

# CONFERENCE TRADE UNIONS

# RESEARCH TEAM

- First step: creation of a team (collaboration between UGent, University of Amsterdam and University Carlos III Madrid)
- Experienced researchers with regard EU-projects and comparative research
- Background of legal analysis in the different countries aiming to get a certain conceptualization

# RESEARCH NATIONAL LEVEL

- Focus shall be on the limitations with regard to officials (working term including military staff, police staff and civil servants) in different European countries:

Portugal, Spain, France, Greece, Cyprus, Italy, Malta, Bulgaria, Romania, Hungary, Czech Republic, Slovakia, Denmark, Finland, Sweden, Latvia, Lithuania, Estonia, Poland, Croatia, Slovenia, Serbia, North Macedonia, Albania, Montenegro, Turkey, Ireland, Belgium, Netherlands, Luxembourg, Germany, Austria

Division of tasks between the researcher has been made although the aim obviously is to provide information as one research group

# RESEARCH NATIONAL LEVEL

General legal background:

Most of the countries involved have ratified artikel 6.4. of the European Social Charter and The European Convention on Human Rights (ECHR) where article 11 plays a key role

Directly applicable

Role for International Covenant on Social and Economic Rights

Indirectly applicable

# RESEARCH AT NATIONAL LEVEL

– Most of the countries have limitations with regard to the right to strike for officials

Some remain even with a full prohibition of the right to strike (which stands at odds with the case law – Yapi Yol Sen of the ECtHR) – e.g. Armenia, Germany (for the group of officials with a status) and Denmark (for the same group as Germany although limited in number)

# RESEARCH AT NATIONAL LEVEL

A lot of member states know specific restrictions to the right to strike for military staff and police officers

Some countries make distinctions between both (e.g. a conditional right to strike for police officers and a full prohibition for military staff)

The impact of such a prohibition or such a limitation on collective bargaining procedures goes without saying

The right to strike is the ultimate means with regard to the safeguard collective rights

# RESEARCH AT NATIONAL LEVEL

- Different European countries include the right to strike but limit its execution by the introduction of minimal services (e.g. Belgium, France).
- The impact of these limitations on the effective execution of the right to strike needs to be analyzed in a comparative manner

# RESEARCH AT EU-LEVEL

- The transposition of the Transparent and Predictable Working Conditions Directive in public services may lead to different application in the countries studied.
- It needs to be found out to what extent the trade union rights and the fundamental rights of the officials may be limited or even affected.



# RESEARCH COLLABORATION

- We will need input from the different countries studied in order to fulfil our tasks. An intense collaboration between members of EPSU and the legal researchers is an absolute asset for this research project
- These contacts shall be developed in the near future depending on the presentation of the reports during the follow-up conferences

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