



The right to strike in the public services

Czech Republic



The right to strike in the public services: Czech Republic

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This factsheet reflects the situation in January 2021. It was elaborated and updated by Diana Balanescu (independent expert), reviewed by EPSU/ETUI and sent to EPSU's Czech affiliates and comments from the OSZSP health trade union have been incorporated.

1. Legal basis

International level

The Czech Republic has ratified:

UN instruments¹

International Covenant on Economic, Social and Cultural Rights

(ICESCR, Article 8)

International Covenant on Civil and Political Rights

(ICCPR, Article 22)

ILO instruments²

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise

(1 January 1993);

Convention No. 98 concerning the Right to Organise and to Bargain Collectively

(1 January 1993)

Convention No. 154, Collective Bargaining Convention

(6 December 2017)

The Czech Republic has not ratified:

Convention No. 151 concerning Labour Relations (Public Service).

European level

In particular, ratification of:

Article 6(4) (the right to collective action) of the European Social Charter of 1961 (1961 Charter) with no reservations

(ratification on 3 November 1999, entry into force on 3 December 1999);³

The Additional Protocol to the European Social Charter Providing for a System of Collective Complaints

(ratification on 4 April 2012, entry into force on 1 June 2012);⁴

Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights

(ratification on 18 March 1992, entry into force on 1 January 1993).⁵

National level

The Constitution of Czech Republic

Article 27(4) of Constitutional Act No. 2/1993 Coll., the Charter of Fundamental Rights and Basic Freedoms, states that: *'The right to strike is guaranteed in accordance with the conditions laid down by law; this right is not held by judges, prosecutors, members of the armed forces or security corps.'*⁶

Applicable laws

- **In general** – Article 16(2) of Act No. 2/1991 Coll., the Collective Bargaining Act (CBA)⁷, defines a strike as a *'partial or full interruption of work by employees'*. Under the CBA, a strike may be called only as a last resort (*ultima ratio*) in a collective dispute concerning the conclusion of a collective agreement. Articles 16 to 26 of the CBA define and lay down the conditions under which the right to strike may be exercised.
- **Specific regulations for the public sector** – Article 20(g), (h), (i), (j) and (k) of the CBA prohibits the right to strike for certain professions or workplaces as listed in section 4 below.

2. Who has the right to call a strike?

Under Czech law, a strike may be called only by a trade union.⁸ A trade union may call and initiate a strike after a vote by those employees who are concerned by the collective agreement.⁹

Before a strike can be called, at least one half of employees must participate in a ballot in which a two-thirds majority must vote in favour of industrial action. This means that at least **one third of all employees** must give their consent to the strike (that is 2/3 of 1/2 of employees concerned).¹⁰

3. Definition of a strike

The CBA regulates two types of strike:

(1) a **strike in a dispute** *over the conclusion of a collective agreement* and;

(2) a **solidarity strike** called in support of the demands of employees striking in a dispute over the conclusion of another collective agreement.¹¹ A solidarity strike is not permitted if the employer of the employees wishing to participate in a solidarity strike can have no influence over the course or outcome of the collective bargaining to which the main strike relates.¹²

Other types of strike/collective action (other than strikes defined by the CBA) are problematic owing to the lack of statutory regulations. However, this does not mean that all types of strike, other than those prescribed by the CBA, are prohibited and some action has taken place that was not defined by the CBA. It is for the court to decide on the legality of a particular strike. It has been observed that:

- **Picketing** is permitted only where it does not involve any kind of physical violence.¹³
- **Warning strikes or strike alerts** are used in practice even if they are not defined by law.¹⁴
- **Occupation of the enterprise's premises** is permitted, provided that employees who do not wish to take part in the strike are allowed to continue working; the trade union responsible for organising the strike must (1) allow safe entry to and exit from the workplace, (2) not prevent employees who want to work from doing so, and (3) assist the employer in ensuring the safety of the employer's property in order to prevent damage, destruction, misuse or loss of such property.¹⁵
- Other types of **industrial action** are permitted provided that the right to work of non-striking employees is not violated, other public law obligations are not breached and third parties do not suffer any damage that may be caused by such action.¹⁶ For example, blockades are not permitted, as the blockade of an enterprise's premises would interfere with the right to work of employees not participating in the strike, and a blockade of other premises would infringe the rights of owners of such premises and, in some cases, other rights (e.g. a blockade of a road would infringe the right to peaceful public use of such road).¹⁷
- In its case law, the Supreme Court has repeatedly supported the legality of **strikes called to protect the economic and social rights of workers**. However, the Supreme Court has stated that the regulation of strikes in the Collective Bargaining Act (CBA) does not apply to such strikes, and the legal framework remains unclear. The Supreme Court has also declared that strikes called to promote the personal interests of workers are illegal, and any participating employees are in breach of their labour law obligations, which may, in some cases, lead to the termination of the employment relationship by the employer.¹⁸
- The Charter of Fundamental Rights and Freedoms recognizes and guarantees the right to strike in a general position. This right belongs in principle to all persons without distinction

(with the exception of judges, prosecutors and members of the armed forces and security forces) and to the same extent. The law may restrict them only to persons in the professions and activities listed in Article 44 of the Charter. In the determination of specific conditions for the exercise of this right, the Charter entrusts its limits to the legislator, who at the same time enjoys a relatively wide margin of discretion. However, the legislator must not act arbitrarily, which means that the legislator must, with the above exception, respect the principle of equality and set the limits of the right to strike in the same way for all cases that meet the conditions laid down (Article 4 (3) of the Charter).

The legislator must not act unreasonably. In view of Article 41 (1) of the Charter, the legal regulation of the right to strike may not be strictly proportional to the objective pursued by the regulation, ie it may not be a necessary measure in a democratic society, as is the case with other rights invoked directly from the Charter. The test of constitutionality in this sense will be passed by a legal regulation in which the pursuit of a legitimate goal can be ascertained and which does so in a way that can be imagined as a reasonable means of achieving it, although not necessarily the best, most appropriate, most effective or wisest.

Finally, the legislator must examine the substance and meaning of the right to strike (Article 4 (4) of the Charter). Thus, for example, the law cannot completely prohibit the right to strike or restrict them to persons in professions or activities other than those listed in Article 44, resp. Article 27 (4) of the Charter. Nor can such conditions be laid down for the exercise of that right, the fulfilment of which would not be possible in practice, so that the guarantee of the right to strike would become a mere illusory proclamation (Judgment of the Constitutional Court of 5 October 2006, file no. Pl. ÚS 61/04).

4. Who may participate in a strike?

- All employees who are concerned by the collective agreement may participate in a strike, regardless of their membership in the trade union. This means that employees covered by the same collective agreement who are members of a different trade union may also participate in the strike.
- An employee shall neither be prevented from participating in a strike nor shall he or she be forced to participate in a strike.¹⁹
- **Public sector** – the right to strike is denied to the following categories of workers:²⁰
 - Article 27(4) of the Charter of Fundamental Rights and Basic Freedoms (constitutional law) expressly guarantees the right to strike under the conditions laid down by law; however, judges, prosecutors and members of the armed forces and security corps are excluded from this right;²¹
 - According to Article 20(g), (h), (i), (j) and (k) of the CBA, strikes by the following categories of workers are illegal:²²
 - workers in health and social care, where a strike could endanger people's lives or health;
 - employees operating nuclear power stations or dealing with fissile materials, or oil or gas pipelines;
 - members of the fire brigade and members of rescue squads established at certain workplaces by specific regulations;
 - air traffic controllers;
 - workers ensuring the operation of telecommunications, where a strike could endanger people's lives or health or cause damage to property;
 - employees working in areas affected by natural disasters where emergency measures have been declared by the competent state authorities;
 - judges, prosecutors and members of the armed forces and security corps.

