

COMITÉ : Droit de Grève (ILO 1)

PROBLÉMATIQUE : Comment réguler l'impact des grèves sur la population tout en garantissant le droit de liberté syndicale ?

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PRÉSENTATION DU PRÉSIDENT



Dear Delegates, hello. My name is Alexandre BLANCHARD, I am 15 years old, and I am chairing the committee on the right to strike alongside my two colleagues: Rania EL AMRANI and Valentin HURTEAUX. I am in the international English section, and my passions are history and geography, and in terms of sports, skiing and tennis. I joined the FerMUN program last year where I was a room admin in the committee on innovation.

I particularly enjoy traveling to discover, learn, and refine my viewpoints. As you probably know, the conference is being held for the second consecutive year at the International Labour Office. Now, let me introduce the theme of our committee: the right to strike. Indeed, this right is an integral part of the working world in many countries and is even enshrined in several international treaties and conventions. This right, important for making workers' voices heard and for demanding better working conditions or fairer wages, has a significant impact on the population both economically and socially by disrupting essential public services such as transport, healthcare, and education.

Here is one of the two issues we will debate: How to regulate the impact of strikes on the population while ensuring the right to trade union freedom?

I look forward to seeing you in January in Geneva, hopefully with ideas, motivation, and joy.

KEYWORDS.

Trade Union Freedom: The right of workers and employers, without distinction of any kind, to form and join organizations of their choice, provided they comply with the statutes of these organizations (Co87 - Convention (No. 87) on Freedom of Association and Protection of the Right to Organize, 1948).

Social Dialogue: All types of negotiation, consultation, or simply information exchange between representatives of governments, employers, and workers on issues of common interest related to economic and social policy.

Collective Bargaining: Negotiations that take place between an employer, a group of employers, or one or more employers' organizations on one side, and one or more workers' organizations on the other, aimed at setting working and employment conditions, and/or regulating relations between employers and workers and/or organizations.

Strike: Any work stoppage, however brief and limited, intended to support professional demands, can generally be considered a strike. There are other types of strikes, such as slowdowns (where there is no complete cessation but a reduction in work speed) or work-to-rule (strict adherence to regulations), forms of strike that are often as paralyzing as a total work stoppage. The right to strike is one of the fundamental rights of workers and their organizations, but only when it constitutes a means of defending their economic interests.

Mediation: Negotiation between two or more parties with the help of a neutral third party, the mediator. The mediator helps the parties identify their interests, alternatives to a negotiated agreement, and the options and elements of an agreement. The parties themselves design their solution, ensuring self-determination. The mediation process varies according to the needs of the parties involved.

GLOBAL OVERVIEW

1. Historical aspect of the right to strike

The first recorded strike in history occurred in 2558 BC and was a workers' revolt during the construction of the Great Pyramid of Giza. However, its true emergence happened during the Industrial Revolution. Workers faced absolutely horrendous working conditions and went on strike to acquire new rights. Since 1919, the ILO has been organizing treaties and conventions to protect workers' rights. The issue of strikes was only really addressed in 1948.

2. Legal aspect of the right to strike

A strike is a temporary cessation of work by a group of employees to defend their economic and social interests or in protest against work conditions deemed too harmful. The right to strike is mentioned in the Universal Declaration of Human Rights, Article 23, which states that "everyone has the right to form and to join trade unions for the protection of his interests." Although the word "strike" is not directly included, the article refers to its purpose of protecting interests. Therefore, there is international recognition of this right. Additionally, several conventions, such as Convention No. 87 on Freedom of Association and Protection of the Right to Organize (see page 4), present the right to strike as a legitimate means of assertion. It is important to note, however, that strike regulations vary significantly between countries.

Finally, it is important to note that strikes can lead to significant legal changes. A particularly illustrative example is the West Virginia miners' strike (1920-1921) which led to the adoption of the National Industrial Recovery Act (NIRA), establishing standards for wages, working hours, and working conditions.

3. The Impacts of strikes on the population

A. Economic and social impacts.

Beyond immediate disruptions, strikes can cause significant economic losses. Strikes in strategic sectors such as transportation or industrial production impact supply chains and trade, leading to collateral effects on the national economy. This can exacerbate social tensions and increase inequalities, especially in sectors where workers are already in precarious situations.

For example, the Belgian miners' strike of 1932 led to the disappearance of many jobs related to mining production, created long-term economic difficulties, increased existing inflation, affected the entire Belgian population, and made it more challenging for many people to heat their homes during winter.

More recently, in France, when Air France employees went on strike for a wage increase, it resulted in €300 million in losses over 15 days for the company, prevented many French people from traveling, and had a very negative impact on the company's image.

B. Impacts on public services

Strikes in public services, such as transportation, education, healthcare, and civil security, have direct effects on citizens. Disruptions can lead to difficulties in accessing employment, education, and emergency medical services.

An example illustrating this is the strike of healthcare workers in Spain in 2012. This strike led to the cancellation of medical appointments, an overload of emergency services, and a deterioration in the quality of care.

C. Psychological and political impact

Strikes can also create a climate of insecurity or frustration among the population, especially when disruptions are prolonged. Additionally, a high frequency of strikes can lead to a loss of confidence in public institutions and unions, thus affecting social dialogue.

