Findings of the IOE Member Country Survey on Strike Action

International Organisation of Employers
Organisation Internationale des Employeurs
Organización Internacional de Empleadores
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Contents

Introduction

A right to undertake strike action is recognised in principle in many countries and finds its basis in national legislation, jurisdiction and practice. The industrial relations traditions and the particularities of each collective bargaining systems shape the way in which strike action is regulated.

Strike action, defined as work stoppages through which workers may put pressure on public or private employers to promote the workers' economic and social interests, can have harmful repercussions on a country's entire economy in the short and long term.

This is one of the reasons why the topic is highly controversial, especially at national level, and when proposals to amend or establish strike regulations arise.

At the international level, a long-standing controversy over the regulation of the **right to strike** has appeared within the International Labour Organization (ILO), the principal UN agency dealing with social issues and employers' and workers' rights. A critical juncture in this dispute dates back to the 2012 International Labour Conference, when the Committee on the Application of Standards (CAS) experienced a "deadlock" arising from the differing views of the Employers' and Workers' Groups on the right to strike. The controversy related to the way in which the right to strike has been extensively interpreted by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) as an inherent element of the 1949 "Freedom of Association and Protection of the Right to Organise" Convention (No. 87). For many years, the Employers have challenged the CEACR's extending of its own mandate to provide interpretations of ILO Conventions, particularly Conventions 87 and 98, which in the Employers' view neither contain nor implicitly recognise any right to strike.

In February 2015, following the several unsuccessful attempts to resolve the impasse, the Workers' and Employers' Groups finally agreed on a Joint Statement, where they affirmed that *"the right to take industrial action by workers and employers in support of their legitimate industrial interests is recognised by the constituents of the International Labour Organisation"* and that this recognition required the Workers' and Employers' Groups to address a series of issues concerning the ILO Supervisory System. This Joint Statement did not recognise that a right to strike is within the scope of ILO Convention No. 87.

The Governments' Group expressed its opinion on the issue, through a statement which set out, among others, that "the right to strike, albeit part of the fundamental principles and rights at work of the ILO, is not an absolute right. The scope and conditions of this right are regulated at the national level".

These two statements provided a way out of the impasse and allowed the ILO to restart its work and to again build trust among the social partners. Since February 2015, a wide range of activities has been undertaken to improve the functioning of the ILO supervisory system as a whole.

During the meetings of the IOE Industrial Relations Policy Working Group (IRPWG) employers' representatives from various regions discussed the right to strike. **It emerged that there is a high level of inconsistency between national regulations on the right to strike and the non-binding opinions elaborated by the CEACR.** This demonstrates that, if a "universal" standard on strike action and the limits to its exercise were to be established at the international level, the current CEACR opinions do not provide a model that is valid for all realities and applicable to all contexts.

With a view to obtaining an overall picture of the range of regulations, practices, restrictions, and implications of strike action around the world, the IOE circulated a questionnaire to its members to identify the following:

1. Legal basis and definition
2. Pre-requisites to call a legal strike
3. Restrictions on strike action
4. Effects of strike action
5. Essential and minimum services

41 Employers' organisations responded to the questionnaire, which, together with the discussions of the IRPWGs, give a critical mass to set out the range and variety of regulations among countries, regions, industrial relations models and historical realities. The questionnaire can be found in Annex I.

Following these five principal headings, this paper aims to present the regulations, exercise and implications of strike action in IOE member federations' countries. Differences are widespread between the private and public sector. However, in the interests of simplicity, only private sector strikes are considered in this publication. Of note is that between the two extremes of detailed regulation in Australia, and the total absence of rules in Belgium, there are many interesting nuances.

Chapter 1

LEGAL BASIS AND DEFINITION

The first element examined is the legal basis for the exercise of strike action. When strike action is considered a right, be it individual or collective, a legal framework might be in place in the national constitution, national legislation, case law and collective agreements.

To start with, not all countries openly recognise industrial action among workers' rights. For instance, in the UK there is no specific right to strike: other legal routes enable workers to exercise the ability to take industrial action;. a strike is considered as a breach of the employment contract, which can be exercised in the event of a dispute on the terms and conditions of work. Similarly, in Australia one refers to "protected industrial action" rather than a right to strike, meaning that a right to strike per se does not exist, and that industrial action may be undertaken under certain conditions and within a specific framework to settle a workplace dispute over working conditions. In both countries, industrial action has to be exercised collectively[1].

In countries with civil law traditions, or where the State exercises a high level of interference in collective bargaining, the right to strike is most likely to be codified - often recognized in the Constitution and to be exercised within the limits determined by the law. This occurs in ***Algeria***[2], ***Bolivia***[3], **Brazil**[4], **Cambodia**[5], ***Chile***[6], ***Colombia***[7], ***Costa Rica***[8], ***Croatia***[9], ***Djibouti***[10], ***the Dominican Republic***[11], ***France***[12], ***Guatemala***[13], ***Japan***[14], ***Mexico***[15], ***Namibia***, ***Panama***[16], ***Peru***[17], ***Spain***[18], ***Sweden***, **Switzerland**[19] **and Turkey**[20].

In many other countries, there is no foundation for a right to strike in the Constitution, but the statutes and case law play an important role in defining the terms and conditions of the right to strike. This is the case in ***Pakistan***[21], ***Thailand***[22], ***Trinidad and Tobago***[23], ***Venezuela***[24], ***and Zambia.*** In ***Costa Rica***, national tribunals and the Constitutional Court have detailed some of the basic criteria for the exercise of strike action, for instance in essential services.

1 http://www.fairwork.gov.au/Employee-entitlements/industrial-action-and-union-membership/industrial-action
http://www.fairwork.gov.au/About-us/policies-and-guides/Fact-sheets/rights-and-obligations/industrial-action#protected

2 Article 57 of the Constitution and the Law (*Loi n°90-02 du 6 Février 1990 relative à la prévention et au règlement des conflits collectifs de travail et à l'exercice du droit de grève*).

3 Article 53 of the Constitution and regulated by the General Law on Labour and its Regulatory Decree.

4 Article 9 of the Federal Constitution and the Law No. 7783/89

5 Article 37 of the Constitution and Articles 318-321 and 337 of the Labour Law.

6 Article 19 of the Constitution (indirectly recognising it) articles 345 to 363 of the Labour Code.

7 Article 56 of the Constitution.

8 Article 61 of the Constitution and regulated by the Labour Code.

9 The Croatian Constitution and the Labour Act.

10 Article 15 of the Constitution and regulated by the Labour Code (Chapter III – Rules on collective disputes).

11 Article 62.6 of the Dominican Constitution and the Labour Code.

12 Preamble of the French Constitution, paragraph 7 of the Constitution of 27 October 1946: « The right to strike is exercised within the framework of the laws that regulate it » (*Le droit de grève s'exerce dans le cadre des lois qui le réglementent*) included in the Constitution of 4 October 1958 and Article L2511-1 of the Labour Code.

