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PÉCSI TUDOMÁNYEGYETEM
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DISCONTENT OF THE PEREGRINES: MIGRANTS AND THE RIGHT TO STRIKE

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- International migration involves more than 3% of the world's population.
- Approximately 175 million migrants worldwide, approximately half of them workers.
- Right to strike distinctive and controversial phenomena.
- Central role in protection of basic labour rights – 2 obstacles: linkage between the right to residence and right to strike (Spain: ILO – “all workers, with the sole exception of the armed forces and the police, are covered by Convention No. 87”) and condition of membership in trade unions.
- Migrant workers as *sui generis* category of workers without entitlement to express discontent.

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- The aim: to take the research one step further and explore the interaction between labour migration and the right to strike.
- International and regional legal instruments (CoE)- fundamental human rights detached from membership in trade union.
- International Covenant on Economic Social and Cultural Rights - right to form and join trade unions.
- EU acquis and case law of European Court of Justice - Laval, Viking -EU's regulations on free movement do limit the collective actions.

- Particularly vulnerable sectors of employment (private households, tourism, entertainment industry, low-pay sectors, catering, agriculture, and other either seasonal, temporary or atypical jobs). UK: 10 per cent of all vulnerable workers are union members.
- Undocumented migrant workers: UN Committee on the Elimination of Racial Discrimination “while States parties may refuse to offer jobs to non-citizens without a work permit, all individuals are entitled to the enjoyment of labour and employment rights, including the freedom of assembly and association, once an employment relationship has been initiated until it is terminated.”
- Collective bargaining ineffective if structurally excludes from access disadvantaged workers to whom Convention No. 111 guarantees equality.

Hungarian experience

- Basic Law
- Strike Act (workers' right except solidarity strike)
- Strike breakers – temporary agency workers are prohibited) –
- Substitute for local workers in times of conflict- Greek workers, Budapest Airport, still unregulated – against ILO standards.

Croatian experience

- Constitutional right
- Labour Code limits right to strike to the trade union members
- Research with 10 major Trade Unions: 3 have migrant workers as members, identified obstacles and lack of equality of treatments for migrant workers.

CONCLUSION

- Interaction of migrant and national workforce with special regard to industrial action can be described with three key words:
 - **rivalry**,
 - **protest** (denial of rights, **exploitation**) and
 - **solidarity** (with institutionalised forms of transnational solidarity – ETUC and ITUC.
- **More inclusive approach is needed.**
- **Rights based approach.**