# **Currently, the right to strike is crucial to holding employers accountable, compelling wage increases, and enacting laws that expand social protection**

Vogt and Subasinghe 20 (Jeff Vogt is the director for the Solidarity Center’s Rule of Law department and was previously the legal director of the International Trade Union Confederation (ITUC). Ruwan Subasinghe Ruwan Subasinghe is Legal Advisor to the International Transport Workers’ Federation (ITF). 23 April 2020 ” The right to strike in essential services” https://www.equaltimes.org/will-fundamental-workers-rights#.YWkBxtrMLIU)

Governments around the world have been publishing lists of workers who provide ‘essential services’ and can therefore continue to go to work despite general lockdown measures. While the aim of such lists is to ensure the functioning of critical supply chains and public services during the pandemic, key workers risk having their right to strike restricted for the duration of the designation period. **The ILO has held that strikes could be restricted or even prohibited in essential services “whose interruption would endanger the life, personal safety or health of the whole or part of the population”. What is meant by essential services in the “strict sense of the term” will depend on the particular circumstances prevailing in a country**. However, **any restriction on the right to strike in essential services should be accompanied by compensatory guarantees, including adequate, impartial and speedy conciliation and arbitration proceedings.** Alternatively, minimum operational requirements may also be negotiated or required in essential services in the strict sense of the term. The CFA has previously found that the decision adopted by a government to require a minimum service in the Animal Health Division, in the face of an outbreak of a highly contagious disease, did not violate the principles of freedom of association. **It is nevertheless paramount that workers’ and employers’ organisations must be able to participate in determining the minimum services which should be ensured. Administrative authorities regulating strikes in essential services should also not overstep their mandates in a time of crisis, especially where the law permits unions to dispense with notice requirements in the event of a serious threat to the health and safety of workers.** The UN Special Rapporteur on the rights to peaceful assembly and of association, Clément Voule, has explained in a recent statement that: “Where human rights are the compass, we will be better placed to overcome this pandemic and build resilience for the future”. This includes the right to freedom of association, and to strike, without fear of retaliation. We agree. We fully recognise the severity of the COVID-19 public health crisis and acknowledge that international law permits governments to exercise emergency powers, within limits, in response to such situations. **However, governments simply cannot prohibit outright the right to strike or enact other disproportionate restrictions, which will certainly have a chilling effect on the right to freedom of association. Indeed, the right to strike is perhaps more important during this emergency, in order to be recognised as a worker, to hold employers to account over failures to provide protective equipment, to contest sweeping layoffs or, as a last resort, to demand wages owed and other benefits. And, we need the right to strike to press governments to enact laws extending social protection, including wage and income support. None of this will happen on its own, without working people organising to make it happen.**