



The right to strike in the public sector

Czech Republic

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This factsheet reflects the situation in June 2019. It was elaborated by Diana Balanescu (independent expert), updated by Stefan Clauwaert (ETUC/ETUI), reviewed by EPSU/ETUI and circulated to EPSU's Czech affiliates for comment.

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)

The Czech Republic has not ratified:

Convention No. 151 concerning Labour Relations (Public Service),
Convention No. 154, Collective Bargaining Convention, 1981

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 under the conditions provided for by law; this right does not appertain to judges, prosecutors, or members of the armed forces or security corps.'*

Applicable laws

- **In general** – Article 16(2) of Act No. 2/1991 Coll., the Collective Bargaining Act (CBA), defines a strike as a *'partial or full interruption of work by employees'*. A strike may be called only as a last resort (*ultima ratio*) in a dispute over entering into a collective agreement. Articles 16 to 26 of the CBA define and guarantee the right to strike and state conditions under which it can be used.
- **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.⁶ A trade union may call and initiate a strike after a vote by those employees who are concerned by the collective agreement.⁷

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.⁸

3. Definition of 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.⁹ 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.¹⁰

Other types of strike/collective action 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. 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.¹¹
- **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.¹²
- 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.¹³ 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).¹⁴
- 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 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.¹⁵

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.
- **Public sector** – the right to strike is denied to the following categories of workers:¹⁶
 - 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;
 - According to Article 20(g), (h), (i), (j) and (k) of the CBA, strikes by the following categories of workers are illegal:¹⁷
 - 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.¹⁸ 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.¹⁹ It has been criticised that there is a discretionary determination or excessively long list of ‘essential services’.²⁰

‘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*’.²¹

5. Procedural requirements

- Before workers may go on strike, both parties must try to resolve their dispute with the help of a mediator.²² Only if such mediation fails and the parties do not agree on arbitration may the right to strike be exercised as an *ultima ratio* solution to the dispute. Under Article 20(a) of the Collective Bargaining Act, any strike that begins before mediation attempts are deemed to have failed is considered unlawful.²³
- 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.
- The competent trade union must notify the employer at least three working days in advance of the start date of the strike.²⁴ 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.²⁵ Since 2006, trade unions no longer have to provide employers with a list of participating employees.²⁶
- 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 (and terms) of a collective agreement.²⁷ Since any strike that is called where a collective agreement is in force is deemed illegal,²⁸ *no peace obligation* is imposed by the legislation (during the lifetime of the agreement).²⁹

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.³⁰ An employee cannot be dismissed due to his/her participation in a strike.³¹
- Employees who participate in a lawful strike are not entitled to any remuneration or any state benefits or social security fund payments. Their participation in a strike is considered as an excused absence without pay.³²
- Employees who do not participate in a strike but are unable to work because of a strike are entitled to receive full wages.³³ 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.³⁴
- Trade unions do not usually have access to special funds that they can use to support striking employees.³⁵
- Under the Collective Bargaining Act, an employer can declare a *lockout*.³⁶ 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.³⁷

The law specifies situations in which a lockout is unlawful. 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.³⁸ 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.³⁹

Participation in an unlawful strike

- Only a court may declare a strike unlawful.⁴⁰ 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.⁴¹
- 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 unauthorised⁴² 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).⁴³ Strikers are not entitled to receive any wages or payments unless they return to work.
- The trade union responsible for declaring the strike is liable for damages.⁴⁴ 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).⁴⁵

7. Case law of international/European bodies on standing violations

International Labour Organization (ILO)

Decisions of the Committee of Freedom of Association (CFA)

CFA, Case No. 297, *the Czech Moravian Chamber of Trade Unions (CMKOS) v the Government of the Czech Republic*, Report No. 297, March 1995⁴⁶

In its complaint of 8 March 1994, the CMKOS trade union confederation alleged that the draft of Principles of the Act on Government Service of Some Public Servants (the Service Act) constituted a violation of basic trade union rights. Principle No. 51 prohibited the right to strike for state employees covered by the Act. While noting that this prohibition was limited to those who carry out state administrative tasks or manage affairs of the State, the CFA observed that, according to the complainants, 60,000 persons were affected by it. In this regard, the CFA had admitted that the right to strike may be restricted or even prohibited in the civil service.

However, the CFA, like the ILO's Committee of Experts on the Application of Conventions and Recommendations, considered that a too broad definition of the concept of public servant is likely to result in a very wide restriction or even a prohibition of the right to strike for these workers. The prohibition of the right to strike in the public service should be limited to public servants exercising authority in the name of the State (see General Survey on Freedom of Association and Collective Bargaining, ILC, 81st Session, 1994, paragraph 158).