4. Trade Union Freedom: A Fundamental Right to Preserve

A. The functions of trade unionism

Trade unionism plays a key role in maintaining social justice and improving working conditions. It allows workers to unite in defending their rights against employer power. In this sense, it is an essential vector of social democracy. Trade union freedom guarantees workers the ability to organize strikes without fear of repression.

B. The responsibility of unions

While preserving this fundamental right, unions also have a responsibility to manage the impacts of strikes. This involves finding ways to dialogue with employers, the government, and the public to minimize disruptions. Unions must also promote responsible actions that take into account the general interest.

ILO TREATIES AND MAJOR EVENTS

1. ILO conventions and declarations

[Convention No. 87 on Freedom of Association and Protection of the Right to Organize \(1948\):](#)

- Entry into force: July 4, 1950, Number of ratifying countries: 155
- This convention established the fundamental principles of trade union freedom, even though it does not directly mention the right to strike. It grants all workers and employers the right to join or create organizations without prior approval. It is important to note that Article 11 states: "Each member of the ILO undertakes to take all necessary and appropriate measures to ensure that workers and employers can freely exercise the right to unionize."

[Convention No. 98 on the Right to Organize and Collective Bargaining \(1949\):](#)

- Entry into force: July 18, 1951, Number of ratifying countries: 169
- This convention protects workers from any form of discrimination regarding their union membership. It also protects all organizations, whether of employers or workers, from acts of interference by other organizations. It also encourages the use of voluntary negotiations between organizations or individuals on issues related to employment conditions.

[Convention No. 151 on Labor Relations in the Public Service \(1978\):](#)

- Entry into force: February 25, 1981, Number of ratifying countries: 58
- This convention is somewhat similar to Convention 98. It provides trade union protection for any public servant and ensures complete independence of organizations from public authorities. It also encourages mediation, conciliation, or arbitration in disputes arising from employment conditions.

[Convention No. 154 on Collective Bargaining \(1981\):](#)

- Entry into force: August 11, 1983, Number of ratifying countries: 48

- This convention urges states to promote collective bargaining at all employment levels and to ask public authorities to facilitate social dialogue. It implicitly includes the right of workers to strike.

[ILO Declaration on Fundamental Principles and Rights at Work \(1998\):](#)

- This declaration identifies four fundamental principles: freedom of association and the recognition of the right to collective bargaining, the elimination of forced labor, the abolition of child labor, and the cessation of discrimination in employment and occupation. It also commits all states to respect and promote these principles.

2. Major events

- May 1: International Workers' Day
- October 7: World Day for Decent Work
- 1886: Haymarket Strike, Chicago, USA: This strike is one of the most well-known. Initially, American workers were demanding an eight-hour workday; it ended in a brutal riot after a bomb was thrown at police, resulting in the deaths of several protesters and police officers. This strike established the date for International Workers' Day.
- 1984-1985: British Miners' Strike, United Kingdom: During high inflation caused by the Falklands War, British miners were dissatisfied with the government's low wage growth proposals. They went on a year-long strike. In the end, the consequences were significant: it cost the UK economy £1.5 billion, caused the loss of thousands of jobs across the UK, and created heating difficulties for the population.

POSSIBLE SOLUTIONS

To address our issue, we must first identify the problem we need to solve: various strikes negatively impact many people's lives in multiple ways. To tackle this, we can consider some potential solutions that could be useful.

1. Mediation system before any strike:

Before initiating a strike to resolve an issue, we can try to address it through dialogue. One way to achieve this is through mediation with an impartial judge between the two parties.

2. Implementation of minimum services:

States can establish a minimum service requirement in businesses and public services (an obligation for a portion of employees to continue working even during a strike) to ensure the population always has access to certain services. This system already exists in many countries but could be expanded.

3. Transparency and communication from unions and companies:

In many countries, unions are required to announce strikes at least 24 hours in advance, specifying the affected sector. This strike notice system could be expanded. On the other hand, companies would be obliged to ensure total transparency regarding the progress of negotiations.

4. Union responsibility:

It is important to encourage unions to adopt a responsible stance towards the population. In this sense, they could be encouraged to organize sector-specific strikes or to provide sufficient notice periods to allow citizens to make arrangements. Transparency about strike objectives and communication with users also play a crucial role.

Examples of strike regulation

1. Strike regulation in France:

In France, strike regulation is primarily based on the Labor Code. Strikes in public services are governed by provisions that ensure the continuity of public service. In some sectors like transportation, the law requires unions to announce their strike with 48 hours' notice to allow better organization.

2. The Swedish model:

Sweden adopts a different approach: the right to strike is strictly regulated, but unions and employers are encouraged to negotiate regularly to avoid conflicts. A strong conciliation and arbitration model helps limit prolonged strikes.

3. The British system:

In the United Kingdom, the right to strike is limited in essential public services, and unions must follow a consultation and notification process before resorting to strikes. This process aims to ensure that the right to strike is exercised proportionately while allowing for acceptable solutions for both parties.

BIBLIOGRAPHY

Articles:

- ❖ [Article explaining the ILO Declaration on Fundamental Principles and Rights at Work](#)
- ❖ [Article explaining the principle of freedom of association](#)
- ❖ [Article explaining the cause of the California teachers' strike](#)

Videos:

- ❖ [What Is The Impact Of Strikes For Employers And Employees | Careers Portal](#)

I also highly recommend reading ILO Conventions 87 and 98 for clearer information on the subject.