
# The right to strike in the public services

# Estonia

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# The right to strike in the public services: Estonia

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This factsheet reflects the situation in March 2021. It was elaborated by Natalja Mickeviča (independent expert), updated by Diana Balanescu (independent expert) and reviewed by EPSU/ETUI; it was also sent to the Estonian EPSU affiliates for comments.

# 1. Legal basis

### International level (relevant to the right to strike)

### UN instruments[1]

Estonia has ratified:

**International Covenant on Economic, Social and Cultural Rights**
(ICESCR, Article 8)
**International Covenant on Civil and Political Rights**
(ICCPR, Article 22)

### ILO instruments[2]

Estonia has ratified:

**Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise**
(ratification on 22 March 1994);
**Convention No. 98 concerning the Right to Organise and to Bargain Collectively**
(ratification on 22 March 1994);

Estonia has not ratified
Convention No. 151 concerning Labour Relations (Public Service)
Convention No. 154 concerning the Promotion of Collective Bargaining.

### European level

Estonia has ratified:

**Article 6 (4) (the right to collective action) of the Revised European Social Charter (ESC)[3]**
with no reservations
(ratification on 11 September 2000)
**Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights[4]**
(ratification on 16 April 1996)

Estonia has not yet accepted the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.[5]

## National level

### The Constitution of the Republic of Estonia

Article 29 of the Constitution of the Republic of Estonia[6] provides that everyone is free to belong to unions and federations of employees and employers. Unions and federations of employees and employers may assert their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike are provided by law.

### Applicable laws

- The main legislative act regulating the right to strike in Estonia is the **Collective Labour Dispute Resolution Act** (CLDRA).[7] It determines the procedure for resolving collective labour disputes and calling and organising strikes and lockouts.

- The **Trade Unions Act**[8] provides for the right of trade unions to organise strikes.

- The **Civil Service Act**,[9] as the main source of regulation in the public sector, prohibits civil servants from striking.

- The **Emergency Act**[10] provides a list of essential services where a minimum level of services must be ensured during a strike.

## 2. Who has the right to call a strike?

According to Article 13 of the CLDRA, the right to organise a strike belongs to employees or associations or federations of employees. Employees can be represented either by a trade union or by employees' trustees.

Article 18 of the Trade Unions Act provides that, in order to achieve their objectives, trade unions have the right to organise general meetings, political meetings, street parades, pickets and strikes pursuant to the procedure prescribed by law. The election, obligations and rights of employees' trustees are specified in the Employees' Trustee Act.[11]

## 3. Definition of a strike

The CLDRA defines a strike as an interruption of work on the initiative of employees or an association or a federation of employees in order to achieve concessions from an employer or an association or a federation of employers to lawful demands in labour matters (Article 2 of the CLDRA).

The following types of strike are provided for in the CLDRA[12]:

- **regular strike**;
- **warning strike** lasting no longer than one hour (and with a notification of at least three days in advance);
- **sympathy (solidarity) strike** lasting no longer than three days in support of employees engaging in a strike and with a mandatory five days' notice period.

According to Estonian case law, the purpose of the sympathy strike is to show solidarity to striking workers and to bring greater impact to the striking workers' cause. This implies, for example, that sympathy strikes can also be organised at a time when employees participating in a sympathy strike are obliged to work with their employer. The CLDRA does not prohibit the organisation of a sympathy strike to support workers in one or more other sectors.

The Supreme Court has also highlighted that, in a situation where workers stage a solidarity strike in sympathy with striking workers at other establishments and it turns out that one of the main strikes is illegal, the sympathy strike can still be legal, since the CLDRA does not provide otherwise.

The Court has established that the CLDRA does not give the right to submit political or other non-work-related demands as grounds for a collective dispute. Trade unions may submit any demands that are not related to working conditions for discussion at meetings, demonstrations and pickets in accordance with the Trade Union Act and the Public Meeting Act.[13]

However, the Supreme Court has also established that, if the participants of the main strike submit political demands in addition to the demands regarding working conditions, the strike can still be considered lawful. This also applies if the participants of a sympathy strike submit political demands in addition to the demands relating to working conditions of the main strike.[14]

**Forms of strike that are prohibited or limited**

No particular form of strike is prohibited; however, the right to strike is limited depending on the objective of the strike – strikes that are organised for the purpose of influencing the work of the courts are unlawful.[15]

Strikes, which are not preceded by negotiations and conciliation proceedings are also considered unlawful, as are strikes that are called or organised in violation of the procedure established by law.[16] As a consequence, political strikes are in principle prohibited.

