOE supports national business organisations in guiding corporate members in matters of international labour standards, business and human rights, CSR, occupational health and safety, and international industrial relations. For more information visit [www.ioe-emp.org](http://www.ioe-emp.org)*

## Annex I

### 2017 Report of the CEACR References to the “right to strike” in observations on Convention 87

Country	Issue/details
Albania	<p>CEACR notes with satisfaction:</p> <ul style="list-style-type: none"> <li>• Sympathy strikes are lawful (amendment of section 197/7(4) of the Labour Code by Act No. 136 of 5 December 2016)</li> </ul> <p>CEACR notes further:</p> <ul style="list-style-type: none"> <li>• Restrictions of the right to strike for civil servants in services that cannot be seen as essential, such as transport or public television (Article 35 of the Act on the civil servants)</li> </ul> <p><b><i>CEACR requests the Government to indicate any further exceptions to the right to strike set out in the laws and to take any necessary measures to ensure that the legislation is amended in accordance with the above mentioned principles.</i></b></p>
Algeria	<p><u>No reference to the Right to strike.</u></p> <p>CEACR just notes with regret that the Government confines itself to reiterating its previous replies to the other legislative issues raised in the Committee’s previous comments. Among others, CEACR referred in its 2014 observation and in a 2016 direct request on C. 87 to right to strike issues (essential services: services where a strike is “liable to give rise to a serious economic crisis”; compulsory arbitration: law empowering Minister or competent authority to refer a dispute to the National Arbitration Commission where a strike persists and mediation has failed, or where compelling economic or social needs require).</p> <p><b><i>Recalling that it has been making these comments for ten years and that the Government has failed to offer an adequate response, the CEACR urges the Government to take all the necessary measures to adopt the amendments requested to the following provisions.</i></b></p>
Argentina	<p><u>No reference to the right to strike</u>, but direct request dealing with strike issues.</p>
Australia	<p>CEACR repeats previous comments and notes the conclusions and recommendations of the CFA in Case No. 2698 (357th Report, paragraphs 213–229) concerning:</p> <ul style="list-style-type: none"> <li>• Prohibition of secondary boycotts (Competition and Consumer Act)</li> <li>• Suspension/termination of industrial action protected industrial action in specific circumstances (causing or threatening to cause significant economic harm to the employer or employees; causing significant economic harm to a third party; threatening to cause significant damage to the economy, section 423 424, 426 of the FWA ).</li> <li>• Prohibition of industrial action threatening trade or commerce with other countries or among states; and boycotts resulting in the obstruction or hindrance of the performance of services by the Government or the transport of goods or persons in international trade, sections 30J and 30K of the Crimes Act.</li> </ul> <p><b><i>CEACR once again requests the Government to take all appropriate measures, in the light of its previous comments and in consultation with the social partners, to review the abovementioned provisions of the Fair Work Act, the Competition and Consumer Act and the Crimes Act with a view to</i></b></p>

	<b><i>bringing them into full conformity with the Convention. In the meantime, the Committee requests the Government to provide detailed information on the application of these provisions in practice.</i></b>
Bahamas	<p>CEACR repeats previous observation:</p> <ul style="list-style-type: none"> <li>• Penal sanctions, including imprisonment for up to two years, in case of illegal strike (strike organized or continued in violation of the provisions concerning trade dispute procedure (sections 74(3), 75(3), 76(2)(b) and 77(2) of the IRA).</li> </ul> <p><b><i>CEACR once again requests the Government to amend the abovementioned sections of the IRA to ensure that no penal sanctions may be imposed for having carried out a peaceful strike.</i></b></p>
Bangladesh	<p>CEACR repeats previous observations (for a number of years ... government has once again failed to provide information):</p> <ul style="list-style-type: none"> <li>• Excessive restrictions on the right to strike (sections 211(1), (3), (4) and (8), and 227(c)) (majority required to consent to a strike; prohibition of strikes which last more than 30 days; prohibition of strikes at any time if a strike is considered prejudicial to the national interest or if it involves certain services; prohibition of strikes for a period of three years in certain establishments), accompanied by</li> <li>• Severe penalties (sections 196(2)(e), 291, and 294–296);</li> </ul> <p>CAS 2016 conclusions included these items, among others.</p> <p><b><i>The Committee, also noting the conclusions of the Conference Committee, urges the Government, in consultation with the social partners, to review and amend the mentioned provisions to ensure that restrictions on the exercise of the right to freedom of association are in conformity with the Convention.</i></b></p> <p>Regarding the right to organize in EPZ, CEACR refers to its previous comments – the following provisions of the draft EPZ Labour Act are not in conformity with the Convention:</p> <ul style="list-style-type: none"> <li>• Prohibition of strike or lock-out for four years in a newly established industrial unit and imposition of obligatory arbitration (section 135(9));</li> <li>• Excessive penalties, including imprisonment, for illegal strikes (sections 160(1) and 161);</li> <li>• Severe restrictions on the exercise of the right to strike – possibility to prohibit strike or lock-out after 15 days or at any time if the continuance of the strike or lock-out causes serious harm to productivity in the Zone or is prejudicial to public interest or national economy (section 135(3)(4));</li> </ul> <p><b><i>Recalling that both the CAS and the high-level tripartite mission requested the Government to ensure that any new legislation for the EPZs allows for full freedom of association ..., and emphasizing the desirability of a harmonization of the labour law throughout the country which would ensure that the rights, inspection, judicial review and enforcement are equal for all workers and employers, CEACR requests the Government to address all the issues noted, encouraging it to consider replacing Chapters IX, X and XV of the draft Act by Chapter XIII of the BLA (as revised in line with CEACR’s comments), thereby providing equal rights of freedom of association to all workers and bringing the EPZs within the purview of the labour inspectorate (Chapter XX of the BLA). CEACR requests the Government to provide information on any measures taken to bring the draft EPZ Labour Act into conformity with the Convention.</i></b></p>
Barbados	<u>Nothing</u> , but direct request dealing with strike issues.
Belarus	<p>CEACR recalls previous requests (2014) to indicate the measures taken to amend provisions of the Labour Code regarding the exercise of the right to strike (no information has been provided by the Government):</p> <ul style="list-style-type: none"> <li>• Possible imposition of limitations on peaceful exercise of the right to strike in the interest of rights and freedoms of other persons (sections 388(3) and 393);</li> <li>• Possible restriction of (financial) assistance from international workers’ organizations, including even when the purpose is to assist in the exercise of freely chosen industrial action (section 388(4));</li> <li>• Requirement of the notification of strike duration (section 390);</li> <li>• Final determination concerning the minimum service not made by an independent body; minimum services are required also in undertakings other than in essential services, public services of fundamental importance, acute crisis (Section 392).</li> </ul>

