



Right to strike under attack - legal counterstrategies

**European Labour Law Conference, 28 February and 1 March 2025,
DGB, Ingeborg-Tönnesen-Saal, Keithstraße 1, 10787 Berlin**

In Europe and on other continents, workers and their trade unions are experiencing various threats to their right to strike. Strikers and their trade unions are criminalised or hit with horrendous compensation claims. The justification for certain strike targets or certain forms of strike is being called into question. The legal guarantee of the right to strike is contested. Certain occupational groups and the workers in some sectors of the economy are denied the right to strike. This situation poses enormous challenges for labour lawyers, university lawyers and trade unionists.

Trade unions and their lawyers are fighting to guarantee the right to strike not only before national courts but also before the Court of Justice of the European Union, the European Court of Human Rights and the International Court of Justice. The aim of this conference is to highlight and discuss the existing legal options for action to preserve the right to strike. The speakers will share their experiences and expertise and support us with their presentations and contributions to the discussion.

A certificate (6 hours) in accordance with § 15 FAO (German law) will be issued by the VDJ on application for Certified Lawyers specialised in labour law.

The Conference Programme

Friday, 28 February 2025, 09.00 - 18.00

Simultaneous interpretation English – German – Spanish

09.00 – Entrance

09.30 – Opening and Panel 1

Opening Esther Lynch (ETUC, General Secretary, Brussels)

09:45 - Panel 1: International labour law - Relevance of ILO Convention No. 87 and an Advisory Opinion of the ICJ for the national right to strike

Moderation: Jeffrey Vogt (ILAW Director, Washington DC)

- Background to the dispute and the current status of the proceedings
Dr. Tonia Novitz (Professor, Bristol)
- Freedom of Association and the Right to Strike,
Lord John Hendy KC (Barrister and honorary professor, London)

11.00: Hot and cold beverages (15 min.)

11.15 - Panel 2: European Labour Law

Moderation: Dr. Ernesto Klengel, (HSI, Scientific Director, Frankfurt)

- Experience with right to strike litigation before the ECtHR and ECJ
Rudolf Buschmann (Lawyer, DGB, Kassel)
- Experience with right to strike litigation before the European Committee of Social Rights (ECSR)
Klaus Lörcher (Frankfurt)
- Supply chain strikes
Dr. Reingard Zimmer (Professor, Berlin)

12.45: Lunch at the same venue (60 min.)

13.45 - Panel 3: Successful legal counterstrategies against restrictions and criminalisation of the right to strike in different European countries

Moderation: Tamar Gabisonia (European Coordinator ILAW, Tbilisi)

- How to use strategic litigation to protect / defend the right to strike
Dr. Jan Buelens (Professor, Antwerp)
- Striking under the sword of Damocles with the threat of liability,
Dr. Rüdiger Helm (Lawyer, Munich)
- Right to strike in public interest services
Dr. Giovanni Orlandini (Professor, Siena)

15.00: Hot and cold beverages (15 min.)

15.15 - Panel 4: Right to Strike - New challenges and possible [legal] reactions

Moderation: N.N.

- Overcoming restrictions on the right to strike in Ireland,
Declan Owens, (Lawyer, Ireland)
- Political strike in Germany - legal situation and recent climate protests,
Dr. Theresa Tschenker (Lawyer, Berlin)
- Successful cases in Spain,
Armando García López (Lawyer, CCOO, Madrid)
- Defending the right to strike in the EU,
Isabelle Schömann (ETUC, Deputy General Secretary, Brussels) tbc

16.45 Closing remarks: Isabel Eder, Head of the Legal and Diversity Department, DGB, Berlin, tbc.

**Open Discussion the day after the conference
with interested participants and available speakers**

Saturday, 1 March 2025, 10.00 – 13.00

English (and German) - No interpretation

Same venue

All speakers and participants at the conference are invited. Please indicate in advance if you are interested.

As the conference program for Friday, 28 February 2025 is already very full with twelve contributions and there will be little time for in-depth discussions, we want to use Saturday morning for an informal exchange among interested speakers and the other participants.

Therefore, we asked all speakers whether they have the time and interest to be available for a further three hours on Saturday.

Topics will include:

- Evaluation of the conference:
Participants have the opportunity to ask specific questions about the content of the conference and make comments to the speakers.
 - All those present (speakers and participants) will select the topics they would like to discuss. If there are enough participants, the assembly will be divided into thematic groups. The discussion will be moderated.
 - Discussion on how the cooperation that organises the conference can be used in future to develop legal strategies to defend workers' rights together with labour lawyers.
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Registration

Registration to the conference and the informal meeting

Please register by email registration@eldh.eu for the “Right to strike under attack - legal counterstrategies” conference, providing your full name, home address, email address and profession. Participation in the conference is only possible after prior registration and transfer of the participation fee (employees of the organisers and students will attend for free).

Registration fee

- for all lawyers who need a certificate in accordance with § 15 FAO (German law): € 150
- for all others € 50 contribution to the conference costs (except employees of the organisers and students)

to be transferred to the European Association of Lawyers for Democracy and World Human Rights – ELDH/EJDM www.eldh.eu to the following account:

Beneficiary: EJDM e.V., Bank: Postbank AG, Hamburg, Germany

IBAN: DE78 4401 0046 0334 6974 62, **BIC:** PBNKDEFF440

Reference: conference – right to strike – 28 February2025 / 1 March 2025

You will receive the final confirmation for your conference registration after payment of the registration fee. The fee includes participation at the conference, access to all available documents (speeches etc.), coffee, warm and cold drinks during the breaks and lunch. The fee must be paid by transfer to the indicated bank account (see above). Payment by credit card is not possible.

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The Conference co-organisers and supporters:

- Deutscher Gewerkschaftsbund (DGB)
 - European Association of Lawyers for Democracy and World Human Rights (ELDH)
 - European Lawyers for Workers Network (ELW- Network)
 - European Trade Union Confederation (ETUC)
 - Hugo Sinzheimer Institute (HSI)
 - International Lawyers Assisting to Workers (ILAW)
 - Vereinigung Demokratischer Juristinnen und Juristen e.V. (VDJ)
 - Vereinte Dienstleistungsgewerkschaft (ver.di)
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