13 Article 104 and 116 (strike in public sector) of the Constitution and the Labour Code and the Law on strike in public sector (*Ley de Sindicalización y Regulación de la Huelga de los Trabajadores del Estado*).

14 Trade Union Act

15 Article 123 of the Mexican Constitution and the Federal Labour Law (Articles 440-441).

16 Article 65 of the Panama Constitution and Chapter IV of the Labour Code ("Right to strike")

17 Article 28 and 42 of the Peruvian Constitution and the Law on Industrial Relations (*Título IV del Decreto Supremo N° 010-2003-TR, Texto Único Ordenado de la Ley de Relaciones Colectivas de Trabajo; y por su Reglamento, el Decreto Supremo N° 011-92-TR*).

18 Article 28.2 of the Spanish Constitution (1978) and Royal Decree 17/1977 on labour relations. This Decree has then been modified in various parts and interpreted by the Constitutional Tribunal.

19 Article 28.3 of the Constitution sets out the principles to declare a strike lawful. These principles have been interpreted through the Federal Tribunal. The possibility to undertake strike action (and to lock-out) derives from the freedom of association. Article 28.3 states: "Strikes and lock outs are permitted if they relate to employment relations and if they do not contravene any requirements to preserve peaceful employment relations or to conduct conciliation proceedings". According to the dominant doctrine, the constitution guarantees a "quasi-right" ("quasi-droit"), as the possibility to resort to strike is allowed only if the conditions set in article 28.3 of the Constitution are respected.

20 Article 54 of the Turkish Constitution and 11th section (Articles 58 to 76) of the Law on Trade Unions and Collective Agreements No: 6356 dated 7 November 2012.

21 Section 2 (xxx) of the Industrial Relations Act 2012.

22 Labour Relations Act.

23 Sections 60-63 of the Industrial Relations Act (IRA)

24 Articles 472 and 486 of the LOTTT – General Labour Law (Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras).

In ***France,*** jurisprudence, more than the law itself, has determined the conditions for exercising lawful strike actions. Jurisprudence has a similar weight in Germany, where labour dispute regulations derive from case law, especially Federal Labour Court decisions.

In Denmark one refers to the principles of the "right to take industrial action" and the "obligation of peace" rather than an expressed and established right to strike. Here, the collective bargaining system and the main organisations on the labour market directly influence the way in which the collective action is exercised, as industrial action is basically only a legal tool in a struggle for collective agreements. The main source of regulation of official strikes, those exercised in respect of the basic requirements, and the peace obligation resides in collective agreements and the jurisprudence of the Labour Court; the basic guiding rules for collective action are to be found in the general agreement between the Confederation of Danish Employers (DA) and the Danish Confederation of Trade Unions (LO), which contains mutual recognition of the interests of both parties, together with some rules on labour disputes, strikes, lockouts and the peace obligation. The law only contains requirements when industrial action concerns foreign companies posting workers to Denmark. In ***Norway***, legislation governing strike action is complemented by the basic (collective) agreement. In ***Croatia***, collective agreements for certain categories of workers introduce regulate strike action.

In ***Canada***, a right to strike is recognized and regulated by the labour relations legislation and administrative tribunals. It was not considered a fundamental constitutional right, given that the constitution recognizes the freedom of association and does not explicitly refer to strike action. However, a recent decision of the Supreme Court considered the right to strike as an evolving right and therefore as forming part of the freedom of association guarantees[25].

The right to strike is mainly a collective tool (***Algeria, Bolivia, Brazil, Cambodia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Djibouti, Finland, Germany, Japan, Mexico, Namibia, Norway, Panama, Peru***[26]***, Sweden, Switzerland, Thailand, USA, Uruguay, Zambia***).

However, there are countries where there is an individual right to strike, meaning that a single worker may exercise the right to defend his/her interests, at the expense of the employer, but also potentially to the detriment of other workers, and society as a whole. In ***Belgium,*** there is no law on the right to strike; a 1981 decision of the Belgian Court of Cassation recognized that all strike actions are possible since the right to strike is an individual right to be exercised by the worker simply by ceasing to work.

In ***Uruguay,*** strike action is a collective right according to the Constitution (Article 57), but there is scarce regulation of industrial action in general[27]. According to the doctrine, every worker is entitled to this right and takes the decision to join an industrial action or not. In ***Guatemala*** and ***France*** one speaks of an individual right to be exercised collectively (in Guatemala a minimum of three workers is needed to call a strike). The same occurs in Croatia.

In ***Venezuela*** it is similarly an individual right, but the list of demands at the root of the collective dispute has to be presented by trade unions, except in non-unionised companies. Following the reform of 2012, the trade union presenting the list of demands does not necessarily have to be the most representative in the company.

In ***Croatia, Denmark, Norway, Pakistan*** **and** ***Switzerland***, strike action goes hand in hand with the employers' possibility to lockout.

[25] Case Saskatchewan Federation of Labour v. Saskatchewan, SKCA 43 of the 26 April 2013.
[26] The Law on Industrial Relations (Article 72 of the supreme Decree No. 010-2003-TR.2003, *Texto unico Ordenado de la Ley de Relaciones Colectivas de Trabajo).*
[27] Ley 18.566

Chapter 2

PRE-REQUISITES TO CALL A LEGAL STRIKE

This section aims to identify the requirements to be fulfilled before a legal strike can be called, in terms of reasons that may justify strike action, but also conciliation and information requirements preceding the exercise of the strike, as well as ballot thresholds for strikers.

In many countries, the legality of a strike is associated with the right to bargain collectively. In ***Germany***, for instance, a strike is legal only insofar as the objective is to reach a collective agreement. The trade union concerned may call a strike only as a last resort, and when negotiations to conclude a collective agreement have failed. Therefore, the strike must pursue an aim which is regulated by collective agreement. The same applies in ***Turkey,*** and in ***Switzerland***, but in these countries two more conditions must be respected: the obligation to maintain peace at work; the respect for the principle of proportionality. The strike has to be organised by a trade union. Strikes organised by individual workers are illegal. Similarly, in ***Norway,*** work stoppage can be exercised in the event of renegotiation of the collective agreement, or if there is no collective agreement in force and workers aim to establish the agreement. This is also the case in ***Australia, Denmark, Finland and Iceland.*** In ***Canada***, strikes are also strictly related to collective bargaining and usually occur when the collective agreement has expired. In ***Chile,*** the right to strike can only be exercised if negotiations on a collective agreement fail and a) the conflict is not the object of compulsory arbitration defined by law or agreed by the parties, b) the date of the vote on strike action is prior to the expiration of the collective agreement (at least five days). Similarly, in ***Brazil,*** strike action is possible if negotiations fail and if the parties do not resort to arbitration.

In ***New Zealand***, strikes and lockouts are lawful only if they aim to establish/renew a collective agreement, or if an issue related to health and safety is at stake (e.g. when withdrawal from work is necessary to prevent harm or death). It is unlawful to strike or lockout if the dispute is related to the operation or interpretation of a current collective agreement or a personal grievance. Some specific requirements are established in each country. In ***Croatia***, the strike must be announced in writing and state the reasons for the strike, the place, date and time of its commencement, as well as the kind of work stoppage that is organised.