In Estonia, the lawfulness of a strike is decided on by the courts.[17]

A **lock-out** is defined as an interruption of work on the initiative of an employer or an association or a federation of employers in order to achieve concessions from employees or an association or a federation of employees to lawful demands in labour matters (Article 2(3) of the CLDRA).

## 4. Who may participate in a strike?

According to Article 20 of CLDRA, participation in a strike is voluntary. It is prohibited to impede the performance of work by employees who are not participating in the strike.

**Limitations on the right to strike**

The right to strike is denied to civil servants working for governmental authorities and other state bodies and local government, as well as for the **Defence League** (the unified armed forces of the Republic of Estonia), courts and rescue service agencies. The law further clarifies that the prohibition to strike does not apply to persons who are employed under an employment contract in an institution or organisation. An exception is provided for rescue workers employed under an employment contract in a rescue service agency and persons employed under an employment contract in the Ministry of Defence, the Defence Resources Agency, the Defence Forces or the Defence League (Article 21 of the CLDRA).

Institutions and other organisations specified in the CLDRA, whose right to strike is denied, must resolve collective labour disputes by means of negotiations, with the help of a public conciliator or in court (Article 21 of the CLDRA). Public conciliators are impartial officials who help the parties to labour disputes reach mutually satisfactory resolutions (Article 8 of the CLDRA).

Article 59 of the Civil Service Act establishes that an **official** is not allowed to strike. An official is not allowed to participate in other collective pressure actions which interfere with the performance of functions of an authority that has recruited the official or of other authority arising from the law. The pressure action is collective if at least half of the officials of the authority participate therein.

The definition of an official is included in Article 7 of the Civil Service Act: an official is a person who is in the public-law service and trust relationship with the State or local government. He or she is appointed to a post in an authority, which involves the exercise of official authority.

The exercise of official authority means the performance of the following functions:

1. the directing of an authority;
2. the exercise of state and administrative supervision, as well as the conduct of internal audit;
3. the ensuring of the security and constitutional order of the State;
4. the permanent military defence of the State and preparation therefor;
5. the proceeding of offences;
6. the diplomatic representation of the Republic of Estonia in foreign relations;
7. the taking of decisions necessary for the performance of the principal functions of the Parliament of Estonia (Riigikogu), the President of the Republic, the National Audit Office, the Chancellor of Justice and the courts, the substantive preparation or implementation thereof;

8. the substantive preparation or implementation of the policy-making decisions within the competence of the Government of the Republic, local government council, municipal or city government and authority;
9. the activities which, in the interests of strengthening and developing the official authority, cannot be given to the competence of a person who is only in the relationships governed by private law with the authority.

An official is distinguished from an employee in public administration. An **employee** is recruited for a job in an authority that does not involve the exercise of official authority but involves only work in support of the exercise of official authority. Accordingly, the ban on the right to strike does not apply to employees in public administration, except rescue workers employed under an employment contract in a rescue service agency and persons employed under an employment contract in the **Ministry of Defence, the Defence Resources Agency, the Defence Forces or the Defence League** (Article 21 of the CLDRA). Specific limitations have to be respected, for instance in the case of the duty to ensure a minimum level of services.

In addition, while permitting **sympathy strikes**, the CLDRA provides that individuals who are not employed by an enterprise, institution or other organisation where a labour dispute arises or who do not represent the employees pursuant to the procedure prescribed by law are prohibited from instigating a strike (Article 20 of the CLDRA).