	<b>CEACR encourages the Government to take measures to revise these provisions, in consultation with the social partners, and to provide information on all measures taken or envisaged to that end.</b>
Belize	<p>CEACR repeats previous observation (Government's report has not been received):</p> <ul style="list-style-type: none"> <li>• Possible compulsory arbitration or prohibition or bringing to an end of a strike in civil aviation and airport security services (AIPOAS); monetary and financial services (banks, treasury, Central Bank of Belize); the PAO Authority (pilots and security services); postal services; the Social Security Scheme administered by the Social Security Board; and services through which petroleum products are sold, transported, loaded or unloaded (Settlement of Disputes in Essential Services Act 1939 (SDESA))</li> </ul> <p><i>CEACR notes the Government's indication in its report that the LAB has concluded its review and that the Ministry of Labour will submit to the Attorney-General's Office the corresponding legal instructions, including the dissenting views expressed during the tripartite discussions. The Committee welcomes the tripartite initiatives in the process of discussing the amendment of the legislation and requests the Government to provide information in its next report on any developments in this respect.</i></p> <p><b>CEACR hopes that the Government will make every effort to take the necessary action in the near future</b></p>
Benin	<u>Nothing</u> , but direct request dealing with strike issues.
Plurinational State of Bolivia	<p>CEACR repeats previous observation ("for many years it has been commenting on the following matters ..."):</p> <ul style="list-style-type: none"> <li>• Requirement of a three-quarters majority of the workers to call a strike (section 114 of the General Labour Act and section 159 of the Regulatory Decree);</li> <li>• Illegality of general strikes, subject to penal sanctions (sections 1 and 2 of Legislative Decree No. 2565 and section 234 of the Penal Code);</li> <li>• Illegality of strikes in the banking sector (section 1(c) of Supreme Decree No. 1958 of 1950);</li> <li>• Possibility of imposing compulsory arbitration by decision of the executive authorities to bring an end to a strike, including in services other than those that are essential in the strict sense of the term (section 113 of the General Labour Act).</li> </ul> <p><b>CEACR trusts that the new legislation governing public servants and the new Labour Code will be adopted in the very near future and that, taking into account the comments made CEACR, they will be in full conformity with the provisions of the Convention. CEACR requests the Government to provide information on any developments in this regard and recalls once again that, if it so wishes, it may have recourse to ILO technical assistance.</b></p>
Botswana	<p>CEACR raises the following issues:</p> <ul style="list-style-type: none"> <li>• Essential services: New law declares Bank of Botswana, diamond sorting, cutting and selling services, operational and maintenance services of the railways, veterinary services in the public service, teaching services, government broadcasting services, immigration and customs services, and services necessary to the operation of any of these services to be essential services (section 46 of the new Trade Disputes Bill (Bill No. 21 of 2015))</li> <li>• Essential services: Minister may declare any other service as essential if its interruption for at least seven days endangers the life, safety or health of the whole or part of the population or harms the economy (section 46(2) of the Trade Disputes Bill).</li> </ul> <p>CEACR considers, in particular, that harm to the economy caused by the interruption of a service is insufficient to consider it as an essential service.</p> <p><b>CEACR requests the Government to take the necessary measures to amend the draft Trade Disputes Act to reduce the list of essential services accordingly.</b></p>
Bulgaria (only right to strike)	<p>CEACR repeats previous observation: ("... for a number of years ..."):</p> <ul style="list-style-type: none"> <li>• Right to strike of public servants, including those not exercising authority in the name of the State (section 47 of the Civil Servants Act)</li> </ul>

	<p><b><i>The Committee trusts that the draft Act amending the Civil Servants Act to regulate the right to strike for civil servants will be adopted in the very near future and requests the Government to provide a copy of the Act once it is adopted.</i></b></p> <p>CEACR recalls further comments on the following:</p> <ul style="list-style-type: none"> <li>• Decision to call a strike shall be taken by a simple majority of the workers in the enterprise or the unit concerned (section 11(2) of the Collective Labour Disputes Settlement Act)</li> <li>• Strike duration shall be declared in advance (section 11(3))</li> </ul> <p><b><i>CEACR expects that the work of the inter-institutional working group created in the framework of the National Coordination Mechanism on Human Rights will accelerate the bringing of section 11(2) of the Collective Labour Disputes Settlement Act into conformity with the Convention, taking due account of its long-standing comments. CEACR requests Government to provide information on any progress achieved in this respect, in particular on proposals made by the above working group and on relevant deliberations within the National Coordination Mechanism on Human Rights.</i></b></p> <p>CEACR recalls further previous comments on the following:</p> <ul style="list-style-type: none"> <li>• In case of industrial action, workers and employers must provide the population with satisfactory transport services corresponding to no less than 50 per cent of the volume of transportation that was provided before the strike (section 51 of the Railway Transport Act).</li> </ul> <p><b><i>CEACR expects that the work of the inter-institutional working group will accelerate the bringing of section 51 of the Railway Transport Act into conformity with the Convention, taking due account of the CEACR's long-standing comments. CEACR requests the Government to provide information on any progress achieved in this respect, in particular on proposals made by the above working group and on relevant deliberations within the National Coordination Mechanism on Human Rights.</i></b></p>
<p>Burkina Faso (almost only right to strike issues)</p>	<p>CEACR recalls previous comments on the following issues:</p> <ul style="list-style-type: none"> <li>• Exercise of the right to strike shall on no account be accompanied by the occupation of the workplace or its immediate surroundings, subject to the penal sanctions established in the legislation in force (section 386 of the Labour Code)</li> <li>• Essential services: Certain establishments that may be subject to requisitioning for the purpose of ensuring a minimum service in the event of a strike cannot be considered essential services or to require the maintenance of a minimum service in the event of a strike, such as mining and quarrying, public and private slaughterhouses, university centres (Order of 18 December 2009, issued under section 384 of the Labour Code).</li> </ul> <p><b><i>CEACR trusts that the Labour Code will be adopted in the near future and that it will give full effect to the provisions of the Convention on the points recalled above. It requests the Government to provide a copy of the Labour Code when it has been adopted, and any relevant implementing texts.</i></b></p>
<p>Burundi</p>	<p>CEACR recalls its earlier comments:</p> <ul style="list-style-type: none"> <li>• Compulsory procedures prior to calling a strike: Minister of Labour seems to be empowered to prevent any strikes (sections 191–210 of the Labour Code)</li> <li>• Voting requirements to call a strike: strikes are only lawful when they are called with the approval of a simple majority of the employees of the workplace or enterprise (section 213 of the Labour Code).</li> <li>• Demonstrations and the exercise of the right to strike are prohibited during election periods (Legislative Decree).</li> </ul> <p><b><i>Recalling that the matters raised above have been the subject of its comments for many years, CEACR notes that, according to Government's statement, it undertakes to give effect to them and that the revision of the Labour Code is under way. CEACR trusts that Government will be in a position to provide information in the very near future on the progress made in this work and to provide the text of the revised Labour Code as soon as it has been adopted. CEACR recalls that Government may avail itself of ILO technical assistance in this regard.</i></b></p>
<p>Cambodia</p>	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>