Since only the above-mentioned sectors/groups of workers are prohibited from striking, it cannot be concluded that whole sectors of the civil service/public utilities/crucial enterprises/essential services are excluded from the right to strike.²³ The Czech legislation does not specify which services or sectors of the economy are considered to be 'essential services', nor does it lay down specific rules for the establishment of 'minimum services' in sectors where the right to strike is prohibited.²⁴ It has been criticised that there is a discretionary determination and excessively long list of 'essential services' in which strikes are prohibited or restricted.²⁵

It is of relevance that "essential services in the strict sense of the term" have been defined by the ILO as those services "the interruption of which would endanger the life, personal safety or health of the whole or part of the population".²⁶

5. Procedural requirements

- Before workers may go on strike, both parties must try to resolve the collective dispute with the help of a mediator.²⁷ Only if such mediation fails and the parties do not agree on using arbitration, the right to strike may be exercised as an *ultima ratio* solution to the dispute.²⁸ Under Article 20(a) of the Collective Bargaining Act, any strike that begins before mediation attempts are deemed to have failed is considered unlawful.²⁹
- A strike must be approved by two thirds of the employees who are concerned by the collective agreement and participated in the strike ballot, provided that at least half of all such employees exercised their right to vote.³⁰
- The competent trade union must notify the employer at least three working days in advance of the start date of the strike.³¹ In so doing, it must provide information about the time when the strike will start, the reasons for and objectives of the strike, the number of employees who are to participate in the strike and a list of workplaces that will not operate during the strike.³²
- Trade unions are required to co-operate with the employer during the strike in protecting equipment from loss, damage, destruction or misuse, and maintaining essential facilities or activities where this is necessary, because of their nature or on health grounds or to avoid damage. The trade union will be liable to the employer for damage caused by its failure to co-operate in these cases.³³
- Czech law provides that a strike may be called and initiated only as a result of a dispute between a trade union and an employer over the conclusion of a collective agreement.³⁴ Since any strike that is called when a collective agreement is in force is deemed illegal,³⁵ no *peace obligation* is imposed by the legislation (during the lifetime of the agreement).³⁶

6. Legal consequences of participating in a strike

Participation in a lawful strike

- No employee can be discriminated against for either participating or not participating in a lawful strike.³⁷ An employee cannot be dismissed due to his/her participation in a strike.³⁸
- Employees who participate in a lawful strike are not entitled to wages or compensation of wages for the duration of the strike.³⁹ Their participation in a strike is considered as an excused absence without pay.⁴⁰
- Employees who do not participate in a strike but are unable to work because of a strike are entitled to receive full wages.⁴¹ Employees who, owing to the strike, are forced to perform less paid work are entitled to additional payments from the employer so that they receive full wages.⁴²
- Trade unions do not usually have access to special funds that they can use to support striking employees.⁴³
- During the strike, the employer may not engage other workers to replace workers on strike.⁴⁴
- Under the Collective Bargaining Act, an employer can declare a **lockout**.⁴⁵ A *lockout* is defined as a partial or complete stoppage of work by an employer, where the employer may, as a final solution for resolving a dispute about the conclusion of a collective agreement, declare a lockout, if an agreement cannot be reached even after proceedings in the presence of a mediator and the contracting parties do not request an arbitrator to resolve the dispute.⁴⁶

The law specifies situations in which a lockout is unlawful.⁴⁷ In general, this applies to situations where a lockout would affect the employees of medical facilities, which might endanger the health or life of the public, as well as lockouts affecting judges or state representatives.⁴⁸ During a lockout, employees are entitled to receive wages that are equivalent to 50% of their average earnings. For the purpose of retirement pension plans, participation in a strike and the period of lockout are regarded as periods of regular employment and job retention.⁴⁹