In the ***Dominican Republic,*** the strike has to be notified in written to the Ministry of Labour and this notification must contain, among others, the reason why the strike is declared (to aim at solving a collective conflict on workers' economics and social interests – but not for a salary increase); and a declaration that conciliation has failed and that arbitration has not been chosen.

In ***Mexico,*** strike action is legal and may be exercised by a recognised trade union that a) aims to re-establish the balance between the different factors of production (for instance, where a specific economic situation has affected the balance between salaries and the cost of living, or where there is significant currency devaluation) b) aims to sign/revise/enforce the collective agreement or the 'agreement by law' ("contrato ley" – meaning a collective agreement that is applicable *erga omnes* to the workers in the sector); c) aims to revise the salary scale or d) aims to protest against the employer for not complying with the legal requirements of the participation in the company's profits. A strike that does not follow these requirements is declared "inexistent".

In ***Panama***, the strike takes place if there is a collective conflict, that is: a) a juridical and legal conflict (*"de derecho"*) or b) an economical and conflict of interests. The first one, dealing with the application or interpretation of the law and similar issues, can be submitted to the Tribunals and/or to the conciliation machinery. The second type of conflict, dealing with a collective agreement, can be submitted directly to the Employers for a bilateral agreement or to the Minister of Labour for an attempt at conciliation. The strike can be organised to reach or to renew a collective agreement.

In ***Spain***, the strike has to be called by a trade union or by workers' representatives or by a group of workers. A strike Committee has to be established with a maximum of 12 workers' representatives. This Committee will participate in the negotiations and will be responsible for ensuring the provision of minimum services.

In ***Trinidad and Tobago***, a strike can be legally called if: it finds its origin in an "interest dispute" (for the negotiation of a new collective agreement); conciliation proceedings have been attempted by the Minister of Labour; the notice period has been respected.

In the ***UK***, whilst there is no specific right to strike, statutory immunities are afforded on such occasions that action taken is in furtherance of a trade dispute[28] and that the correct procedures regarding balloting and notice to employers are followed.

In ***Venezuela,*** the union organizing the strike has to publicly announce the existence of a labour dispute. In doing so, it has to present in writing the list of demands ("*pliego de peticiones*") and to deposit it at the Labour Inspectorate, which may admit and therefore validate the strike action under two conditions: if it is impossible to get an agreement with the employer, or if the employer did not respect his obligations. From the time of the admission of the demands, 120 hours have to pass before strike action may be launched. During the 24 hours following the admission of the list, the Labour Inspectorate has to inform the employer. The list of demands has to be accompanied by the enumeration of minimum services to be guaranteed during the strike.

In ***Belgium***, it is the single collective agreement that determines the pre-requisites to call a strike, such as the compulsory notice period, the obligation to go through prior conciliation, the obligation to maintain peace during the validity of the collective agreement, etc. However, these conditions are not easily enforceable because of the trade unions' lack of legal personality and because the employer might only sue the worker(s) for abuse of process (*abus de droit*). In the ***USA*** there are no strict legal requirements for a strike to be called, unless stated in the collective agreement.

In several countries, conciliation has to be attempted prior to calling a strike. These include ***Algeria*** (Labour Inspectorate)***, Bolivia*** (with the pronouncement of the Conciliation Board and only after an Award has been issued by the Arbitral Tribunal)***, Brazil, Costa Rica, Djibouti*** (Labour Inspectorate followed by the Arbitration Committee), ***Dominican Republic***, ***Guatemala*** (Conciliation Tribunal)***, Iceland*** (Conciliation and Mediation State officer), ***Mauritius*** (voluntary dispute resolution through the Commission for Conciliation and Mediation)***, Mexico, Namibia*** (national mediation and conciliation procedures), ***Panama, Spain*** (Labour Authority)***, Switzerland, Thailand*** (Conciliation Officer), ***Turkey*** (Official Mediator appointed by the General Directorate of Labour)***, Uruguay*** (Ministry of Labour and Social Security) and ***Zambia.*** In ***Norway***, once the negotiation of the collective agreement has failed, the parties have to go through a mandatory mediation process conducted by the National Mediator (a State official). In ***Canada***, each province determines the rules of prior attempt at conciliation.

In ***Cambodia***, the conciliation procedure plays a fundamental role. As a strike is a last resort to be exercised "*only when all peaceful methods for settling the dispute with the employers have been tried out*", the collective dispute has to be subject to a settlement procedure, consisting of: conciliation with labour inspector of the parties' province or municipality, followed by an arbitration process before the Arbitration Council. When the arbitral decision is rejected by one of the parties, the resort to a strike is allowed.

Conciliation is also key in ***Pakistan***. The process is the following: a) after having been informed by a collective bargaining agent trade union of the industrial dispute the employer shall try to settle the dispute by bilateral negotiations. A Memorandum of Settlement might be signed; c) where bilateral negotiations fail, the agent may serve a notice of strike, a copy of which must be sent to the Area Conciliator; d) the Area Conciliator shall propose a settlement; e) if the conciliation fails, both the parties may jointly agree to refer the dispute to an arbitrator. The award of the arbitrator is final; f) if no settlement is agreed upon during the conciliation proceedings and parties to the dispute do not agree to refer the matter to Arbitration, the workers may go on strike. In ***Chile,*** within four days after the strike is agreed, the negotiating parties may submit a request for mandatory mediation to the Labour Inspectorate. The strike starts immediately after the mediation has proven unviable. At any time, the parties may voluntarily submit collective bargaining instances to arbitration. Similarly, in ***Colombia***, the parties may defer the question to a mechanism of conciliation or arbitration of their choice. A special commission, the State "Standing Committee on the Coordination of Wages and Employment Policy" (*Comisión de*

[28] What constitutes a "trade dispute" is set out in the Trade Union and Labour Relations (Consolidation) Act 1992. A trade dispute is: "a dispute between employers and workers, or between workers and workers, which is connected with one or more of the following matters: (a) terms and conditions of employment, or the physical conditions in which any workers are required to work; (b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers; (c) allocation of work or the duties of employment as between workers or groups of workers; (d) matters of discipline; (e) the membership or non-membership of a trade union on the part of a worker; (f) facilities for officials of trade unions; and (g) machinery for negotiation or consultation, and other procedures, relating to any of the foregoing matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures".

Concertación de Políticas Salariales y Laborales) usually helps the parties to find a solution. If conciliation fails, the parties may declare the strike or transmit the dispute to an Arbitration Council, but there is no further intervention from the public authority. If the trade union is a minority union, the parties may only opt to transmit the dispute to the Arbitration Council.

In ***Peru***, the parties can submit a request for conciliation or mediation to the Labour Authority when negotiations fail, but the same Authority might also autonomously commence the conciliation process if necessary. The dispute may be referred for arbitration at any time. In Panama, once the conciliation attempt has failed the trade union can opt for an arbitration process or to declare the strike.