In numerous Direct Requests⁴⁷ relating to the application of ILO Convention No. 87, the Committee of Experts on the Application of Conventions and Recommendations (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, in 2011, the CEACR considered that the requirement of a two-thirds majority, as provided by Article 17 of the CBA, exceeds such a reasonable level.⁴⁸**

In 2017, the CEACR further observed that, while the 50% quorum is a reasonable one, the two-thirds voting requirement can unduly restrict the right of workers to freely organise their activities and programmes. The CEACR trusted that the Government would take the necessary measures to amend Article 17 of the CBA to reduce the required majority to hold a strike and requested the Government to inform it of any developments in this regard.

The CEACR 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 respect.⁴⁹

European Social Charter

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

In its Conclusions XX-3 in 2014, the ECSR said that the situation in the Czech Republic is **not in conformity with Article 6(4)** of the 1961 Charter on the grounds that:

- (i) the thresholds for calling a strike in disputes regarding the conclusion of collective agreements are too high (criticising Article 17 of the CBA) and;
- (ii) the time that must elapse before mediation attempts are deemed to have failed and strike action can be taken is excessive.⁵⁰ With regard to the second ground of non-conformity, the ECSR considered that this mediation requirement (under Article 20(a) of the CBA), which was considerably more onerous than a cooling off period, constituted a restriction of the right to take collective action which is not in conformity with the 1961 Charter.

In particular, the Committee found that the length of the period prescribed in Article 12 of the Act ('Proceedings before a mediator shall be regarded as unsuccessful if the dispute is not resolved within 30 days of the day when the mediator was acquainted with the subject matter of the dispute, unless the contracting parties agree on another time limit') was excessive.⁵¹

With regard to specific restrictions to the right to strike, the ECSR took note of the restrictions on the right to strike for certain categories of workers listed in Article 20 (g)-(k).⁵² The Committee considered previously in its 2010 conclusions (XIX-3) that the situation was not in conformity with Article 6§4 of the 1961 Charter on the grounds that:

- (i) all categories of personnel are prohibited from striking at nuclear power stations, oil or gas pipelines, in the fire service and air traffic control centres and;
- (ii) it has not been established that the restrictions on the right to strike in health care and social care establishments and in telecommunications are in conformity with Article 31 of the Charter. In an Addendum to the 11th National Report, the government specified that under Article 20 of the CBA, the strike ban only applies to those employees (individuals) of undertakings [...] exhaustively listed by law whose work stoppage would threaten the rights of persons, public interest, national security and public health within the meaning of Article 31 of the Charter.⁵³

Also in its 2014 conclusions (XX-3) on Article 6(4), the ECSR reserved its position on this point and asked the government to state, in relation to every service subject to restrictions with regard to the right to strike, if and to what extent work stoppages may undermine respect for the rights and freedoms of others or threaten the public interest, national security, public health, or morals. In this context, it also asked whether such restrictions are, in all cases, proportionate in a democratic society to achieve the aim of ensuring respect for the rights and freedoms of others or preventing threats to the public interest, national security, public health, or morals.

The Committee recalled that establishing a minimum service in essential sectors may be considered to be in conformity with Article 6(4) of the Charter (Conclusions XVII-1 (2004), Czech Republic).

However, it is essential that, even if the final decision is based on objective criteria prescribed by law, workers or their representative bodies are regularly involved in determining, on an equal footing with employers, the nature of 'minimum service'. The Committee asked how the workers are involved in such procedures in the Czech Republic. It also asked what the means available to workers are in case there is no agreement on the establishment of such minimum service.⁵⁴

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

In its 2018 conclusions (XXI-3), the ECSR noted and found the following:

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 previously concluded that the situation is not in conformity on the ground that these thresholds are too high. The report indicates that there has been no change to this situation therefore the Committee reiterates 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 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 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 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 states 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 notes that this is 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.⁵⁵

8. Recent developments

No such recent developments have been reported.