Participation in an unlawful strike

- Only a court may declare a strike unlawful.⁵⁰ A court may also issue an injunction prohibiting a strike before it starts if the strike would most likely be illegal and the employer files a proper motion with the court.⁵¹
- Striking workers are not liable for damages incurred due to an unlawful strike. Strikers cannot be summarily dismissed, but if they do not voluntarily return to work after the strike is declared illegal, their absence is regarded as unauthorised⁵² and may give the employer grounds to dismiss (depending on the length of the absence and whether the

employee concerned knew or at least could or should have known that the strike had been declared unlawful).⁵³ Strikers are not entitled to receive any wages or payments unless they return to work. The employer is not required to pay any wages for the period of the said illegal strike.

- In case the court declares a strike illegal, the trade union which has called the strike is liable for damages.⁵⁴ The trade union may not be sanctioned with fines or deprived of other rights. The leaders of the trade union cannot be prosecuted under penal law (there is no specific crime relating to strikes).⁵⁵

7. Case law of international/European bodies

International Labour Organization (ILO)

Decisions of the Committee of Freedom of Association (CFA)

There are no recent decisions of the Committee of Freedom of Association (CFA) relevant for the right to strike.⁵⁶

Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁵⁷

*Observation (CEACR) adopted 2019, published 109th ILC session (2021)*⁵⁸

In an earlier comment⁵⁹ the Committee had trusted that the Government would take the necessary measures to **amend section 17 of the Act on Collective Bargaining to reduce the required super-majority of votes cast** in order to hold a strike and had requested the Government to inform it of any developments in this regard.

The Committee also encouraged the Government to continue its efforts to bring the social partners together for the purpose of legislatively regulating **the right to strike in situations other than disputes regarding the conclusion of collective agreements** and to provide information on any steps taken or envisaged in this respect⁶⁰.

The Committee noted that the Government: (i) indicated that the possibility of a new legislation for strikes outside the collective bargaining procedure was discussed at the meeting of the Working Team for Cooperation with ILO of the Council of Economic and Social Agreement on May 2019 and that both worker and employer representatives agreed that no such provisions were currently needed; (ii) considered that the voting requirements depend on national conditions and that the current threshold (two thirds of those participating in the vote, with a quorum of at least one half of all the employees, and which was initially set by agreement between employers and employees) does not unduly restrict the right to strike; (iii) informed that at the above-mentioned May 2019 tripartite meeting the employers agreed with the Government's view, but the workers concurred with the opinion of the Committee.

The Committee reiterated its previous recommendations and, trusting that these matters would continue being reviewed in a tripartite manner, requested the Government to provide information on any developments in this regard.

In previous comments⁶¹ relating to the application of ILO Convention No. 87, the CEACR emphasised the need to amend Article 17 of the CBA (Act No. 2/1991) which establishes a majority requirement of two thirds of the votes cast, subject to a quorum requirement of 50% of the employees concerned by the agreement.

The CEACR recalled that, although the requirement of a strike ballot does not, in principle, raise problems of compatibility with the Convention, the ballot method, the quorum and the majority should not be such that the exercise of the right to strike becomes very difficult, or even impossible in practice. If a member state deems it appropriate to establish in its legislation

provisions which require a vote by workers before a strike can be held, it should ensure that the required majority is fixed at a reasonable level (see General Survey of 1994 on freedom of association and collective bargaining, paragraphs 147 and 170). Accordingly, the CEACR considered that the requirement of a two-thirds majority, as provided by Article 17 of the CBA, exceeds such a reasonable level.⁶²

European Social Charter

Collective Complaints under Article 6(4) of the Charter

To date, no collective complaint under Article 6(4) of the Charter has been submitted to the ECSR.⁶³

Conclusions on Article 6(4) of the European Committee of Social Rights (ECSR)

*Conclusions XXI-3(2018) – Czech Republic – Article 6(4)*⁶⁴

Entitlement to call a collective action

Pursuant to Section 17 of the Collective Bargaining Act No. 2/1991 as amended, **the right to call a strike** in disputes regarding the conclusion of collective agreements is subject to a majority requirement of two-thirds of the votes cast and a quorum requirement of 50% of the employees concerned by the agreement. In this regard, the Committee had previously concluded that the situation was not in conformity on the ground that these thresholds are too high (see Conclusions XX-3 (2014)⁶⁵).