In ***Finland,*** a conciliation process begins once the union has given written notice of the work stoppage to the national conciliator and the other parties of the strike (two weeks before the strike is launched). Sympathy and political strikes are not subject to these requirements. In ***Denmark***, in practice, a public mediator tries to find common ground for establishing or renewing the collective agreement. In case of a conflict that is a breach of the peace obligation, it is usually the responsibility of the social partners to solve the situation.

Direct information provided to the employer about the strike is common in all countries where the questionnaire was completed. In some countries, advance notice to the employer is not a general requirement. The situation regarding information requirements and notice periods is as follows:

Country	Direct information to the employer	Notice period	Who shall provide the information?
Algeria	✓	8 days from the day of the deposit of strike notice	Trade union
Bolivia	X	The Ministry of Labour is informed at least 5 days before the strike is launched. The communication must contain the names of the members of the "Strike Committee" representing the strikers during negotiations and advise workers of the results of the bargaining.	
Brazil	✓	48 hours prior to the strike (article 3 of the Law nº 7.783/1989).	
Cambodia	✓ The prior notice must also be sent to the Ministry in charge of Labour.	7 working days	
Canada	X Each province determines its rules		
Chile	X		
Croatia	✓	As an alternative to the employer, the employers' organisation has to be informed. In the case of a solidarity strike, the action must be announced to the Employer on whose premises the action is organised.	Trade union who calls and organises the strike
Denmark	✓	14 days The employers' organisation also has to be informed, according to the agreements of the social partners	Trade union
Dominican Republic	X	The Union informs the Ministry of Labour at least 10 days before the strike. Within the following 48 hours, the Ministry will inform the Employer	Trade union
Belgium	✓	Not specified. It helps the employer in organising cover for production demands during the work stoppage	Single strikers
Finland	X	Two weeks The Sectoral Employers' association that has negotiated the collective agreement has to be informed	
France	✓	Not specified The information has to include the reasons for calling the strike	Trade union

Country	Direct information to the employer	Notice period	Who shall provide the information?
Germany	X		
Japan	X The Labour Commission, the Governor or the Prefectures (or Ministers of Welfare, Labour and Health in the case of essential services) have to be informed.		
Iceland	✓	7 days	Trade union
Mauritius	✓	10 days The Minister of Labour also has to be informed	Trade union
Mexico	✓	6 days 10 days for the public services	Trade union
Namibia	✓	48 hours	Trade union
Norway	✓	14 days The employers' organisation also has to be informed	Trade union
Panama	✓	20 days after the conciliation process and 5 days before the strike action is planned The information has to be sent to the Labour Inspectorate, or to the Regional or General Labour Directorate. Those entities will inform the employer	Trade union
Pakistan	✓	15 days	Trade union (Collective Bargaining Agent)
Peru	✓	5 work days (10 days for essential public services) The Labour Authority has also to be informed	Trade union
Spain	✓	5 days (10 days for public services where a minimum service must be guaranteed) The Minister of Labour also has to be informed	Trade union (the strike Committee)
Switzerland	X	There is no need to inform the employer, as he is part of the negotiation failure	
Thailand	✓	24 hours	Trade union
Turkey	✓	6 working days	Trade union
Trinidad and Tobago	✓	7 days for all kinds of industrial action (strike or lock-out). The Ministry of Labour also has to be informed with 7 days' notice. After notification, the party has 3 months to go on strike or to lock-out.	Trade union Recognised Majority Union (RMU)
UK	✓	7 days in advance of the ballot. The union has to communicate the names of the employees participating in the compulsory ballot and the results of the ballot (the number of votes cast, the number of individuals responding yes, individuals responding no and spoiled voting papers)	Trade union
Uruguay	✓	7 days in advance, to allow the time for conciliation operated by the Ministry of Labor. However, this disposition is not respected in practice and this creates tensions.	A group of workers
USA	X (depending on the sector and the type of strike)		
Zambia	✓	10 days	Trade union

The employer is informed indirectly in all instances where a prior attempt at conciliation is expected.

A ballot[29] is required for unions to declare a strike, but not in all countries.

Country	Ballot	Majority quorum
Algeria	✓	Secret ballot of at least half of the workers concerned
Australia	✓	Majority secret ballot
Belgium		Every trade union stipulates in its statutes whether there is a voting quorum or not.
Bolivia	✓	At least three-quarters of the workers interested
Brazil	✓	Every trade union stipulates in its statutes the rules to convene the general assembly and the voting quorum. In the absence of a union, a negotiation commission will be established to define the workers' demands and vote.
Cambodia	✓	Every trade union stipulates the voting quorum in its statutes.
Canada	✓	Absolute majority of the bargaining unit
Chile	✓	Absolute majority of the workers represented by the union
Costa Rica		The legal ballot threshold was declared unconstitutional and substituted by a case-by-case decision from the Labour Court
Denmark	✓	Three-quarters of those voting at a competent assembly of the union calling the action and according to the agreements of the social partners
Dominican Republic	✓	Absolute majority of the workers of the company, companies of the group (51%)
France	X	There is no ballot requirement as the work stoppage can be undertaken by a minimum of two workers
Finland		Every trade union stipulates in its statutes whether there is a voting quorum or not
Germany	✓	Absolute majority of the union members
Guatemala	✓	Absolute majority of the workers of the company, companies of the group, or the branch
Iceland	✓	General secret ballot with the participation of at least one-fifth of the union members with a right to vote, and the support of the simple majority of the votes
Japan	✓	Simple majority
Mauritius	✓	
Mexico	✓	The support of the majority of the workers and a control a posteriori is operated by the tribunal if the employer sues the workers for not respecting the prior requirements ("solicitud de inexistencia de la huelga").
Namibia	✓	Absolute majority
New Zealand	✓	Simple majority
Norway		Every trade union stipulates in its statutes whether there is a voting quorum or not.
Panama	✓	50% plus one and on simple majority on the second and third call
Peru	✓	Majority of workers according to the statute of the trade union, with the minutes of the assembly countersigned by the public notary or the Peace Officer
Thailand	✓	Absolute majority: half of the total labour union membership
Turkey		Strike ballot if ¼ of the workers request it in writing. Absolute majority of the workers in the workplace or enterprise concerned.

[29] The majority for the ballot can be *simple*, when the number of votes is more than half the number of voters registered, and *absolute* when the number of votes constitutes more than half the number of the persons having the right to vote.

Country	Ballot	Majority quorum
UK	✓	The ballot requirement is particularly important in preventing the employer from requesting an injunction to prevent any strike action. The union that endorses the action has to undertake a vote; the threshold is not particularly high, as it is the simple majority. This means that minority unions, or a minority within the union, can call a strike (majority of tick voting in the ballot, which does not need to be a majority of those balloted)[30].
Uruguay	X	According to the doctrine, the strike action has to be declared by a group of workers and be supported by a "sufficient" number of workers.
USA		Every trade union stipulates in its statutes whether there is a voting quorum or not.
Zambia	✓	Simple majority

In many countries surveyed, strike action is illegal when it harms the industrial property or individuals, or when it aims to prevent non-strikers from working. This is the case in **Bolivia, Cambodia, Chile, Colombia, Costa Rica, Dominican Republic, France, Mexico and Venezuela.**

[30] This is a very controversial issue in the UK, as the ballot threshold finally allows minority unions to have recourse to strike action. The CBI advocates the introduction of a threshold of 40% of balloted members which would ensure strike actions that are clearly decided by the workforce.