Case law clarifies that the existence of a valid collective agreement (in force) does not prohibit sympathy strikes. The legitimacy of a sympathy strike depends on whether the main strike is legal (lawful). If a sympathy strike is held in support of two (different) major strikes, it can be legal even if one of the main strikes is legal and the other is illegal.[18]

**Minimum level of services**

For certain categories of employees, the CLDRA lays down the requirement to provide a minimum level of services. According to Article 21 of the CLDRA, the continuity of indispensable services or production must be ensured in enterprises and institutions which satisfy the **primary needs of the population and economy**. The minimum level of services or production that must be ensured during a strike is determined by agreement of the parties. In the case of disagreements, the minimum level of services is determined by the public conciliator whose decision is binding on the parties (Article 21(3) of the CLDRA). The list of enterprises and institutions which satisfy the primary needs of the population and economy is established by the Government of the Republic of Estonia.

The list of essential services and institutions responsible for the provision thereof is provided in Article 36 of the Emergency Act:

- **The Ministry of Economic Affairs and Communications shall organise the continuity of the following vital services:**

1. electricity supply;
2. natural gas supply;
3. liquid fuel supply;
4. ensuring the operability of national roads;
5. phone service;
6. mobile phone service;
7. data transmission service;
8. digital identification and digital signing.

- **The Ministry of Social Affairs shall organise the continuity of emergency care for the purposes of the Health Services Organisation Act.**

- **The Bank of Estonia shall organise the continuity of the following vital services:**
    1. payment services;
    2. cash circulation.

- **Local authorities which organise services provided by a provider of a vital service and on the territory of which over 10 000 residents live organise in their administrative territory the continuity of the following vital services:**
    1. district heating;
    2. ensuring the operability of local roads;
    3. water supply and sewerage.

Estonian case law has established that the provision of essential (vital) services is not directly dependent on the company's economic situation, and, secondly, the services of railway undertakings are not essential within the meaning of the CLDRA.[19]

'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'.[20]

## 5. Procedural requirements

Procedural requirements are provided for in the CLDRA.

**Pre-strike dispute resolution requirements**

Article 13 of the CLDRA defines several conditions for the right to strike to arise:

- if conciliation procedures have been conducted but no conciliation has been achieved;
- if the agreement reached is not complied with;
- if a court judgment is not executed.

Strikes which are not preceded by negotiations and conciliation proceedings are declared unlawful. In the event of a strike, the parties to the collective labour dispute have an obligation to resume negotiations in order to reach an agreement in the collective labour dispute (Article 13 of the CLDRA).

**Procedural requirements for adopting a decision to call a strike and declaring a strike**

A decision to organise a strike is taken by the general meeting of employees or an association or a federation of employees. According to Article 5 of the Employees' Trustee Act, the general meeting of employees may be called by:

1. a trade union operating at the employer;
2. the majority of the members of a trade union who are employed with the employer if the trade union has not been founded at the employer; or
3. at least 10% of the employees of the employer.

The person who calls the general meeting must notify the employees of the reason for calling and the time of the general meeting at least two weeks in advance.

The law does not lay down any specific requirements for voting in order to approve a decision to call a strike. The trade union must adhere to its rules regarding the decision-making process. At least half of the company's workforce must participate in the general assembly of the employees (Article 6 of the Employees' Trustee Act). The law does not specify whether a simple or a qualified majority of the participants is required for a decision to be adopted.

The advance notice requirement is two weeks in the case of an actual strike, three days in the case of a warning strike and five days in the case of a sympathy strike.

If an actual strike is declared, the organisers of the strike are required to notify the other party, a public conciliator and the local government of a planned strike in writing at least two weeks in advance. The notice must set out the reasons, exact time of commencement and possible scope of the strike. An employer has a duty to inform its contracting partners, other interested enterprises or institutions and, through the media, the general public that a strike is taking place (Article 15 of the CLDRA).

In the case of a warning strike, the employees' trustee, trade union or federation of trade unions is required to notify the employer, association or federation of employers and the local government of a planned warning strike in writing at least three days in advance (Article 18(3) of the CLDRA).

In the case of a sympathy strike, the employees' trustee, trade union or federation of trade unions is required to notify the employer, association or federation of employers and the local government of the planned sympathy strike in writing at least five days in advance (Article 18(4) of the CLDRA).