	<i>Like last year, there are references to “strikes and demonstrations”, however, the issue here is rather (allegations of) <u>violence and harassment of trade union members</u> (which is a genuine freedom of association issue), not the admissibility of strikes as such.</i>
Cameroon	<p>The Committee notes the following (also referring to CFA case No. 3134, 380<sup>th</sup> report):</p> <p>Possible death penalty for strike action: damage caused with the intention of “disrupting the normal operation of public services or the delivery of essential public services, or creating a public crisis” (section 2, Act on the Suppression of Terrorism (No. 2014/028 of 23 December 2014))</p> <p><b>CEACR requests Government to take the necessary measures to amend section 2 of the Act on the Suppression of Terrorism to ensure that it does not apply to the legitimate activities of workers’ and employers’ organizations as provided under the Convention. In the meantime, CEACR urges Government to ensure, including by giving the appropriate instructions to the competent authorities, that the implementation of this Act does not have harmful consequences on officials and members acting in accordance with their mandates, and performing trade union or employer activities pursuant to the right under Article 3 of the Convention conferred on workers’ and employers’ organizations to organize their administration and activities, and to formulate their programmes. In addition, CEACR expects that Government will ensure that the law is enforced in such a way that it is not perceived as a threat or intimidation towards trade union members or the whole trade union. CEACR requests the Government to indicate any measures taken in relation to these comments.</b></p>
Canada	<p>CEACR noted with <u>satisfaction</u>:</p> <ul style="list-style-type: none"> <li>• Right of employees to engage in strike action, within certain limits, is now protected, following a Supreme Court decision of 2015 (section 2(d) of the Constitution concerning freedom of association);</li> <li>• Following decision by the Supreme Court that the Public Services Essential Services Act of the Province of Saskatchewan is unconstitutional, the Provincial Government of Saskatchewan adopted, in 2016, amendments to the Act which are in accordance with the CEACR’s previous request.</li> </ul>
Central African Republic	<u>Nothing</u> , but direct request dealing with strike issues.
Chad	<p>CEACR notes an ITUC observations on the following:</p> <ul style="list-style-type: none"> <li>• Legal procedures governing the right to strike;</li> <li>• Determination of essential services.</li> </ul> <p><b>CEACR requests the Government to provide its comments in this regard.</b></p>
Chile	<p>CEACR noted with <u>satisfaction</u>:</p> <ul style="list-style-type: none"> <li>• Prohibition to replace striking workers (previously possible under certain conditions set out in section 381 of the Labour Code) and introduction of sanctions in the event of such a replacement – deeming it a serious, unfair practice and setting out a fine for each worker replaced (new sections 345, 403 and 407 of the Labour Code).</li> </ul> <p>CEACR notes, however, in connection with this:</p> <ul style="list-style-type: none"> <li>• Replacement of striking workers: alleged possibility for an enterprise, that has subcontracted work or services to another enterprise, to carry out directly or through a third party the subcontracted work or services interrupted due to a strike (new section 306 of the Labour Code); according to CGTP, more than 50 per cent of the workers in the country work in subcontracting enterprises.</li> </ul> <p><b>CEACR requests Government to provide its comments on the observations of CGTP and to report on the application in practice of sections 345, 403, 407 and 306, including the sanctions imposed for the use of replacement of striking workers and the impact from workers hired under section 306 on the workers or services interrupted due to a strike.</b></p> <p>CEACR recalls an earlier comment:</p> <ul style="list-style-type: none"> <li>• Interruption or strike in certain services may be penalized with imprisonment or banishment (section 11 of Act No. 12.927 concerning the Internal Security of the State)</li> </ul>

	<ul style="list-style-type: none"> <li>• Criminal penalties in the event of the interruption of public services or public utilities or dereliction of duty by public employees (section 254 of the Penal Code)</li> </ul> <p><b>CEACR expresses hope that Government will take the necessary measures in the very near future to bring these provisions into conformity with the Convention.</b></p> <p>CEACR recalls another earlier comment:</p> <ul style="list-style-type: none"> <li>• Right to strike for seasonal agricultural workers</li> </ul> <p><b>CEACR requests Government to take the necessary measures to ensure in law and practice that seasonal agricultural workers can enjoy the right to strike in the same way as other workers. CEACR requests Government to provide information in that respect.</b></p>
China Hong-kong Special Administrative Region	<p>CEACR notes ITUC observation:</p> <ul style="list-style-type: none"> <li>• Sanctions: alleged dismissal of all workers (coach drivers) prior to an announced strike coupled with the hiring of replacement labour.</li> </ul> <p><b>CEACR requests Government to provide its comments on these allegations.</b></p>
China Macao Special Administrative Region	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Colombia	<p>CEACR repeats earlier comments (... for many years ...):</p> <ul style="list-style-type: none"> <li>• prohibition of strikes by federations and confederations (section 417(i) of the Labour Code)</li> <li>• prohibition of strikes within a very wide range of services that, in view of CEACR, are not necessarily essential in the strike sense of the term, e. g oil sector (section 430(b), (d), (f) and (h); section 450(1)(a) of the Labour Code; Taxation Act No. 633/00; and Decrees Nos 414 and 437 of 1952, 1543 of 1955, 1593 of 1959, 1167 of 1963, and 57 and 534 of 1967);</li> <li>• possibility to dismiss workers who have intervened or participated in an unlawful strike (section 450(2) of the Labour Code), even in cases in which, according to CEACR, the unlawful nature of the strike is a result of requirements that are contrary to the provisions of the Convention.</li> </ul> <p><b>On the basis of Articles 3 and 6 of the Convention, CEACR requests Government to take the necessary measures to eliminate the prohibition on the right to strike of federations and confederations as set out in section 417 of the CST.</b></p> <p>CEACR also notes (in the context of CFA Case No. 2946, 375th Report, March 2015, paragraphs 254–257; regarding oil sector) <u>with satisfaction</u> consideration by Constitutional Court (ruling no. C-796/2014) that:</p> <ul style="list-style-type: none"> <li>• right to strike is protected by Political Constitution (Art. 55) and in ILO Conventions Nos 87, 98 and 154;</li> <li>• concept of essential public service as set out in Art. 56 of the Constitution of Colombia must be interpreted on the basis of ILO Conventions</li> </ul> <p><b>While welcoming the orientations of ruling No. C-796/2014, CEACR requests Government to provide information on the measures taken for the adoption of the legislative changes requested by the Constitutional Court in relation to the exercise of the right to strike in the oil sector. CEACR also requests Government to provide information on progress in the discussion by the Standing National Committee for Dialogue on Wage and Labour Policies concerning the compendium of amendments to the Substantive Labour Code prepared in light of the ILO’s recommendations.</b></p>
Congo	<p><u>Nothing</u>, but direct request dealing with strike issues.</p> <p><i>There is a reference to “strikes”, however, the issue here is rather (allegations of) <u>arbitrary arrest of trade unionists and the abduction of a trade union leader</u> (which are genuine freedom of association issues), not the admissibility of strikes as such.</i></p>
Costa Rica	<p>CEACR notes <u>with satisfaction</u> the amendment of the following legal issue:</p>