Chapter 3

RESTRICTIONS ON STRIKE ACTION

This chapter provides an overview of the restrictions on strike action, for political reasons, for reasons of solidarity (sympathy strikes), and during the validity of a collective agreement.

Political strikes are only authorized in ***France*** if they aim, among the overall objectives, to voice a social demand. As the main aim of political strikes is to criticize government policy, French courts have ruled that strikes no longer represent support for professional or occupational demands, and have therefore deemed them illegal. In ***Norway***, political motivation may justify strike actions but generally such strikes are of limited duration (two to eight hours). Political strikes are also allowed in ***Finland***, ***Belgium*** **and** ***Pakistan.***

Strikes are allowed for acquiring and protecting interests related to working conditions but not for purely political reasons in ***Algeria, Cambodia, Chile, Colombia, Costa Rica, Denmark, Djibouti, Dominican Republic, Germany, Guatemala, Iceland, Japan, Namibia, Peru, Spain, Switzerland, Thailand, Uruguay (according to the doctrine)*** **and** ***Venezuela.***

A general restriction on sympathy strikes exists in ***Algeria, Australia, Bolivia, Canada, Costa Rica, Djibouti, Guatemala, Japan, Mauritius, Namibia, Peru, Thailand, UK and Zambia.***

In ***Norway, Denmark, Finland*** and ***Iceland*** sympathy strikes are only legal when the primary strike is legal. In ***Germany***, recent court decisions justify strikes in support of workers in other regions or other industrial sectors. In ***Spain***, the Constitutional Court has considered sympathy strikes legal in some cases where there exists a minimum convergence of interests among the groups of employees involved. In ***Sweden***, sympathy strikes are allowed, even while the collective agreement is in force.

Sympathy strikes are also legal in ***Belgium, Croatia*** (referred as solidarity strikes), ***Mexico*** (but uncommon), ***Panama***, and in the ***US*** **and** ***Venezuela.*** A strike in support of workers outside the borders of the country is legitimate in ***France, Iceland, Norway*** **and** ***Sweden.***

An obligation to maintain social peace during the validity of the collective agreement is established in ***Australia, Belgium*** (when included in the collective agreement and only for the issues included in the collective agreement. However, given the lack of legal personality of the unions in Belgium, the peace obligation relies on trust), ***Cambodia, Canada, Costa Rica, Croatia*** (it is generally part of the collective agreement itself), ***Djibouti, Germany, Guatemala, Iceland, Japan*** (but it is not included in all collective agreements), ***Mauritius, Norway, Namibia, Peru, Sweden*** (but not for sympathy strikes), ***Switzerland*** (only for the themes included in the collective agreement), ***Turkey, Uruguay*** (only for the issues contained in the collective agreement), the ***US*** (when included in the collective agreement), and ***Zambia.*** In ***Finland***, the 1946 Collective Agreement Act provides that "*during the validity of a collective agreement parties to the collective agreement should refrain from any hostile action against the collective agreement as a whole or against any of its particular provisions*". The same is applicable in ***Denmark,*** where a social peace obligation is included in the main agreement between DA and LO (the Confederations of Employers' and Trade Unions'), and in many other collective agreements at a lower bargaining level. In ***Algeria***, the parties have included a social peace clause in their Economic and Social Pact. On the other hand, in the ***UK*** there is no absolute peace obligation during the validity of the collective agreement**.** No social peace clause exists as such in ***Chile,*** or ***Brazil***, while in ***Panama*** there is an obligation to maintain the strike as a peaceful action. In ***France,*** a peace obligation would be illegal, as no collective agreement can impose an obligation upon the workers that is contrary to any right guaranteed by the Constitution.

Strike action is more likely to occur at sectoral or company level. But nation-wide strikes are allowed in ***Croatia, Brazil,*** **and** ***Uruguay.*** In ***Switzerland,*** they occur both at the national and sectoral level. In ***Cambodia***, as well as in the ***Dominican Republic,*** a work stoppage can only take place within the company[31]. In ***Panama***, nation-wide strikes and sectoral strikes are not allowed (except for the sectors listed by the law).

[31] Article 318 of the Labour Law

Chapter 4

EFFECTS OF STRIKE ACTION

Section 4 focuses on the effects of participation in legal or illegal strike action on the employment contract, the consequences of illegal strikes for the union (for not respecting the legal requirements) and the role of the public authorities during strike action.

Strike action is largely legitimised in ***Belgium***, therefore workers taking part are not exposed to any negative consequence, unless the employer decides to file a complaint for abuse of process. Consequences for workers of participating in the work stoppage are varied, ranging from a suspension of the employment contract during strike action in ***Algeria, Bolivia, Brazil, Cambodia, Canada, Chile, Colombia, Djibouti, the Dominican Republic, France, Germany, Guatemala, Iceland, Japan, New Zealand, Namibia, Norway, Peru, Spain, Sweden, Switzerland, Turkey, Uruguay, Venezuela*** **and** ***Zambia***, to a termination of the employment contract in ***Denmark***, where bilateral agreements signed to suspend the legal strikes normally include clauses for reinstating the workers concerned, while strikes exercised in violation of the peace obligation count as a breach of the employment contract. In the ***UK,*** strikers are technically breaking the terms of their employment contract, so they are not entitled to salary or pension rights. However, other benefits, such as private medical insurance, continue in all but rare exceptions. Protection from dismissal is guaranteed to the strikers for the first 12 weeks of the action. This means that there is effectively a suspension of the employment contract during the industrial action.

As a general rule the employer does not pay any salary to strikers during the collective action: this is the case in ***Algeria*** (unless the social partners have agreed otherwise)***, Brazil, Cambodia, Chile, the Dominican Republic, France, Mauritius, New Zealand Peru,*** **and** ***Spain***. However, the trade unions pay a certain amount in some countries, e.g. in ***Belgium*** (30 EUR per day), ***Canada*** (the unions use a special fund established with the union dues to provide workers with an allowance and to also include welfare and health benefits), ***Denmark*** (strike fund – if the strike is legal), ***Finland*** (the union provides the workers with a tax-free daily allowance for both legal and illegal strikes. From a fiscal perspective, there is no difference between legal and illegal strikes, thus the government is effectively supporting illegal strikes), ***Germany*** (strike funds), ***Iceland***, ***Japan*** (strike funds), ***Namibia, Norway, Sweden, Switzerland*** *(funds),* ***Thailand, Turkey, Uruguay and the US***.