**Procedural requirements during the strike**

A strike is directed by a strike leader or leaders – a person authorised by the general meeting of employees or trade union. The strike leader represents the interests of those who authorised the strike and informs the public through the media about the course of the resolution of the collective labour dispute. The strike leader is required to apply measures to preserve the assets of the other party and to maintain the rule of law and public order, and is liable for violations of law and damage caused by the strike.

The authority of the strike leader terminates if the parties sign a conciliation (agreement), if the strike is declared unlawful by a court, or on the basis of a decision of the bodies authorising the strike leader (Article 16 of the CLDRA).

**Postponement or suspension of the strike**

According to Article 19 of the CLDRA, the commencement of a strike may be postponed once on the proposal of the public conciliator:

- by one month by the Government; or
- by two weeks by the city or rural municipality government.

The Government has the right to suspend a strike in the case of a natural disaster or catastrophe, in order to prevent the spread of an infectious disease or in a state of emergency (Article 19 of the CLDRA).

**Minimum continuation of services**

The minimum level of essential services to be provided is determined by agreement of the parties. In the case of disagreements, the minimum level of services is determined by the public conciliator whose decision is binding on the parties (Article 21(3) of the CLDRA).

## 6. Legal consequences of participating in a strike

**In the case of a lawful strike:**

- it is prohibited to terminate the employment contracts of participants in lawful strikes on the initiative of the employer;

- employees are not paid wages for the period of a strike;

- participation in a strike is not considered a violation of the relevant employment contract and does not result in the liability of the employee;

- upon the full or partial satisfaction of the demands of employees or an association or a federation of employees, the employer pays compensation in an amount agreed upon by the parties to the employees or the association or federation of employees who called the strike;

- by agreement of the parties to a collective labour dispute, participants in a strike may make up for the time lost by reason of the strike outside working time. The time spent making up for the time lost by reason of a strike is not deemed to be overtime or work on days off or public holidays (Articles 24, 25 and 28 of the CLDRA).

The CLDRLA establishes that an employee who does not participate in a strike but who is unable to perform his or her work by reason of the strike will be remunerated by the employer on the same bases as for the period of work stoppages which are not the fault of the employee or to the extent prescribed by a collective agreement (Article 25(2) of the CLDRA).

**If a strike is found to be unlawful by a decision of the court:**

- participation in the strike is considered a violation of the relevant employment contract and will result in the liability of the employee if the employee is the organiser of the strike;

- resuming a strike or lock-out that has been declared unlawful or suspended, or commencing/resuming a strike that has been postponed before the specified time, is punishable by a fine of up to 200 fine units or by detention and by a fine of up to 3200 euros if committed by a legal person.

- organisation of the commencement or resumption of a strike or lock-out declared unlawful or suspended or postponed before the specified time is punishable by a fine of up to 300 fine units or by detention and by a fine of up to 3,200 euros if committed by a legal person (Articles $23^2$, $23^3$ and 24 of the CLDRA).

In addition, Article $26^4$ of the Trade Unions Act states that failure by an elected representative of a trade union to ensure observance of the obligation to refrain from striking during a period prescribed by law or a collective agreement is punishable by a fine of up to 100 fine units.

## 7. Case law of international/European bodies

**United Nations – Human Rights Committee (HRC)**

In its Concluding observations on the fourth periodic report submitted by Estonia on the implementation of the International Covenant on Civil and Political Rights (adopted at its 3596th meeting, held on 21 March 2019)[21], the HRC noted the following as a principal matter of concern and recommendation:

> 31. While welcoming the significantly lower number of civil servants affected by a prohibition of strike action following the amendments to the Civil Service Act in 2013, the Committee echoes the concern of the Committee on Economic, Social and Cultural Rights regarding the strike ban on civil servants under the Act (E/C.12/EST/CO/3, para. 26). The Committee is also concerned about the requirements set forth in the Collective Labour Dispute Resolution Act that may adversely affect the meaningful exercise of the right to strike in practice, inter alia by limiting the duration of a warning strike to one hour as opposed to three days for sympathy strikes (Article 22 of the Covenant).
>
> 32. The Committee reiterates the recommendation made by the Committee on Economic, Social and Cultural Rights (E/C.12/EST/CO/3, para. 27) that the Civil Service Act be reviewed with a view to allowing civil servants who do not provide essential services to exercise their right to strike. The State party should refrain from imposing any undue limitations on the right to strike and should ensure that the Collective Labour Dispute Resolution Act is in full conformity with article 22 of the Covenant.