	<ul style="list-style-type: none"> <li>requirement to have the support of 60 per cent of persons who work in the enterprise, workplace or establishment concerned in order to declare strike action (section 373(c) of the Labour Code)</li> </ul> <p>CEACR repeats earlier comments on the following</p> <ul style="list-style-type: none"> <li>prohibition of the right to strike for “workers engaged in rail, maritime and air transport enterprises” and “workers engaged in loading and unloading on docks and quays” (section 376(c) of the Labour Code)</li> </ul> <p><b>Observing that the Labour Proceedings Reform Act has not amended section 376 of the Labour Code, CEACR firmly hopes that Government will take the necessary steps to amend this provision to remove the prohibition contained in clause (c) and also to ensure the legislation’s conformity with the abovementioned declaration of unconstitutionality. CEACR requests Government to keep it informed in this respect.</b></p>
Cuba	<p>CEACR recalls earlier comments ( ... it has been referring for years ... )</p> <ul style="list-style-type: none"> <li>absence of explicit recognition of the right to strike in the legislation, including the new Labour Code, and the prohibition of its exercise in practice.</li> <li>absence of provisions that ensure that there is no risk of the imposition of penalties.</li> </ul> <p><b>CEACR requests Government to provide information on measures taken or envisaged to ensure that no one suffers discrimination or prejudice in their employment for having peacefully exercised the right to strike, and also requests it to provide information on the exercise of this right in practice, including the number and nature of strikes called since 1 January 2016 and any administrative or judicial investigations or procedures initiated or conducted in relation to the strikes.</b></p>
Democratic Republic of Congo	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Djibouti	<p>CEACR repeats previous comments ( ... government report has not been received ... ):</p> <ul style="list-style-type: none"> <li>President of the Republic has broad powers to requisition public servants (section 23 of Decree No. 83-099/PR/FP of 10 September 1983).</li> </ul> <p><b>CEACR trusts that Government will indicate in its next report specific progress in this regard. CEACR hopes that Government will make every effort to take the necessary action in the near future.</b></p>
Dominican Republic	<p>CEACR repeats previous comments ( ... for a number of years ... ):</p> <ul style="list-style-type: none"> <li>51 per cent of workers’ votes in the enterprise required in order to call a strike (section 407(3) of the Labour Code)</li> </ul> <p><b>While welcoming the tripartite agreement concluded in July 2016, CEACR hopes that its comments, including those relating to .... Labour Code, will be taken into account in the discussions to be held in the Roundtable on Matters relating to International Labour Standards, and that measures will be taken to bring law and practice into full conformity with the Convention. CEACR requests Government to keep it informed of any developments in this respect.</b></p>
Ecuador	<p>CEACR repeats previous comments:</p> <ul style="list-style-type: none"> <li>Penal sanctions for workers engaged in a peaceful strike (stoppage or obstruction of public services; section 346 of the Basic Comprehensive Penal Code)</li> </ul> <p><b>Recalling that no penal sanctions should be imposed for the peaceful participation in a strike and that such sanctions should only be permissible where violence is committed against persons or property, or other serious violations of penal law, CEACR once again urges Government to take the necessary measures to amend section 346 of the Basic Comprehensive Penal Code as indicated above and to report any developments in this regard.</b></p>
Egypt	<p>CEACR repeats previous comments (... for several years ...) on the Trade Union Act:</p> <ul style="list-style-type: none"> <li>the requirement of the prior approval of the Confederation of Trade Unions for the organization of strike action (section 14(i) of the Trade Union Act)</li> </ul>

	<p><b>CEACR requests Government to transmit a copy of the draft law and trusts that the law will ensure full freedom of association rights under the Convention. CEACR urges Government to report further progress in this regard.</b></p> <p>CEACR recalls its previous comments in relation to the Labour Code:</p> <ul style="list-style-type: none"> <li>• certain categories of workers (public servants in state agencies who do not exercise authority in the name of the State, including local public administrations and public authorities, domestic and similar workers, and workers who are members of the employer's family and dependent upon the latter) do not enjoy the right to strike;</li> <li>• legal obligation (accompanied by a penalty) for workers' organizations to specify in advance the duration of a strike (sections 69(9) and 192 of the Labour Code)</li> <li>• recourse to compulsory arbitration at the request of one of the parties (sections 179 and 187 of the Labour Code)</li> <li>• excessive restrictions on the right to strike (sections 193 and 194 of the Labour Code), accompanied by penalties (section 69(9) of the Labour Code).</li> </ul> <p><b>CEACR firmly expects Government to introduce amendments to the Labour Code taking full account of the above comments. It requests Government to provide information in its next report on the progress made in this regard and to supply any related amendments proposed or adopted. [Government is asked to reply in full to the present comments in 2017.]</b></p>
El Salvador	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Equatorial Guinea	<p>CEACR repeats previous observation ( ... notes with deep concern that the Government's report has not been received ....):</p> <ul style="list-style-type: none"> <li>• Right to strike in public utilities (revision of the Fundamental Act in 1995 (Act No. 1 of 1995)</li> <li>• Determination of essential services and minimum services to be ensured (section 37 of Act No. 12/1992)</li> <li>• Right to strike of public servants who do not exercise authority in the name of the State (section 58 of the Fundamental Act)</li> </ul> <p><b>CEACR again urges Government to take the necessary steps to amend the legislation in order to bring it into full conformity with the provisions of the Convention and to send information in its next report on any measures taken or contemplated in this respect. CEACR expresses the strong hope that Government will take all possible steps without delay to resume a constructive dialogue with the ILO. The Committee expects that the Government will make every effort to take the necessary action in the near future.</b></p>
Eritrea	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Ethiopia	<p><u>Nothing</u>.</p>
Fiji	<p>CEACR notes previously raised issues in the Employment Relations Act 2016 which are still pending:</p> <ul style="list-style-type: none"> <li>• provisions likely to impede industrial action (sections 175(3)(b) and 180);</li> <li>• compulsory arbitration (sections 169 and 170; section 181(c) as amended; new section 191BS (formerly 191(1)(c));</li> <li>• penalty in form of a fine in case of staging an unlawful but peaceful strike (sections 250 and 256(a))</li> </ul> <p>CEACR also noted with concern the following additional discrepancies between the provisions of the ERP, as amended in 2015, and the Convention, and observes that they have not been addressed by the Employment Relations (Amendment) Act 2016:</p> <ul style="list-style-type: none"> <li>• provisions likely to impede industrial action (section 191BN);</li> <li>• penalty of imprisonment in case of staging a (unlawful or possibly even lawful) peaceful strike in services qualified as essential (sections 191BQ(1), 256(a), 179 and 191BM);</li> </ul>