In some countries the law, case law or practice entitle strikers to their salary during the industrial action. This happens in ***Brazil, Bolivia, Costa Rica*** (if the Court determines that the strike has been caused by the employer's conduct)***, Guatemala, Ecuador, Mexico*** (if the Labour Court rules that the strike has been caused by the employer's conduct, but in any case not for sympathy strikes), and in ***Zambia***. Strikers in ***Panama*** *are also entitled to a salary*, unless the strike is declared imputable to the employer. The law establishes the cases in which the employer's conduct is considered as the cause of the strike action.

It is current practice in some countries to conclude agreements to terminate the strike that provide for a salary for the strikers. This is happening in ***Brazil, Côte d'Ivoire, Mexico, Sri Lanka*** **and** ***Venezuela.***

In the case of illegal strikes, the union is liable for damages and has legal personality in the majority of the countries in which the questionnaire has been completed. This is the case in ***Algeria, Brazil, Canada, Colombia, Costa Rica, Croatia, Denmark, Djibouti,*** **the** ***Dominican Republic, France*** (in situations where the union has been a party to, and supported, the criminal behaviour of the strikers), ***Germany, Guatemala*** (where the members of the board of the union are liable for damages if infringement of the Labour Code can be proved), ***Iceland, Japan, Norway, Peru*** (only if this is a registered association)***, Sweden, Turkey*** (if there is no decision by a representative trade union to call for a legal strike, the workers or the trade union officers directly involved in the strike are responsible for damages resulting from individual acts of workers or trade union officers)***, Zambia,*** **the** ***UK*** (with a maximum amount calculated on the basis of the size of the union launching the strike – from £10,000 pounds for small unions to £250,000 for those with at least 100,000 members), ***Uruguay*** (or against trade union leaders, if the trade union has no juridical personality – this has never happened in reality), the ***US*** **and** ***Venezuela.*** In ***Finland,*** in the event of illegal strike action, the union and its local branch may be ordered by the Finnish Labour Court to pay a compensatory fine. The current maximum is 30,900 Euros, which is rarely levied.

On the other hand, in ***Belgium***, unions are provided *de facto* with immunity and they are therefore not liable for damages because they do not have legal personality. In ***Cambodia*** it is not clear whether the unions have legal personality similar to a company (and therefore are able to sue and to be sued). To date law actions have been filed against the individual union leaders and not the union itself. In ***Mexico*** claims for damages as a result of "inexistent strikes" (that are illegal strikes according to the Mexican system) have never been admitted by the Courts. In ***Switzerland***, workers participating in an illegal strike might be liable for intentional damages or damages caused by the worker's negligence.

Participation in illegal strikes is considered misconduct that is sanctionable with disciplinary measures and potentially dismissal in ***Algeria, Cambodia, Colombia, Costa Rica, Denmark,*** **the** ***Dominican Republic, Djibouti, Finland*** (if the illegal strike takes place without any trade union decision)***, France, Guatemala*** (from the declaration of the illegality of the strike by the tribunal, the employer has 20 days to communicate the dismissal), ***Japan, Mexico*** (if the strike has been declared "inexistent" by the tribunal and the "back to work" decision has not been respected, or are "illicit" and imply violent acts) and in ***Mauritius, Panama, Peru, Spain, Sweden, Switzerland, Uruguay*** (even if in practical terms this never happens) ***and the UK***. A fine in favour of the employer can be due by strikers participating in an unofficial strike in ***Denmark,*** when workers do not respond to the "back to work" order of their employer and the union (not recognising the strike as a union activity when this constitutes a breach of the peace obligation). In this case the union cannot be fined. A possibility of dismissal is provided for in ***Bolivia*** for mass participation in an illegal strike.

The termination of the employment contract during the strike is prohibited in ***Brazil.*** It is also prohibited to hire workers to replace strikers (unless there is no agreement between the Employers and Trade unions on the maintenance of some services and machinery).

The intervention of public authorities during the course of a legal strike is provided for in some countries, especially for services and industries having a particular economic relevance in the national context, or where public security is compromised. For example, in ***Belgium***, the Minister of Labour can force the workers to perform regular work in minimum services. In ***Brazil***, the authorities may intervene to maintain a minimum service. In ***Canada***, the Parliament may adopt special "back to work legislation" in cases with the potential to cause extensive economic damage to the country or of serious public interest concern. Similarly, in ***Denmark,*** it is recognised practice that the government may intervene to stop an official/legal collective action when the public interest is at stake (for instance when the strike lasts for so long that it can harm the interests of the population) and may itself organise the collective agreement by law. In ***Iceland***, the Parliament has intervened in seven legal work stoppages, for national economic reasons. In ***Panama***, the Minister of Labour may intervene when the strike action is taking place in a public services company, as listed by the law. The matter is referred to an arbitration process. In ***Peru***, when a strike continues for an extended period, seriously jeopardising a company's viability or that of an entire sector, or is violent, or may have important consequences, the central authority will promote conciliation of the dispute. In the event that conciliation fails, the Ministry of Labour will resolve the issue with a decision binding on all parties.

In the case of an acute national crisis (danger to life, health and safety), the Prime Minister of ***Mauritius*** may call on the Tribunal to establish minimum services or may ask the Supreme Court to prohibit the strike. The Prime Minister in ***Japan*** may order a strike to end when essential services are affected, at the national level and in specific industries that have a significant economic relevance, or when a strike poses a risk to the security of the population. In the event of potential harm to the life, health or the vital interests of the entire society (also economic interests), the Government of ***Norway*** may propose a new Law to the Parliament to halt the industrial action and refer the dispute to the National Wage Board, whose decision is binding.

In ***Pakistan,*** when a strike lasts for more than 30 days, the Government may prohibit the strike and refer the matter to the Labour Court. The Government may prohibit the strike in case of "serious hardship to the community" or if it is prejudicial to the national interest.

In ***Thailand***, if the Minister of Labour is of the opinion that the industrial action may have adverse effects on the economy of the country, or may cause grievance to the public interests, security and order, the Minister may order the workers back to work, or refer the matter to the country's Labour Relations Committee***.***

The Minister of Labour of ***Zambia***, in consultation with the Tripartite Labour Council, may request the Industrial Relations Court to stop an organised industrial action***.*** In the ***US*** the President may enjoin a nationwide strike that affects a significant portion of an industry, or an entire industry, and endangers national health and security. Likewise, the Governor of American states may enjoin a single strike. In ***Venezuela***, the Public Authority can order the strikers back to work when the collective action endangers the life and security of the population and can refer the conflict to arbitration.

Public authorities and the police might be requested by the legal strikers in the ***Dominican Republic*** to ensure the necessary protection is made available for a peaceful demonstration.

Chapter 5

ESSENTIAL AND MINIMUM SERVICES

This last chapter centres on the definition of essential services and the possible provision of minimum services.

The existence of essential services usually justifies a restriction or a ban on strike action.