**Committee on Economic, Social and Cultural Rights (CECSR)**

In its Concluding observations on the third periodic report submitted by Estonia on the implementation of the International Covenant on Economic, Social and Cultural Rights (adopted, at its 30th meeting, held on 8 March 2019), the CESCR noted the following:[22]

> 26. Despite the explanation given by the delegation, the Committee remains concerned that article 59 of the Civil Service Act does not allow civil servants to exercise their right to strike or to take part in other collective pressure actions that interfere with the performance of functions of the recruiting authority or of other authorities, as set out in the Act (Article 8 of the Covenant).
>
> 27. The Committee recommends that the State party review the Civil Service Act with a view to allowing civil servants who do not provide essential services to exercise their right to strike in accordance with article 8 of the Covenant and with the International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

## International Labour Organisation

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

### Decisions of the Committee on Freedom of Association (CFA)

There are no recent decisions or complaints submitted to the CFA relevant for the right to strike.

A previous Case No. 2543 (complaint date: 31 January 2007), regarding a complaint submitted by the Confederation of Estonian Trade Unions (EAKL), concerned the right to strike in the public service and the right of public servants to bargain collectively, particularly with regard to wages.

The CFA recommended that legislation is amended, in consultations with representative workers' and employers' organizations concerned, so as to ensure that **public servants**, who do not exercise authority in the name of the State, enjoy the right to strike. The Committee also requested the Government that, within the framework of consultations on the reform of the Public Service Law, to ensure that the **mechanisms available** to workers who are deprived of an essential means of defending their socio-economic and occupational interests (mediation, conciliation and/or arbitration) are impartial and rapid. The Committee finally expected that a **list of enterprises or agencies where minimum services** should be maintained during a strike is adopted, in full consultation with the workers' and employers' organizations concerned.[23]

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

*Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021)*[24]

The Committee recalled that for a number of years, it had been requesting the Government to provide information on the progress achieved with regard to the adoption of a list of services where the right to strike will be restricted (through a minimum service), as referred to in section 21(3) and (4) of the Collective Labour Dispute Resolution Act.

The Committee noted the Government's indication that while there had been no new developments in this regard during the reporting period, the Basic Principles of the Government Coalition between the Estonian Centre Party, the Estonian Conservative People's Party and the Isamaa Party for 2019–23 set out to elaborate the principles for the organisation of strikes and negotiations for the purpose of improving the regulation of employees' and employers' rights and obligations.

The Committee therefore reiterated its request and expressed the hope that the Government's next report will contain information on the progress achieved in this respect. The Committee

once again requested the Government to provide information on the application of section 21(3) and (4) of the Collective Labour Dispute Resolution Act in practice.

**European Social Charter**

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

*Conclusions 2018*[25]

**Specific restrictions to the right to strike and procedural requirements**

The Committee deferred its previous conclusion pending information on the categories of public servants exercising authority in the name of the state who were denied the right to strike and the justifications for restrictions.

According to the report public servants are divided into two main categories – officials and employees. Officials exercise official authority. Employees are recruited for the jobs which do not involve the exercise of official authority but only supporting of the exercise of official authority. Primarily in accounting, human resource work, records management, activities of procurement specialists, activities of administrative personnel, activities of information technologists or other work in support of the exercise of official authority. Restrictions on the right to strike are not applicable to employees in public service.

The Committee recalled that the right to strike of certain categories of public servants may be restricted, in particular members of the police and armed forces, judges and senior civil servants. However, the denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (cf. Conclusions I (1969)). Under Article G of the Charter, restrictions on the right to strike are acceptable only if they are prescribed by law, pursue a legitimate aim and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals (Conclusions X-1 (1987), Norway (under Article 31 of the Charter)). The Committee considered that such a blanket prohibition on all public officials exercising public authority cannot be in conformity with the Charter.

The Committee referred to its general question on the right of members of the police force to strike.

The Committee concluded that the situation in Estonia is not in conformity with Article 6§4 of the Charter on the ground that all public servants exercising authority in the name of the state are denied the right to strike and this blanket prohibition goes beyond the limits permitted by Article G of the Charter.