	<ul style="list-style-type: none"> <li>excessively wide discretionary powers of the Minister with respect to the appointment and removal of members of the Arbitration Court and appointment of mediators, calling into question the impartiality of the dispute settlement bodies (sections 191D, 191E, 191G and 191Y);</li> <li>compulsory arbitration in services qualified as essential (sections 191Q, 191R, 191S, 191T and 191AA).</li> </ul> <p><b><i>In the absence of information provided by Government in relation to the above provisions, and noting Government's indication that Employment Relations Advisory Board (ERAB) meets monthly to review labour laws to ensure compliance with ratified ILO Conventions, CEACR with reference to its earlier comments, once again requests Government to take measures to review the abovementioned provisions of the Employment Relations Promulgation (ERP), in accordance with the agreement in the JIR and in consultation with the representative national workers' and employers' organizations with a view to their amendment, so as to bring the legislation into full conformity with the Convention.</i></b></p>
Gabon	<p>CEACR repeats previous comments:</p> <ul style="list-style-type: none"> <li>restrictions on the right to strike in the public sector on grounds of ensuring public safety</li> </ul> <p><b><i>CEACR requested Government to provide information on the number of strikes called in the public sector, the sectors concerned and the number of strikes prohibited on the grounds of a possible disruption of public order.</i></b></p> <p><b><i>In the absence of a reply, CEACR reiterates its request and trusts that Government will take, without delay, all the necessary measures to provide the information requested.</i></b></p>
Guatemala	<p>CEACR observes <u>with interest</u> that the new Bill addresses CEACR's previous comments in relation to:</p> <ul style="list-style-type: none"> <li>majority required to call a strike – by replacing the requirement of a majority of all workers in the enterprise, with a requirement of the majority of the workers present at the assembly specially convoked for the strike ballot;</li> <li>imposition of compulsory arbitration in non-essential services in the strict sense of the term – by eliminating such imposition through the amendments of section 4(d) of the Act on Unionization and the Regulation of Strikes of Public Employees (Decree No. 71-86, as amended by Legislative Decree No. 35-96;</li> <li>prohibition of solidarity strikes – by eliminating such prohibition through the amendment of section 4(d) of the Act on Unionization and the Regulation of Strikes of Public Employees.</li> </ul> <p>CEACR regrets to note that the provisions of the Bill amending sections 390(2) and 430 of the Penal Code do not resolve the difficulties raised by CEACR in its previous comments:</p> <ul style="list-style-type: none"> <li>risk of imposing penal sanctions on workers carrying out a peaceful strike: imprisonment penalties from one to five years to persons who “carry out acts that result in sabotage, damage or destruction of private property of an enterprise or a public institution, affecting their production or service” (Bill's proposal to revise section 390(2) of the Penal Code)</li> <li>possible penal sanctions for carrying out a peaceful strike: “civil servants, public employees and employees or dependants of a public service enterprise who abandon their post, work or service, will be liable to imprisonment for a term of six months to two years”; this sanction will be doubled for the leaders, promoters, or organizers of the massive abandonment or if the abandonment results in damage to the public interest (amended formulation on the Bill section 430 of the Penal Code).</li> </ul> <p><b><i>In the light of the above, CEACR trusts that all the legislative amendment it has requested for many years will be adopted in the near future in accordance with all the CEACR's comments. While welcoming the progress contained in the Bill submitted by Government, CEACR emphasizes the importance of Government having recourse as soon as possible to the technical assistance of the Office to ensure that the Bill that is adopted is in full compliance with the guarantees of the Convention. CEACR requests Government to provide information in this respect.</i></b></p>
Haiti	<p>CEACR repeats previous comments (government report has not been received; ... for many years ...):</p> <ul style="list-style-type: none"> <li>compulsory arbitration to end a strike going beyond the circumstances defined by the CEACR (provisions in the Labour Code)</li> </ul> <p><b><i>While aware of the difficulties the country is facing, CEACR trusts that with the technical assistance it is</i></b></p>

	<b><i>receiving, in particular for the reform of the Labour Code, and with the political will reaffirmed by Government, the latter will be in a position in its next report to provide information on progress made in revising the national legislation to bring it fully into conformity with the Convention. CEACR requests Government to provide copies of any new texts adopted.</i></b>
Indonesia	<p>CEACR repeats earlier comments (“The Committee previously pointed to a number of shortcomings ...”)</p> <ul style="list-style-type: none"> <li>• manner of determining failure of negotiations (section 4 of Ministerial Decree No. KEP.232/MEN/2003)</li> <li>• the issuance of back-to-work orders prior to the determination of the illegality of the strike by an independent body (section 6(2) and (3) of Ministerial Decree No. KEP.232/MEN/2003)</li> <li>• extensive time period accorded to mediation and conciliation procedures (Industrial Relations Dispute Settlement Act No. 2 of 2004)</li> <li>• criminal conviction for violation of certain provisions in relation to the right to strike (section 186 of Manpower Act No. 13 of 2003).</li> </ul> <p>CEACR notes <u>with interest</u> the information provided by Government that the reference to sections 137 and 138 (concerning strikes) in section 186 on sanctions has been declared by the Constitutional Court to be not legally binding and, therefore, the sanction provision is no longer available.</p> <p>As regards the review of Ministerial Decree No. KEP.232/MEN/2003, the Committee notes the Government’s indication that the back-to-work orders referred to in section 6 concern instances of illegal strike action. It also notes the circumstances for determining the failure of negotiations after a deadlock in negotiations lasting 14 days.</p> <p><b><i>CEACR requests Government to provide information on the number of interest disputes referred to conciliation and mediation, the average time period for such procedures and to indicate the number of interest disputes referred to the industrial court for a final determination without the consent of both parties and any relevant information on the circumstances of such cases.</i></b></p>
Jamaica	<u>Nothing</u> , but direct request dealing with strike issues.
Kazakhstan	<p>Repetition of previous observations:</p> <ul style="list-style-type: none"> <li>• “dangerous industrial activities” (entities operating hazardous production facilities) for which strikes are illegal (section 303(1) of the Labour Code; section 176(1)(1) of the new Labour Code); determination of whether certain production facilities are hazardous is carried out by the enterprise in question (sections 70 and 71 of the Law on Civil Protection, as well as Order No. 353 of the Minister of Investment and Development Order (2014))</li> <li>• “at railways, civil aviation ... public transport ... and entities providing communication services, strikes should be allowed to the extent that the required services were provided on the basis of prior agreement with a local executive body” (section 176(2) of the Labour Code)</li> <li>• incitement to continue a strike declared illegal by the court is punishable by up to one year of imprisonment and in certain cases (substantial damage to rights and interest of citizens, etc.), up to three years of imprisonment (section 402 of the Criminal Code, which entered into force on 1 January 2016)</li> <li>• other restrictions of the right to strike (section 303(5) of the Code)</li> <li>• minimum service should be genuine, exclusively minimum and workers’ organizations should be able to participate in its definition (section 303(2))</li> </ul> <p><b><i>CEACR expects that the necessary legislative amendments will be made in the near future in consultation with the social partners and technical assistance of the Office so as to address the outstanding concerns of the CEACR regarding the right to strike. CEACR requests Government to provide information on all measures taken or envisaged in this respect.</i></b></p>
Kiribati	<u>Nothing</u> , but direct request dealing with strike issues.
Madagascar	<p>CEACR repeats earlier comments</p> <ul style="list-style-type: none"> <li>• Compulsory arbitration: if mediation fails, the collective dispute is referred by the Minister in charge of labour and social legislation to a process of arbitration; the arbitral award ends the dispute, as well as any strike that may have been started in the meantime (sections 220 and 225 of the Labour Code)</li> </ul>