The report indicated that there had been no change to this situation. Therefore the Committee reiterated its previous conclusion of non-conformity.

Specific restrictions to the right to strike and procedural requirements

The Committee previously requested further information on the categories of employees who are prohibited from striking and the justifications for these.

According to the report, Article 27 Sec. 4 of the Charter of Right and Freedoms excludes the right to strike for **judges, prosecutors, members of the armed forces or security forces**. The right to strike is completely denied to those individuals.

The term "judges" means judges of ordinary courts and the Constitutional Court. The term "prosecutors" means, in accordance with Article 109 of the Constitution of the Czech Republic, a public prosecutor. The "members of the Armed Forces" are soldiers in service within the meaning of Section 3 (3) of Act No. 219/1999 Coll., regulating the Armed Forces of the Czech Republic. "Members of security forces" according to Sec. 1 Subsec. 1 of Act No. 361/2003 Coll., On the Service of Members of Security Forces are meant to be members of Police, Fire and Rescue Guard, Customs Administration, Prison Service, Security Information Service and the Office for Foreign Relations and Information.

The Committee recalls that, as regards the right of **public servants** to strike, it recognises that, by virtue of Article 31 of the 1961 Charter, the right to strike of certain categories of public servants may be restricted, including members of the police and armed forces, judges and senior civil servants. On the other hand, the Committee takes the view that a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter" (Conclusions I (1969), Statement of Interpretation on Article 6§4). Under Article 31 of the 1961 Charter, these

restrictions should be limited to public officials whose duties and functions, given their nature or level of responsibility, are directly related to national security, general interest, etc. *Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour “Podkrepa” and European Trade Union Confederation (ETUC) v. Bulgaria*, Complaint No. 32/2005, decision on the merits of 16 October 2006, §46).

In particular concerning police officers, the Committee has held that an absolute prohibition on the right to strike can be considered in conformity with Article 6§4 only if there are compelling reasons justifying it (*EuroCOP v. Ireland*, Complaint No. 83/2012, Decision on the admissibility and merits of 2 December 2013, §211).

Therefore the Committee considers that the total prohibition of the right to strike for the police, fire and rescue service, prison service, customs administration, Security Information Service and the Office for Foreign Relations and Information, with no justification under Article 31 of the 1961 Charter cannot be in conformity with Article 6§4 of the 1961 Charter.

The Committee had previously found that the time that must elapse before mediation attempts are deemed to have failed and strike action can be taken was excessive. The report stated that the period of 30 days provided for in Sec. 12. 2 of Collective Bargaining Act was reduced to 20 days from 7 June 2006. The Committee noted that this was an improvement in the situation.

Conclusion

The Committee concludes that the situation in Czech Republic is not in conformity with Article 6§4 of the 1961 Charter on the grounds that:

- the percentage required for calling a strike in disputes regarding the conclusion of collective agreements is too high;
- there is an absolute prohibition on the right to strike for members of the police, fire and rescue service, prison service and the Office for Foreign Relations and Information.