*Conclusions 2014*

Following legislative developments in 2014, the ECSR noted the adoption of the Public Service Act in June 2012 providing that the ban on the right to strike is restricted to public servants

exercising authority in the name of the State. The ECSR stressed that, in the case of civil servants who are not exercising public authority, only a restriction can be justified, not an absolute ban. According to these principles, all public servants who do not exercise authority in the name of the State can have recourse to strike action in defence of their interests.

As regards **restrictions on the right to strike in the public service**, the ECSR 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.

With regard to establishing a list of **minimum services**, the ECSR noted that 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 a 'minimum service'. The Committee was concerned about how the workers are involved in such procedures in Estonia and what means are available to workers in case there is no agreement on the establishment of such minimum service.[26]

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## Notes

1 Status of ratification by Austria of UN instruments, available at: https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en (accessed on 6 March 2021).
2 For an overview of all ILO Conventions ratified by Estonia, see https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102620 (accessed on 6 March 2021)
3 Status of ratifications of the Revised European Social Charter: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL (accessed on 6 March 2021).
4 Status of ECHR ratifications: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL (accessed on 6 March 2021).
5 Status of ratifications 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 6 March 2021).
6 The Constitution of the Republic of Estonia, passed on 28 June 1992, entered into force on 3 July 1992: https://www.riigiteataja.ee/en/eli/530102013003/consolide.
7 The Collective Labour Dispute Resolution Act (CLDRA), passed on 5 May 1993, entered into force on 7 June 1993: https://www.riigiteataja.ee/en/eli/511112014002/consolide.
8 The Trade Unions Act, passed on 14 June 2000, entered into force on 23 July 2000: https://www.riigiteataja.ee/en/eli/518112013006/consolide.
9 The Civil Service Act, passed on 13 June 2012, entered into force on 1 April 2013: https://www.riigiteataja.ee/en/eli/509072014003/consolide.
10 The Emergency Act, passed on 8 February 2017, entered into force on 1 July 2017: https://www.riigiteataja.ee/en/eli/513062017001/consolide.
11 The Employees' Trustee Act, passed on 13 December 2006, entered into force on 1 February 2007: https://www.riigiteataja.ee/en/eli/510012014001/consolide.
12 Article 18 of the CLDRA
13 The Public Meeting Act, passed on 26 March 1997, entered into force on 2 May 1997: https://www.riigiteataja.ee/en/eli/514112013003/consolide.
14 Case No. 3-2-1-159-13 of the Supreme Court, decision of 19 December 2013*, Eesti Energia Narva Elektrijaamad AS-i hagi NARVA ENERGIA AMETIÜHINGU vastu streigi korraldamise õiguse puudumise tuvastamiseks*, paragraphs 15-18.
15 Article 22 of the CLDRA
16 Article 22 of the CLDRA
17 Article 23 of the CLDRA
18 Case No. 3-2-1-159-13 of the Supreme Court, decision of 19 December 2013*, Eesti Energia Narva Elektrijaamad AS-i hagi NARVA ENERGIA AMETIÜHINGU vastu streigi korraldamise õiguse puudumise tuvastamiseks.*
19 Decision of the Harju County Court Kentmanni Courthouse (*Harju Maakohus Kentmanni kohtumaja*) of 5 December 2012 in Case No. 2-12-9463, paragraph 22.5.
20 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.
21 Concluding observations on the fourth periodic report of Estonia, 18 April 2019, CCPR/C/EST/CO/4, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=en .

22 Concluding observations on the third periodic report of Estonia, 27 March 2019, E/C.12/EST/CO/3, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=en
23 CFA, Definitive Report No. 350, June 2008, Case No. 2543 (Estonia): http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2910603, paragraphs 720-731.
24Direct Request (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_COUNTRY_NAME,P11110_COMMENT_YEAR:4002853,102620,Estonia,2019 .
25 ECSR, Conclusions 2018, Estonia, available at: http://hudoc.esc.coe.int/eng?i=2018/def/EST/6/4/EN .
26 ECSR Conclusions 2014 – Estonia – Article 6(4).