	<p><b>CEACR, therefore, requests Government once again to take all necessary measures to amend the provisions of the Labour Code that concern arbitration so as to align them with this principle.</b></p> <ul style="list-style-type: none"> <li>• Requisitioning of striking employees is possible in circumstances of disruption of the public order (section 228 of the Labour Code)</li> </ul> <p><b>CEACR requests Government once again to take all necessary steps to amend section 228 of the Labour Code on requisitioning in order to align it with the principle set out above.</b></p>
Malta (only right to strike)	<p>Repetition of previous observation (government report has once again not been received):</p> <ul style="list-style-type: none"> <li>• compulsory arbitration: where disputes have been referred to conciliation to promote an amicable settlement of a trade dispute and conciliation has not resulted in a settlement, one of the parties may notify the Minister and the Minister shall refer the dispute to the Tribunal for settlement (section 74(1) and (3) of the Employment and Industrial Relations Act 2002 (EIRA))</li> </ul> <p><b>In this respect, CEACR requests once again Government to take the necessary measures to amend section 74(1) and (3) of the EIRA to ensure the respect of these principles. CEACR requests Government to indicate any developments in this regard and to indicate in its next report any measures taken to bring its legislation into conformity with the Convention. CEACR expects that Government will make every effort to take the necessary action in the near future.</b></p> <p><i>This observation is <u>exclusively</u> dealing with the “right to strike” (there are no other issues).</i></p>
Mexico	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Myanmar	<p><u>Nothing</u>, but direct request dealing with strike issues.</p>
Niger	<p>CEACR recalls previous comments (... for many years ...):</p> <ul style="list-style-type: none"> <li>• exercise of the right to strike of state employees and employees of territorial communities not in line with the limits defined by the CEACR (section 9 of Ordinance No. 96-009 of 21 March 1996)</li> </ul> <p><b>CEACR notes these indications and trusts that Government will proceed with the revision of Ordinance No. 96-009 in the near future. CEACR requests Government to provide information on any developments in this respect.</b></p>
Nigeria	<p>Repetition of previous comments:</p> <ul style="list-style-type: none"> <li>• restrictions to the exercise of the right to strike (section 30 of the Trade Union Act, as amended by section 6(d) of the Trade Union (Amendment) Act): <ul style="list-style-type: none"> <li>○ compulsory arbitration,</li> <li>○ majority of all registered union members required for calling a strike,</li> <li>○ “essential services” defined in an overly broad manner,</li> <li>○ restrictions relating to the objectives of strike action</li> <li>○ penal sanctions including imprisonment for illegal strikes;</li> </ul> </li> <li>• further restrictions (section 42 of the Trade Union Act, as amended by section 9 of the Trade Union (Amendment) Act): gatherings or strikes that prevent aircraft from flying or obstruct public highways, institutions or other premises are outlawed.</li> </ul> <p><b>CEACR once again requests Government to indicate the measures taken or envisaged in respect of the abovementioned provisions of the Trade Union Act as amended by the Trade Union (Amendment) Act.</b></p>
Pakistan	<p>Repetition of previous comments:</p> <ul style="list-style-type: none"> <li>• essential services: restriction of right to strike for fire service personnel, workers in private security firms and members of the security services of civil aviation companies, workers engaged in security printing services and members of the security or fire services of oil refineries, airports and seaports (Balochistan Industrial Relations Act (BIRA), as amended in 2015; when matters relating to IR and TU were devolved from the national level to the provinces, the BIRA maintained these categories contained in the from the IRA)</li> </ul>

	<p><b>CEACR requests Government to ensure that it, as well as all other governments of the provinces, take the necessary measures in order to ensure that the legislation guarantees the abovementioned categories of employees the right to establish and join organizations of their own choosing to further and defend their social, economic and occupational interests, and to provide information on any progress made in this respect. As regards public service, the Committee requests the Government to provide legislative and other information detailing how the abovementioned associations of public officials and employees of publicly owned undertakings benefit from the trade union rights enshrined in the Convention.</b></p>
Philippines	<p>Repetition of previous comments:</p> <ul style="list-style-type: none"> <li>• compulsory arbitration beyond essential services (section 263(g) (now renumbered section 278(g)) of the Labour Code and Department Order No. 40-G-03)</li> </ul> <p><b>CEACR expects that the proposed legislative amendments will ensure in the near future that government intervention leading to compulsory arbitration is limited to industries which can be considered as essential services in the strict sense of the term, and requests Government to provide information on any developments in this respect.</b></p> <ul style="list-style-type: none"> <li>• Possible penal sanctions for workers for having carried out an illegal (non-compliance with bargaining and notice requirement) but peaceful strike (sections 264 and 272 (now renumbered sections 279 and 287) of the Labour Code)</li> </ul> <p><b>CEACR firmly trusts that sections 279 and 287 of the Labour Code will be amended in the very near future, thus ensuring that no penal sanctions are imposed against a worker for having carried out a peaceful strike, even if non-compliant with bargaining or notice requirements. It requests Government to provide information on any progress achieved in this regard.</b></p>
Russian Federation	<p>CEACR recalls previous comments:</p> <ul style="list-style-type: none"> <li>• Right to strike of workers of municipal services, as well as civil servants who do not exercise authority in the name of the State (section 14 1. 14) of the Law on Municipal Service and section 17 1. 15) of the Law on State Civil Service)</li> </ul> <p><b>CEACR requests Government to take the necessary measures to amend section 14 1. 14) of the Law on Municipal Service and section 17 1. 15) of the Law on State Civil Service so as to bring the legislation into conformity with the Convention and to indicate all measures taken in this respect.</b></p> <p>CEACR recalls further previous comments:</p> <ul style="list-style-type: none"> <li>• right to strike of railway transport workers (section 413(b) of the Labour Code and section 26(2) of the Law on Federal Rail Transport (2003))</li> </ul> <p><b>CEACR requests Government to take the necessary measures to amend section 26(2) of the Law on Federal Rail Transport (2003) so as to bring it into line with the Convention, as well as with section 413(b) of the Labour Code. It requests Government to provide information on the measures taken or envisaged in this respect.</b></p>
Rwanda	<u>Nothing</u> , but direct request dealing with strike issues.
Saint Lucia	<u>Nothing</u> .
Somalia	<u>Nothing</u> .
Syrian Arab Republic	<p>CEACR recalls previous comments:</p> <ul style="list-style-type: none"> <li>• sanctions including imprisonment for participation in a strike (sections 330, 332, 333 and 334 of Legislative Decree No. 148 of 1949, issuing the Penal Code).</li> <li>• right to strike not mentioned in the chapter on collective labour dispute of the Labour Act</li> </ul> <p><b>In the absence of Government's report, CEACR once again expresses the hope that the law will be amended so as to bring it into line with the Convention and requests Government to provide information on any developments in this regard. While acknowledging the complexity of the situation prevailing on</b></p>