Not all countries define essential services. In ***Bolivia,*** only public services are detailed. In ***Chile***, due to the lack of definition of essential services, the terms expressed by the ILO Governing Body Committee on Freedom of Association (ILO CFA), that is "the services whose interruption could engender a clear and imminent threat to the life, personal safety or health of the whole or part of the population" have been incorporated into the law by a "*dictamen*" of the public authority[32]. Minimum services are not determined in advance. However, according to the Labour Code, the President of the Republic might order a return to work for strikers of "public utility services, or services the interruption of which may cause threat to the health, supply to the population, the entire economy or national safety".

Finland does not have a definition of essential services either. However, if a labour dispute risks affecting the essential functions of the society, or if it risks harming the general interest to a considerable extent, the Ministry of Labour may prohibit a work stoppage or its extension for a period of 14 days (seven days for the public sector). ***Guatemalan*** legislation does not define essential services, but refers to minimum services to be ensured to protect life, health or safety of part or the whole population. It specifies essential public services: hospitals, cleaning services, post offices, telecommunications, the administration of justice, public transportation, water and energy supply, and public security services, among others.

Norway and the ***US*** do not have a definition of essential services, nor of minimum services.

Essential services are enumerated in ***Japan***: transportation, postal services, telecommunications, water, electricity and gas supply, medical and public health. This list is normally updated by the National Diet (Japan's Parliament). Strikes are forbidden in essential services.

There is no definition of essential services in ***Mexico***, but there is a list of public services, where, in the event of strike action, the State resumes the management of the service previously managed by a provider. These services are: communications, transportation, supply of electricity and energy, cleaning services, supply of water and gas, hospitals, health services, cemetery, and food providers for basic needs. Minimum services have to be ensured in transport services and medical services. The State also intervenes in ***Pakistan***, where the federal Government declares those services that are essential and for which strikes are not allowed.

In ***Spain***, no definition is established by law but the jurisprudence has determined the essential services, on the basis of the rights guaranteed under the Constitution. Government authorities are responsible for setting the minimum services for each service that is considered essential.

In ***Uruguay***, the law attributes to the Executive the faculty of declaring services as essential. For public non-essential services, the Ministry of Labour declares the minimum services that need to be maintained and suspension of which is not permitted.

A definition of essential and minimum services by law exists in ***Chile, Colombia, the Dominican Republic***[33]***, Germany, Switzerland, Trinidad and Tobago,*** *and* ***Turkey.***

In ***Brazil***, the law lists the essential services; the social partners must, by agreement, ensure the execution of those services that are essential to the needs of the community.

In Chile, the Labor Code states that minimum services are those strictly necessary to protect corporative assets and facilities and prevent accidents, as well as to guarantee the provision of public utility services, attention to the basic needs of the population, including those related to the life, safety or health of persons, and to prevent environmental or health damage. A specific Commission (the *"Comisión Negociadora de la huelga")* manages the human resources necessary for those services. In ***Costa Rica***, essential services are not specifically listed but are defined as "those services

[32] Administrative act of the Labour Directorate (2010).
[33] Essential services are: telecommunications, pharmaceutics, hospitals, supply of electricity, gas, water.

where the workers are absolutely essential to maintain their operations and whose suspension would cause serious or immediate damage to public health or the economy, such as clinics and hospitals, hygiene, cleaning and lighting services". Minimum services are not listed but a reform is currently under discussion in the Parliament.

A general definition of what is to be considered an essential service is found in ***Cambodia,*** **and** ***Namibia*** ("a service the interruption of which would endanger the life, personal safety or health of the whole or any part of the population" – the ILO CFA definition of essential services).

In ***Canada,*** each province has its own definition of essential services, usually covering services that may impact the security and safety of the population. Minimum services are negotiated bilaterally by the employer and the union, and are subject to the control of the administrative tribunal.

In the ***Dominican Republic,*** minimum services are provided for by law (communication sector, water management, energy, health sector services), and strikes cannot be undertaken in those services. Similarly, in ***Panama***, the lists of public and essential services are composed of: communication and transport, gas, electricity and water supply, hospitals, nursery, basic food distribution and cemetery.

In ***France,*** public transport and air transport have regulated minimum services.

Minimum services are determined by law in ***Panama***. In the event of lack of services that can provoke important economic consequences, compulsory arbitration is required. In ***Peru,*** minimum services have to be guaranteed for essential public services, expressly enumerated by law: health services, cleaning, supply of electricity, water and drainage, gas and fuel, cemetery and related services, prison guards, communication and telecommunication services, transport, services of a strategic nature or linked to the national defence or security, the administration of justice, the administration, operation, equipment and maintenance of terminals and docks in the country, and others that are determined by law. At the beginning of each year the providers of these services have to transmit to the unions and the Labour Authority the number and occupation of the workers needed to maintain the minimum service. In ***New Zealand,*** the law defines and regulates essential services, including fuel production, energy, water supply, sewage disposal, firefighting, port operation, ferries, air transport, ambulance services, hospitals, medical services and the supply of drugs, pension and welfare institutions and dairy production. Workers involved in these services have to give the employer and the Ministry of Labour 14 days-advance notice of industrial action.

In ***Algeria,*** a minimum service has to be in place for those activities for which the total interruption may engender the blockage of essential public services, vital economic activities, supply of provisions to the population, and the safety of existing plants and commodities.

Essential public services are listed by law in ***Venezuela*** and include: health, safety, water, electricity, fuel supply, basic needs provision, civil defence, waste disposal, administration of justice, public transport, customs, air-traffic control, environmental protection, social security, postal services, telecommunications, radio and public television. When the union lodges/files the list of demands with the Minister of Labour, it indicates whether the activities involved are included in the essential public services list.

In some countries, even if there is no express definition of essential services by law, the social partners, by agreement at company or sectoral level, delimit the essential services for which a minimum is to be ensured. This is the case of ***Croatia, Iceland*** (a list of sensitive services to be ensured in the event of strike action is included in collective agreements), ***Denmark*** (social partners define minimum services before or during the industrial relations conflict) and case law also stipulates certain restrictions, for instance on waste management. In the ***Belgian*** private sector, "joint committees", composed of employers' representatives and trade unions, define the essential and minimum services for each sector. In the event of strike action, the employer has to implement the agreement that has been reached at sectoral level within the company. Implementation necessitates the participation of the workers: an agreement at company level is then signed. If the workers do not comply with the agreement, the Ministry of Labour might order a return to work for strikers. Where an agreement at sectoral level has not been reached, the Ministry of Labour may determine the minimum services per sector. Since this has never occurred, the employers of those services considered essential do not have any means to organise minimum services and request for an order of return to work. For the public sector there is no clear definition of "essential services", except for the health sector; therefore there is no minimum services for public transportation, or public administration services, for instance[34].

[34] From 30 April 2014, a new Economic Code entered into force, allowing the Minster of the Economy to impose upon workers the obligation to deliver certain products/goods in the event of exceptional circumstances that might jeopardise the entire economy. This provision has not yet been applied.

Conclusions

As demonstrated by the 41 responses to the IOE questionnaire on the strike regulation and practices, and the discussions of the IOE IRPWG, there is a wide variety of strike action regulation between countries.