9. Bibliography

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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 6 August 2017).
- 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 6 August 2017); 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 6 August 2017).
- 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 6 August 2017).
- ⁵ Status of ECHR ratification: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=ywvbQS9g (accessed 6 August 2017).
- ⁶ Article 17 of the CBA.
- ⁷ Waas, B. (ed.), 'The Right to Strike. A Comparative View', 2014, p. 170.
- ⁸ Warneck, W. (2007), *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS, p. 22.
- ⁹ Waas, B., p. 170, and ETUI Report 103, p. 22.
- ¹⁰ ETUI Report 103, p. 22; and Articles 16(3) and 20(e) of the CBA in Waas, B., p. 173.
- ¹¹ ETUI Report 103, p. 9, table: 'Types of collective action', and p. 22.
- ¹² Articles 18 and 19 of the CBA in Waas, B., p. 173.
- ¹³ Waas, B., p. 173.
- ¹⁴ *Idem*.
- ¹⁵ Waas, B., p. 171.
- ¹⁶ 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.
- ¹⁷ ILO, National Labour Law Profile: The Czech Republic, *Strikes and lock-outs*, p. 30; and ETUI Reports 103 and 108.
- ¹⁸ Waas, B., p. 172.
- ¹⁹ 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>.
- ²⁰ 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>.
- ²¹ Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, fifth (revised) edition, 2006, Chapter 10, paragraphs 581-627. The Committee of Freedom of Association (CFA) lists the following as 'essential services in the strict sense of the term' where the right to strike may be subject to restrictions or even prohibitions: hospital and ambulance services, electricity services, water supply services, telephone services, the police and armed forces, firefighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, and air traffic control. The Committee also states that restrictions on the right to strike in the above-mentioned services should be accompanied by compensatory guarantees. See also ETUI Report 105, pp. 79-81.
- ²² Articles 11 and 12 of the CBA.
- ²³ ETUI Report 103, p. 22: 'an attempt at mediation [is] not necessary in the case of solidarity strikes'.
- ²⁴ Article 17(4) of the CBA.
- ²⁵ Waas, B., p. 171.
- ²⁶ ETUI, Reforms Watch, Strikes in Czechia: background summary, available at: <http://www.etui.org/fr/Reforms-Watch/Czechia/Strikes-in-Czechia-background-summary> (last updated in September 2016).
- ²⁷ Article 16(1) of the CBA; Waas, B., p. 172.
- ²⁸ Article 20(b) of the CBA.
- ²⁹ Waas, B., p. 172.
- ³⁰ Article 18(1) of the CBA; Waas, B. p. 173.
- ³¹ ETUI Report 103, p. 23.
- ³² Articles 22(1) and (2) of the CBA.
- ³³ Article 22(4) of the CBA.
- ³⁴ Article 22(4) of the CBA.
- ³⁵ Waas, B., p. 175.
- ³⁶ Article 27 of the CBA.
- ³⁷ Eurofound, EurWork, Czech Republic: Working life country profile, 25 November 2015, available at: <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/czech-republic/czech-republic-working-life-country-profile>.

³⁸ *Idem*.

³⁹ ETUI Report 103, p. 23.

⁴⁰ Article 21 of the CBA.

⁴¹ Waas, B., p. 173.

⁴² ETUI Report 103, p. 23.

⁴³ Waas, B., p. 174.

⁴⁴ Article 23(4) of the CBA.

⁴⁵ Waas, B., p. 174.

⁴⁶ Case No. 1762, CFA Report No. 297, March 1995, available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2902969.

⁴⁷ See all Direct Requests of CEACR addressed to the Czech Republic, available at:

<http://www.ilo.org/dyn/normlex/en/f?p=1000:20010>; the first Direct Request dealing with Article 17 of the CBA was adopted in 1996 and published at the 85th ILC session (1997), while the most recent Direct Request was adopted in 2016 and published at the 106th ILC session (2017).

⁴⁸ 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.

⁴⁹ Direct Request (CEACR) – adopted 2016, published 106th ILC session (2017), available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3292855.

⁵⁰ 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":\["ESCSStateParty":\["CZE"\],"ESCDcIdentifier":\["XX-3/def/CZE/6/4/EN"\]}\]](http://hudoc.esc.coe.int/eng#{).

⁵¹ By way of comparison, the ILO CFA has considered that the legal requirement of a cooling-off period of 40 days before a strike is declared in an *essential service*, in so far as it is designed to provide the parties with a period of reflection, is not contrary to the principles of freedom of association; see Digest CFA, 2006, Chapter 10, paragraph 554, available at: http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_090632/lang--en/index.htm.

⁵² See ECSR Conclusions XVIII-1 (2006), Conclusions XIX-3 (2010), Conclusions XX-3 (2014), Czech Republic, Article 6(4), available at: [http://hudoc.esc.coe.int/eng#{"ESCArticle":\["06-04-000"\],"ESCDcType":\["Conclusion"\],"ESCSStateParty":\["CZE"\]}\]](http://hudoc.esc.coe.int/eng#{).

⁵³ See Addendum to the 11th National Report submitted by Czech Republic on 16 June 2014, available at: <https://rm.coe.int/168048a259>.

⁵⁴ ECSR, Conclusions XX-3 (2014) on Article 6(4). The next examination of the situation of the right to strike in the Czech Republic will be carried out in 2018, and the ECSR Conclusions on Article 6(4) will be published in January 2019.

⁵⁵ ECSR Conclusions XXI-3 (2018), Czech Republic, Article 6(4), available at :

[https://hudoc.esc.coe.int/eng/#{"ESCArticle%22:\[%2206-00-000%22,%2206-04-000%22\],%22ESCDcLanguage%22:\[%22ENG%22\],%22ESCDcType%22:\[%22Conclusion%22\],%22ESCSStateParty%22:\[%22CZE%22\],%22ESCDcIdentifier%22:\[%22XXI-3/def/CZE/6/4/EN%22\]}](https://hudoc.esc.coe.int/eng/#{) .