	<p><b><i>the ground due to the presence of armed groups and armed conflict in the country, CEACR trusts that Government will make all efforts to bring its law and practice into conformity with the Convention.</i></b></p>
Trinidad and Tobago	<p>CEACR repeats previous comments (“... for a number of years ...”):</p> <ul style="list-style-type: none"> <li>majority required for calling a strike (section 59(4)(a) of the Industrial Relations Act (IRA))</li> <li>recourse to the courts by either party or by the Ministry of Labour to end a strike (sections 61(d) and 65 of IRA)</li> <li>services in which industrial action may be prohibited (section 67 (in conjunction with the second schedule) and section 69 of the IRA)</li> <li>exclusion from the scope of application of the IRA of the following categories of workers: members of the teaching service or employed in a teaching capacity by a university or other institution of higher learning, apprentices, domestic workers, and persons in enterprises with policy and other managerial responsibilities (section 2(3) of the IRA)</li> </ul> <p><b><i>CEACR firmly hopes that the amendment of the IRA will address its comments related to sections 59(4)(a), 61(d), 65, 67 and 69. CEACR further requests Government to clarify how the abovementioned categories of workers excluded from the scope of the IRA under section 2(3) enjoy the rights under Article 3 of the Convention. Recalling that Government may avail itself of the technical assistance of the Office, CEACR requests Government to indicate any progress made in this respect.</i></b></p>
Ukraine	<p>CEACR refers to previous comments:</p> <ul style="list-style-type: none"> <li>decision to call a strike has to be supported by a majority of the workers or two-thirds of the delegates of a conference (section 19 of the Law on the procedure for settlement of collective labour disputes)</li> </ul> <p><b><i>While expressing the hope that the Labour Code will be adopted in the near future and encouraging Government to continue its cooperation with the Office in this respect, CEACR requests Government to clarify which legal provision will govern the exercise of the right to strike once the Labour Code is adopted.</i></b></p> <ul style="list-style-type: none"> <li>right to strike for specific groups of public servants (category V “all other civil servants”) is prohibited (sections 6(2) and 10(5) of the Law on Civil Service)</li> </ul> <p><b><i>Recalling that the right to strike in the public service may be restricted or even prohibited only for public servants exercising authority in the name of the State, CEACR requests Government to provide concrete examples of public servants falling into category V.</i></b></p> <ul style="list-style-type: none"> <li>organized group actions that seriously disturb public order, or significantly disrupt operations of public transport, any enterprise, institution or organization and active participation therein, are punishable by a fine of up to 50 monthly minimum wages or imprisonment for a term of up to six months (section 293 of the Criminal Code)</li> </ul> <p><b><i>CEACR requests Government to provide further information in this respect and in particular on the practical application of this section in respect of industrial actions.</i></b></p>
United Kingdom	<p>CEACR recalls its previous comments regarding the Trade Union Bill:</p> <ul style="list-style-type: none"> <li>ballot requirements for calling a strike <ul style="list-style-type: none"> <li>quorum of 50 percent</li> </ul> </li> </ul> <p><b><i>CEACR trusts that the review will yield results in the near future and requests Government to provide information on the progress made and the measures taken to facilitate electronic balloting in the context of the new requirements set out in the Trade Union Act.</i></b></p> <ul style="list-style-type: none"> <li>support of 40 per cent of all workers in important public services (section 3 of the Bill)</li> </ul> <p><b><i>In light of the concerns expressed above in relation to the challenges attached to the current balloting method and with a view to ensuring the rights of workers’ organizations to organize their activities in full freedom, CEACR once again requests Government to review section 3 of the Trade Union Act with the social partners concerned and take the necessary measures so that the heightened requirement of support of 40 per cent of all workers for a strike ballot does not apply to education and transport services.</i></b></p> <ul style="list-style-type: none"> <li>additional conditions for lawful picketing, e. g. requirement to notify the police of the identity and contact details of activists</li> </ul>

	<p><b>CEACR requests Government and TUC to provide information on the impact of the application of this notification requirement in practice, including any complaints that may be made in relation to the handling of this information or its impact on lawful industrial action, and any information regarding the blacklisting of individuals engaged in lawful picketing.</b></p>
Jersey (United Kingdom)	<p>CEACR repeats previous comments:</p> <ul style="list-style-type: none"> <li>• right to secondary action and social and economic protests (section 20(3) of the Employment Relation Law (ERL) and code of practice 2</li> <li>• picketing (Code 2)</li> <li>• compulsory arbitration (sections 22 and 24 of the ERL and Code 3)</li> <li>• essential services (Code 2)</li> <li>• conditions for protected industrial action and the application by the courts (sections 3 and 20(2) of the ERL and Code 3).</li> </ul> <p><b>CEACR requests Government to provide information on any development concerning the review of the ERL and its codes of practice, trusting that it will take into account CEACR's previous comments and hoping that it will soon be able to report progress.</b></p>
Bolivarian Republic of Venezuela	<p>CEACR recalls previous comments:</p> <ul style="list-style-type: none"> <li>• essential services: People's Ministry of Labour determines the areas or activities which may not be subject to stoppage during a strike (prejudice to the production of essential goods or services which would cause damage to the population) (section 484 of the Basic Act on Labour and Men and Women Workers (LOTTT))</li> <li>• members of the arbitration board in the event of a strike in essential services, if the parties are not in agreement, are selected by the labour inspector (section 494)</li> </ul> <p><b>CEACR requests Government to report any developments in this regard.</b></p>
Yemen	<p>CEACR repeats its previous comments (government report has not been received):</p> <ul style="list-style-type: none"> <li>• trade union organization, for calling a strike, requires the approval of a trade union organization of the highest level (section 40(b) of the Law on Trade Unions)</li> </ul> <p><b>CEACR must once again reiterate the abovementioned request.</b></p> <ul style="list-style-type: none"> <li>• essential services (referred to in section 219(3) of the draft Labour Code), for which the Minister is empowered to submit disputes to compulsory arbitration (list of essential services will be issued by the Council of Ministers once the Labour Code is promulgated)</li> <li>• strike notice must include an indication as to the duration of a strike (section 211 of the draft Labour Code)</li> </ul> <p><b>CEACR trusts that the present legislative reform will bring the national legislation into full conformity with the Convention, in accordance with the abovementioned comments, and requests Government to indicate any development in this regard in its next report.</b></p> <p><b>CEACR hopes that the Government will make every effort to take the necessary action in the near future.</b></p>
Zimbabwe	<p>CEACR comments on the Principles for the amendment of the Public Service Act (which, according to Government, have been submitted to Cabinet for approval):</p> <ul style="list-style-type: none"> <li>• definition of essential services to include services the interruption of which "would endanger ... all rights enshrined in the Constitution" (Principle 11.3)</li> </ul> <p><b>CEACR requests Government to take the necessary measures to ensure that the relevant legislative provision does not contain the excessively broad reference to "all rights enshrined in the Constitution" in the definition of essential services so as to ensure that workers fully enjoy the rights guaranteed by the Convention.</b></p>
References to strike issues in direct requests on C. 87	<ol style="list-style-type: none"> <li>1. Algeria:</li> <li>2. Angola: yes (exclusively) <ul style="list-style-type: none"> <li>○ Compulsory Arbitration</li> <li>○ Other strike-related issues</li> <li>○ Picketing/occupation of workplace</li> <li>○ Procedural requirements for calling a strike</li> <li>○ Prohibition of secondary action</li> </ul> </li> </ol>