The replies to the IOE member questionnaire show that the non-binding opinions elaborated by the CEACR represent one among many ways in which strike action can be managed. In some countries, strike action is regulated in detail, with a specific framework and restrictions determined in advance to balance the negative consequences of work stoppages against other legitimate rights and interests in society. At the other extreme, there are countries where there is no framework, or very few restrictions, and the right to strike is almost absolute.

Employers are the first affected by industrial action. In the responses to the IOE questionnaire, the following elements of strike regulation were found to be of the utmost importance and it is in these areas that clarity in the laws and regulations is desirable:

- Clear and appropriate regulation on the right to call a strike (in the national Constitution and the law; not only through jurisprudence decisions) that takes into account the rights and interest of the others;
- Pre-conditions for the declaration of strike action to allow employers to understand the reasons for the work stoppage, and ultimately to ensure the continuation of the company's operations without the striking workers;
- Ballot threshold requirements which demonstrate the will of the majority of the workers to undertake industrial action;
- Prior attempt at conciliation before the strike is declared;
- Prior information to the employer to avoid the negative consequences of wildcat strikes;
- The possibility of using replacement workers during the strike and clear rules on the non-payment of salary to strikers;
- Clear consequences in the event of illegal strikes and effective enforcement of penalties;
- Adequate protection of the property rights and the right of non-strikers (and the employer) to access the company premises during the strike;
- Provisions for attributing legal personality to the trade unions to give the employers the ability to pursue the union for damages in the event of legal and illegal strikes and to engage the unions' sense of responsibility for the actions they organise;
- Clear limits to sympathy and political strikes;
- A definition of essential services and the minimum services to be guaranteed in the event of strike action.

Employers' organisations play an important role in shaping national policies and regulations on strike action. They can count on the support and expertise of the IOE, which advocates for the employers' community concerns to be taken into account and directly influences policy priorities, strategies and programmes at international and regional level. The IOE also assists its members facing the demands of national institutions, unions and civil society, so as to ensure that the voice of business is clearly presented and its interests preserved.

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Algeria	الكنفدرالية العامة للمؤسسات الجزائرية Confédération Générale des Entreprises Algériennes	Confédération Générale des Entreprises Algériennes
Australia	Australian Chamber of Commerce and Industry	Australian Chamber of Commerce & Industry
Belgium	FEB Federation of Enterprises in Belgium	Fédération des Entreprises de Belgique
Bolivia	CEPB Confederación de Empresarios Privados de Bolivia	Confederación de Empresarios Privados de Bolivia
Brazil	CNI Confederação Nacional da Indústria	Confederação Nacional da Industria
Cambodia	Cambodian Federation of Employers & Business Associations	Cambodian Federation of Employers & Business Associations
Canada	CEC CCE Canadian Employers Council Conseil canadien des employeurs	Canadian Employers' Council
Chile	CPC Confederación de la Producción y del Comercio	Confederación de la Producción y del Comercio

Colombia	ANDI	Asociación Nacional de Empresarios de Colombia
Costa Rica	UCCAEP	Unión Costarricense de Cámaras y Asociaciones del Sector Empresarial Privado
Côte d'Ivoire	CGECI "Le Patronat Ivoirien"	Confédération générale des entreprises de Côte d'Ivoire
Croatia	CEA Croatian Employers' Association	Croatian Employers' Association
Denmark	DA	Confederation of Danish Employers
Djibouti	CNED CONFEDERATION NATIONALE DES EMPLOYEURS DE DJIBOUTI	Confédération Nationale des Employeurs de Djibouti
Dominican Republic	COPARDOM Fundado en 1946	Confederación Patronal de la República Dominicana
Ecuador	CÁMARA DE INDUSTRIAS Y PRODUCCIÓN	Federación Nacional de Cámaras de Industrias y Producción del Ecuador
Finland	Confederation of Finnish Industries EK	Confederation of Finnish Industries
France	MEDEF	Mouvement des Entreprises de France
Germany	BDA DIE ARBEITGEBER	Confederation of German Employers
Guatemala	CACIF GENERANDO FUTURO	Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras

Iceland		SA Business Iceland
Japan		Japan Business Federation
Mauritius		Mauritius Employers' Federation
Mexico		Confederación de Cámaras Industriales de los Estados Unidos Mexicanos
Namibia		Namibian Employers' Federation
New Zealand		Business New Zealand
Norway		Confederation of Norwegian Enterprise
Pakistan		Employers' Federation of Pakistan
Panama		Consejo Nacional de la Empresa Privada
Peru		Confederación Nacional de Instituciones Empresariales Privadas
Sweden		Confederation of Swedish Enterprise

Spain		Confederación Española de Organizaciones Empresariales
Switzerland		Union Patronale Suisse
Thailand		Employers' Confederation of Thailand
Trinidad & Tobago		Employers' Consultative Association of Trinidad & Tobago
Turkey		Turkish Confederation of Employer Associations
UK		Confederation of British Industry
Uruguay		Cámara de Industrias del Uruguay
USA		United States Council for International Business
Venezuela		Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela
Zambia		Zambia Federation of Employers

ANNEX I: The IOE questionnaire on strike action

LEGAL BASIS AND DEFINITION
1. Is strike action a right?
2. Is strike action an individual or collective right?
3. At which level and how it is strike action regulated (by law, by court decision, through collective agreement)?

PRE-REQUISITES
4. What are the pre-requisites to be met in order to call for a legal strike?
5. Do the parties have to attempt to conciliate the dispute prior to unions/workers declaring a strike?
6. What is the majority/ballot required for unions/workers to declare a strike?
7. Does the union/do the workers have to inform the employer of the strike action and with which notice?

RESTRICTIONS
8. Are strikes allowed only for economic and social reasons or also for political motivations?
9. Can a strike be called only to renew the collective agreement or to negotiate the first collective agreement?
10. Is a nation-wide strike allowed? Are sectoral strikes allowed? Or is a strike allowed to take place only within a company?
11. Are sympathy strikes allowed?
12. Is there a social peace obligation during the validity of collective agreement?

EFFECTS
13. Is strike action considered a breach to the employment contract? (Therefore, is participation in a strike valid ground for dismissal?)
14. In the case of illegal strikes, is the union pursuable for damages? Does the union have a legal personality which can be imposed economic sanctions?
15. In the case of strikes forbidden for political reasons, what is the punishment foreseen for strikers?
16. Are strikers paid in some way during strikes? (for instance, by the union or by the employers, in case this is a clause included in the collective agreement)
17. Can public authorities intervene during the course of a (legal strike)? How and in which cases?

ESSENTIAL SERVICES
18. Is there a definition of essential services? How are essential service defined?
19. Are minimum services foreseen for those services defined as essential?

EMPLOYERS' ORGANISATIONS NEEDS
20. What does your employers' organisation consider as essential/problematic in the regulation of strike action within your legal system?

The 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 recognised as the Global Voice of Business.

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