

The Right to Strike in Australia

What should be the limits?

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Historical background

- Compulsory conciliation and arbitration 1905 – 1993
- Concerns about the absence of a right to strike
- Introduction of protected action in 1993
- Changes to the protected action provisions in 1996, 2005 and 2009

Committee of Experts

- Urgings prior to 1993
- Repeated expressions of concern since 1993
- Legal basis
 - ICESCR
 - Freedom of Association, etc Convention (87)
 - Right to Organise, etc. (1949)

Committee of Experts

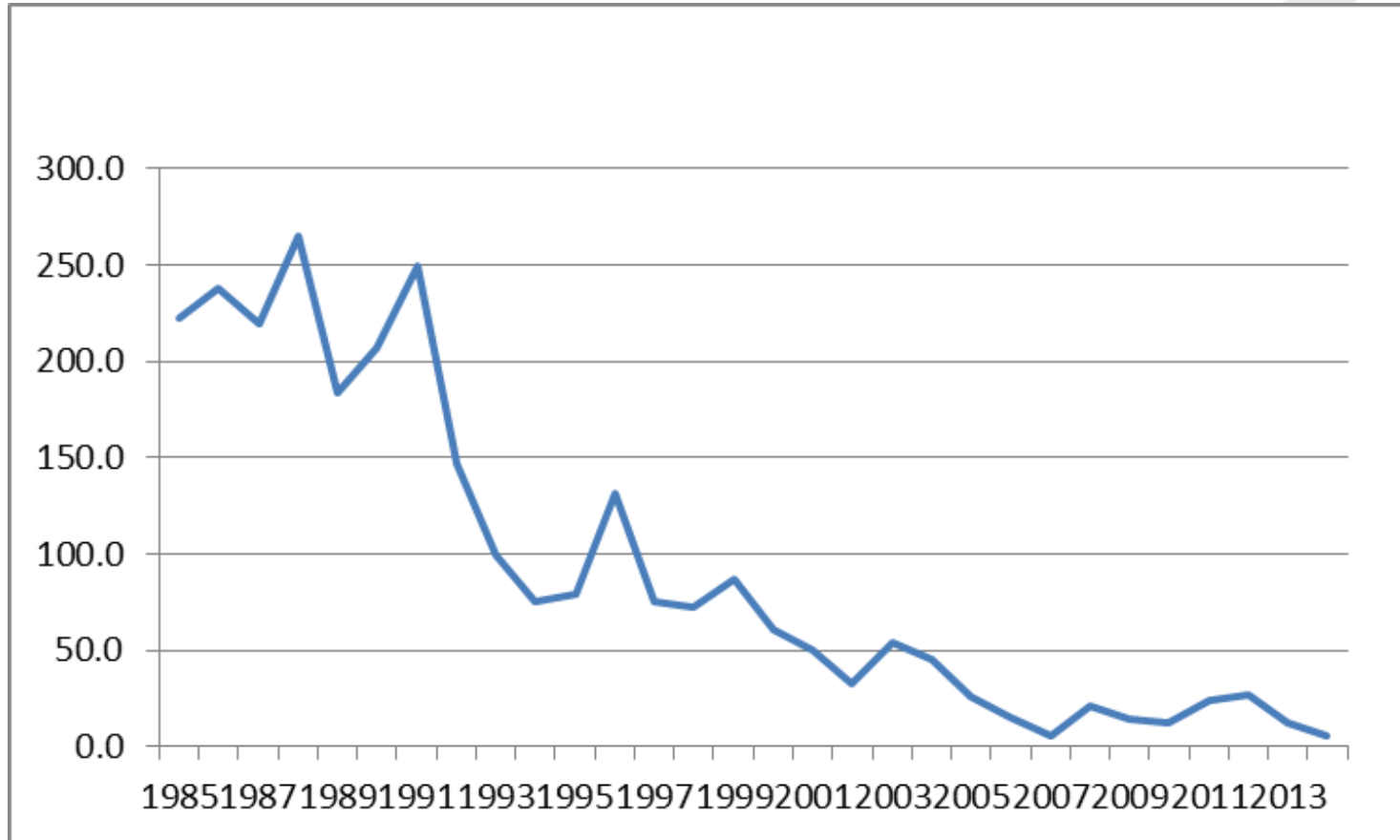
The only justifiable limitations on the right to strike relate to services "the interruption of which would endanger the life, personal safety or health of the whole or part of the population"