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Notes

- ¹ Status of ratification by the Czech Republic of UN instruments: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en> (accessed on 15 January 2021).
- ² Status of ratification by the Czech Republic of ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102723 (accessed on 15 January 2021); see also Clauwaert, S. and Warneck, W. (2008), *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, p. 72.
- ³ Status of ratification of 1961 Charter: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/035/signatures?p_auth=F3KSQtYr (accessed on 15 January 2021).
- ⁴ Status of ratification of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed on 15 January 2021).
- ⁵ Status of ECHR ratification: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=ywvbQS9g (accessed on 15 January 2021).
- ⁶ See EUROFOUND, 'Living and working in Czechia', Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/czechia#industrial-action-and-disputes>; see also ECSR, Conclusions XXI-3 (2018) on Article 6§4, Czech Republic, available at: <http://hudoc.esc.coe.int/eng/?i=XXI-3/def/CZE/6/4/EN>.
- ⁷ Act No. 2/1991 Coll. on Collective Bargaining, available (in English) at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/21640/81440/F1417089391/CZE21640.pdf>.
- ⁸ Article 17 of the CBA.
- ⁹ Waas, B. (ed.), 'The Right to Strike. A Comparative View', 2014, p. 170.
- ¹⁰ See 15th National Report on the implementation of the 1961 Charter submitted by the Government of Czech Republic, Cycle XXI-3 (2018), p. 23, available at: <https://rm.coe.int/15th-report-from-the-czech-republic/1680776310>; and Warneck, W. (2007), *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS, p. 22.
- ¹¹ Waas, B., p. 170, and ETUI Report 103, p. 22.
- ¹² Articles 16(3) and 20(e) of the CBA in Waas, B., p. 173; and ETUI Report 103, p. 22.
- ¹³ ETUI Report 103, p. 9, table: 'Types of collective action', and p. 22.
- ¹⁴ EUROFOUND, 'Living and working in Czechia', Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/czechia#industrial-action-and-disputes>.
- ¹⁵ Articles 18 and 19 of the CBA in Waas, B., p. 173.
- ¹⁶ Waas, B., p. 173.
- ¹⁷ *Ibid.*
- ¹⁸ Waas, B., p. 171.
- ¹⁹ Article 18(1) of the CBA
- ²⁰ ETUI Report 103 and Clauwaert, S. and Warneck, W. (eds) (2009), *Better defending and promoting trade union rights in the public sector, Part II: Country reports*, Report 108, Brussels: ETUI.
- ²¹ For a definition of these categories see ECSR, Conclusions XXI-3 (2018) on Article 6§4, Czech Republic, available at: <http://hudoc.esc.coe.int/eng/?i=XXI-3/def/CZE/6/4/EN> and 15th National Report on the implementation of the 1961 Charter submitted by the Government of Czech Republic, Cycle XXI-3 (2018), p. 23, available at: <https://rm.coe.int/15th-report-from-the-czech-republic/1680776310>;
- ²² ILO, National Labour Law Profile: The Czech Republic, *Strikes and lock-outs*, p. 30; and ETUI Reports 103 and 108.
- ²³ Waas, B., p. 172.
- ²⁴ See the Addendum to the 11th National Report on the implementation of the European Social Charter submitted by the Czech Republic on 16 June 2014. It states that, when a strike occurs, it will be assessed *ad hoc* which employee cannot participate in the strike so as to ensure the minimum service requirement of each sector, depending on the prevailing circumstances, in order to safeguard the lives and health of citizens and the protection of property during the strike. In practice, the trade unions and confederations (for instance the Czech-Moravian Confederation of Trade Unions (ČMKOS) and the Trade Union of the Health Service and Social Care of the Czech Republic (OSZSP ČR)) post clear instructions on their websites on how to organise and stage strikes without endangering the lives and health of citizens, including instructions on how to ensure the minimum level of services during a strike; available at: <https://rm.coe.int/168048a259>.
- ²⁵ ITUC Global Rights Index, Czech Republic – ITUC Survey of violations of trade union rights, available at: <http://survey.ituc-csi.org/Czech-Republic.html?lang=en#tabs-2>.
- ²⁶ Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “essential services in the strict sense of the term” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, pp. 79-81.
- ²⁷ Articles 11 and 12 of the CBA.
- ²⁸ Article 16(1) of the CBA
- ²⁹ ETUI Report 103, p. 22: ‘an attempt at mediation [is] not necessary in the case of solidarity strikes’.