- Restriction of strikes for public servants/essential services (minimum services)
- Sanctions for striking illegally,
- 3. Antigua and Barbuda: yes (exclusively)
  - Other strike-related issues
  - Restriction of strikes for public servants/essential services (minimum services)
  - Sanctions for striking illegally
- 4. Argentina: yes (exclusively)
  - Picketing/occupation of workplace
  - Restriction of strikes for public servants/essential services (minimum services)
  - Striker replacement
- 5. Armenia: yes
  - Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
- 6. Australia: yes
  - Other strike related issues
  - Picketing/occupation of workplace
  - Procedural requirements for calling a strike
  - Sanctions for striking illegally
- 7. Azerbaijan: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
- 8. Bahamas: yes (almost exclusively)
  - Compulsory arbitration
  - Restriction of strikes for public servants/essential services (minimum services)
- 9. Barbados: yes (exclusively)
  - Sanctions for striking illegally
- 10. Belgium: yes (almost exclusively)
  - Picketing/occupation of workplace
  - Sanctions for striking illegally
- 11. Benin: yes
  - Compulsory arbitration
  - Procedural requirements for calling a strike
- 12. Bosnia and Herzegovina: yes
  - Comments based on ITUCs submission
  - Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
- 13. Botswana: yes
  - Picketing/occupation of workplace
  - Restriction of strikes for public servants/essential services (minimum services)
  - Striker replacement
- 14. Burkina Faso: no
- 15. Burundi: yes
  - Compulsory arbitration
  - Procedural requirements for calling a strike
  - Prohibition of secondary action
- 16. Cabo Verde: yes (exclusively)
  - Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
- 17. Cambodia: yes
  - Restriction of strikes for public servants/essential services (minimum services)
- 18. Canada: yes
  - Restriction of strikes for public servants/essential services (minimum services)
- 19. Central African Republic: yes
  - Restriction of strikes for public servants/essential services (minimum services)

20. Chad: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
21. Chile: yes
  - Restriction of strikes for public servants/essential services (minimum services)
  - Procedural requirements for calling a strike
  - Other strike-related issues
22. China: Macau Special Administrative Region: yes (exclusively)
  - Other strike-related issues
23. Comoros: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
24. Congo: yes (exclusively)
  - Picketing/occupation of workplace
  - Restriction of strikes for public servants/essential services (minimum services)
  - Sanctions for striking illegally
25. Costa Rica: no
26. Côte d'Ivoire: no
27. Croatia: yes
  - Restriction of strikes for public servants/essential services (minimum services)
  - Procedural requirements for calling a strike
28. Czech Republic: yes
  - Procedural requirements for calling a strike
29. Democratic Republic of the Congo: yes
  - Other strike-related issues
  - Sanctions for striking illegally
30. Denmark: no
31. Djibouti: yes
  - Procedural requirements for calling a strike
32. Dominica: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
  - Compulsory arbitration
33. Ecuador: yes (almost exclusively)
  - Compulsory arbitration
  - Procedural requirements for calling a strike
  - Restriction of strikes for federations
  - Restriction of strikes for public servants/essential services (minimum services)
34. El Salvador: yes (exclusively)
  - Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
35. Eritrea: yes (exclusively)
  - Procedural requirements for calling a strike
36. Estonia: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
37. Gabon: yes (exclusively)
  - Restriction of strikes for public servants/essential services (minimum services)
38. Gambia: yes
  - Restriction of strikes for public servants/essential services (minimum services)
39. Guinea: yes (exclusively)
  - Compulsory arbitration
  - Restriction of strikes for public servants/essential services (minimum services)
40. Guyana: yes (exclusively)
  - Sanctions for striking illegally
  - Restriction of strikes for public servants/essential services (minimum services)
41. Haiti: no

42. Jamaica: yes (exclusively)
- Compulsory arbitration
  - Picketing/occupation of workplace
  - Restriction of strikes for public servants/essential services (minimum services)
43. Kiribati: yes
- Sanctions for striking illegally
44. Luxembourg: no
45. Mexico: yes
- Restriction of strikes for public servants/essential services (minimum services)
  - This [direct request](#) has the following statement: “The Committee notes that, with regard to these three pending issues, the Government, noting the observations of the International Organisation of Employers (IOE) and the Employer members of the Committee on the Application of Standards in 2016, asks the Committee to suspend its comments and requests regarding the right to strike until the International Labour Conference resolves the matter of its inclusion in the Convention. The Committee recalls that the issues raised, which have been the subject of comments for many years, are covered by its well recognized mandate to undertake an impartial and technical analysis of the application of the Convention in law and practice by all countries that have ratified it. The Committee requests the Government to provide information on the application in practice of these legislative provisions, to hold consultations with the social partners on the revision of those provisions and to provide information on any developments in this respect.”
46. Myanmar: yes
- Procedural requirements for calling a strike
47. Niger: yes
- Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
48. Pakistan: yes
- Other strike-related issues
  - Restriction of strikes for public servants/essential services (minimum services)
  - Sanctions for striking illegally
49. Papua New Guinea: no
50. Philippines: yes
- Compulsory arbitration
51. Rwanda: yes
- Restriction of strikes for public servants/essential services (minimum services)
52. Saint Lucia: no
53. Sierra Leone: no
54. Suriname: no
55. Tajikistan: yes (exclusively)
- Procedural requirements for calling a strike
  - Restriction of strikes for public servants/essential services (minimum services)
  - Sanctions for striking illegally
56. The former Yugoslav Republic of Macedonia: yes
- Restriction of strikes for public servants/essential services (minimum services)
  - Striker replacement
57. Timor-Leste: yes
- Restriction of strikes for public servants/essential services (minimum services):
  - Sanctions for striking illegally
58. Turkmenistan: yes
- Compulsory arbitration
  - Other strike-related issues
59. United Kingdom: yes
- Other strike-related issues
  - Procedural requirements for calling a strike

	<ul style="list-style-type: none"><li>○ Striker replacement</li></ul> <p>60. United Kingdom: Anguilla: yes”</p> <ul style="list-style-type: none"><li>○ Compulsory arbitration</li><li>○ Repetition of the previous year’s comments</li><li>○ Restriction of strikes for public servants/essential services (minimum services)</li></ul> <p>61. United Kingdom: Montserrat: yes</p> <ul style="list-style-type: none"><li>○ Compulsory arbitration</li><li>○ Restriction of strikes for public servants/essential services (minimum services)</li></ul> <p>62. Vanuatu: yes</p> <ul style="list-style-type: none"><li>○ Procedural requirements for calling a strike</li></ul>
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