Committee of Experts

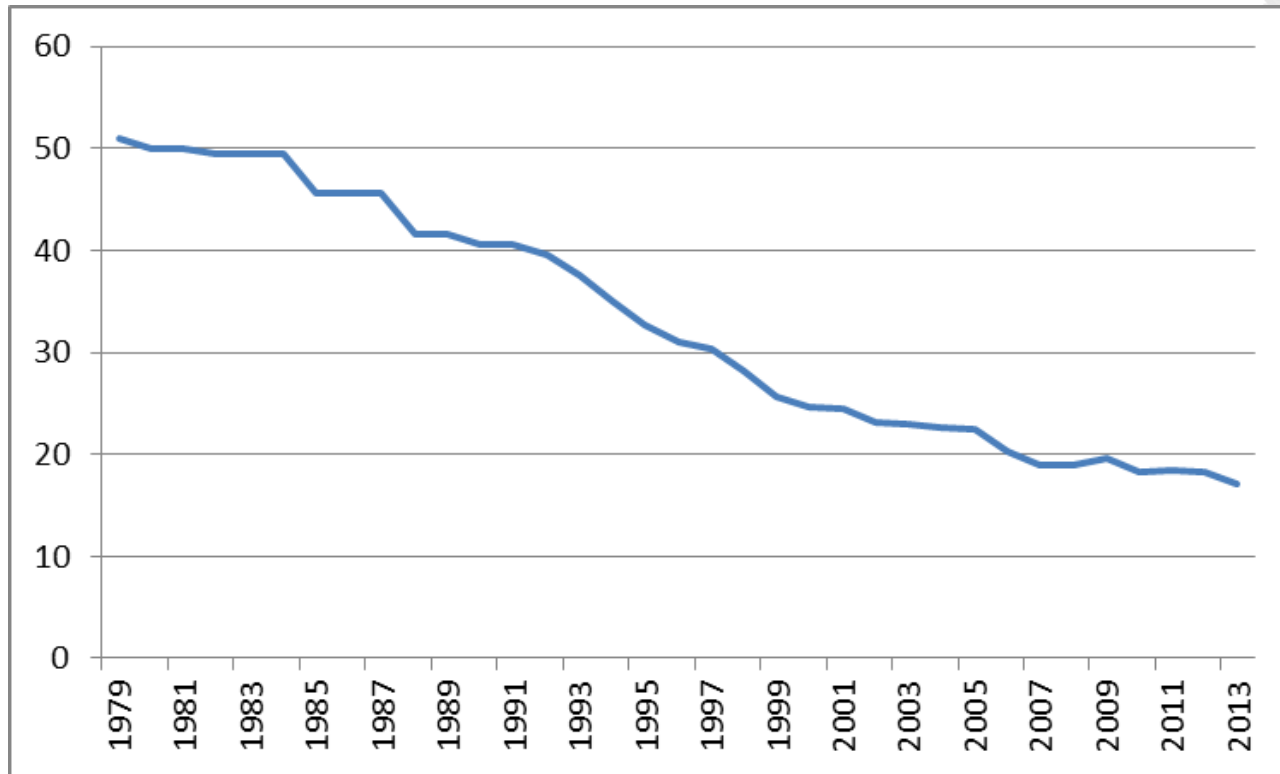
Key issues

- Limits on multi-employer agreements
- No sympathy strikes or secondary boycotts
- Limitations on permitted subjects of bargaining
- Suspension or termination of strikes in cases of economic harm