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- ³⁰ Article 17(1) and (2) of the CBA
- ³¹ Article 17(4) of the CBA.
- ³² Waas, B., p. 171.
- ³³ Article 19(1) of the CBA; see also ILO, National Labour Law Profile, Czech Republic, https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158893/lang-en/index.htm .
- ³⁴ Article 16(1) of the CBA; Waas, B., p. 172.
- ³⁵ Article 20(b) of the CBA.
- ³⁶ Waas, B., p. 172.
- ³⁷ Article 18(1) of the CBA; Waas, B. p. 173.
- ³⁸ ETUI Report 103, p. 23.
- ³⁹ Article 22(1) of the CBA
- ⁴⁰ Article 22(2) of the CBA.
- ⁴¹ Article 22(4) of the CBA.
- ⁴² Article 22(4) of the CBA.
- ⁴³ Waas, B., p. 175.
- ⁴⁴ Article 25 of the CBA
- ⁴⁵ Article 27 of the CBA.
- ⁴⁶ EUROFOUND, 'Living and working in Czechia', Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/czechia#industrial-action-and-disputes>.
- ⁴⁷ Article 28 of the CBA
- ⁴⁸ EUROFOUND, 'Living and working in Czechia', Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/czechia#industrial-action-and-disputes>.
- ⁴⁹ Article 30(1) of the CBA; ILO, National Labour Law Profile, Czech Republic, https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158893/lang-en/index.htm; see also ETUI Report 103, p. 23.
- ⁵⁰ Article 21 of the CBA.
- ⁵¹ Waas, B., p. 173.
- ⁵² ETUI Report 103, p. 23.
- ⁵³ Waas, B., p. 174.
- ⁵⁴ Article 23(4) of the CBA.
- ⁵⁵ Waas, B., p. 174.
- ⁵⁶ See ILO, 'Freedom of association cases' in respect of Czech Republic, last case was registered in May 1995 (see also Case No. 1762, CFA Report No. 297, March 1995), available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:20060::FIND:NO::> (accessed on 8 January 2021)
- ⁵⁷ ILO, 'Supervising the application of International Labour Standards for Czech Republic' including the implementation of ILO Convention Nos. 87 and 98, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID,P11110_CONTEXT:102723,SC (accessed on 11 January 2021).
- ⁵⁸ Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNT_RY_NAME,P11110_COMMENT_YEAR:4023240,102723,Czechia,2019 .
- ⁵⁹ See Direct Request (CEACR) – adopted 2016, published 106th ILC session (2017), Convention 87, available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3292855
- ⁶⁰ See Direct Request (CEACR) – adopted 2016, published 106th ILC session (2017), Convention 87, available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3292855.
- ⁶¹ See Direct Requests and Observations of CEACR addressed to the Czech Republic, available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:20010:0::NO::> ; the most recent Direct Request was adopted in 2019 and published at the 109th ILC session (2021).
- ⁶² Direct Request (CEAR) – adopted 2010, published 100th ILC session (2011), available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2336080.
- ⁶³ Information available on 15 January 2021, see European Social Charter, Country Profile, Collective Complaints, at: <https://www.coe.int/en/web/european-social-charter/czech-republic> .
- ⁶⁴ ECSR, Conclusions XXI-3 (2018) on Article 6§4, Czech Republic, available at: <http://hudoc.esc.coe.int/eng/?i=XXI-3/def/CZE/6/4/EN> .
- ⁶⁵ ECSR, Conclusions XX-3 (2014) on Article 6(4), Czech Republic, available at: [http://hudoc.esc.coe.int/eng#{"ESCArticle":\["06-04-000"\],"ESCDcType":\["FOND","Conclusion"\],"ESCStateParty":\["CZE"\],"ESCDcIdentifier":\["XX-3/def/CZE/6/4/EN"\]](http://hudoc.esc.coe.int/eng#{).