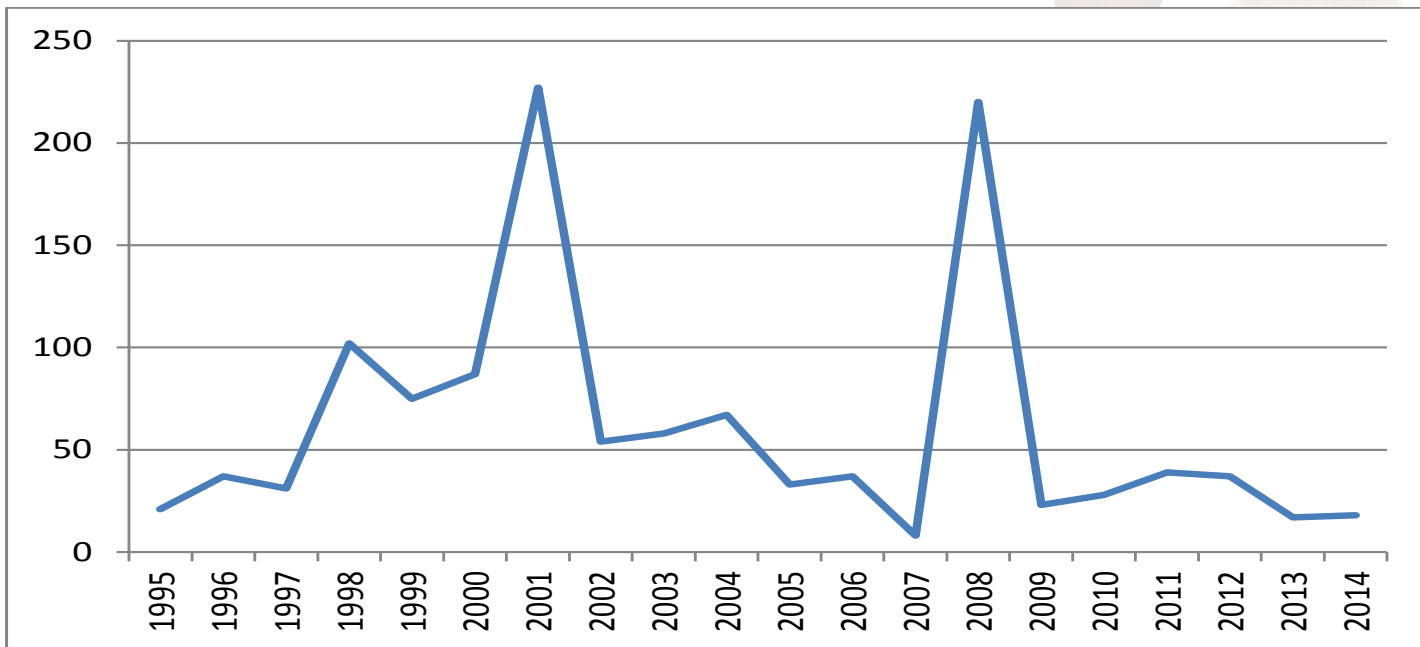
Strikes



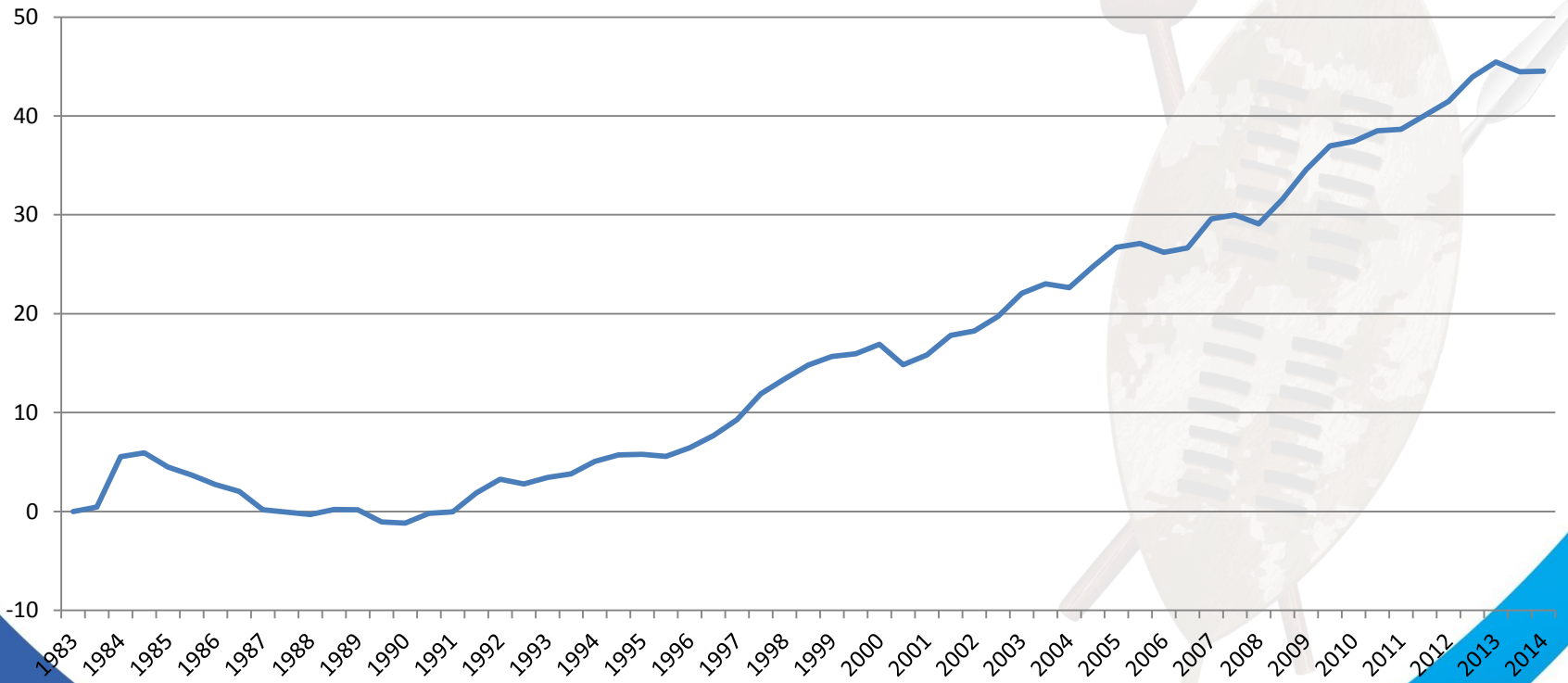
Union Density



Applications to Suspend or Terminate Strike Action



Real Earnings



Questions

- Legal basis for the right to strike in international law (87&98)
- The right is to be "exercised in conformity with the laws of the particular country" (ICESCR)
- What limitations are legally permissible/acceptable in a developed and reasonably affluent economy?