

International Labour Standards

The Case of Freedom to Strike

by
RUTH BEN-ISRAEL

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Hitherto, issues concerning the scope or extent of strikes have been raised only in their national context. Thus, a question was typically posed with respect to a particular country, and in light of a specific system.

Although the basic freedom to strike is guaranteed in some form by a considerable number of legal systems, to date no comprehensive analysis of the substance of the freedom to strike has existed.

Thus, an examination of the principles relating to strikes from an inclusive international point of view, analysing its precise definition, nature and extent is both a timely and a much-needed work.

Contents

Introduction. **Part I.** Freedom to Strike as a Socio-Economic Claim. **Part II.** The Right to Strike as a Positive Right under International Law. **1.** Freedom to Strike as an Implicit Labour Standard. **2.** Freedom to Strike as an Explicit Right under International Law. **Part III.** The Scope and Extent of the Right to Strike. Index.



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Each judgment reprinted in *I.L.L.R.* is accompanied by Headnotes and in practically all cases by an Annotation which sets forth, among other things, the legal issues involved, the basic facts of the case (if not included in the judgment itself), the relevant statutory provisions and judicial precedents, the labour law and industrial relations context in which the case arose and the significance of the judgment in the development of the law. The *I.L.L.R.* provide the reader with factual information that is not coloured by the personal views of the annotators. As a rule, judgements are printed *in extenso*; editorial discretion has been relied upon to delete or to summarize portions of judgments that are purely technical or of only marginal interest. This series unquestionably fills a void in the field of comparative labour law.

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An invaluable handbook for contractors, sub-contractors and their legal advisers, this manual mainly applies to contracts for capital goods, and services, including extended delivery periods. A virtue of the work is its succinctness, while the experience of the authors allows them to alert the reader to typical problems and to outline solutions where applicable.

Contents

1. Formation and General Principles of Contract. 2. Binding a Vital Sub-contractor. 3. Joint offers. 4. Price. 5. Selling in Foreign Currency. 6. Terms of Payment, Credit and Security. 7. Limitation of Liability. 8. Circumstances Outside the Vendor's Control. 9. Bonds and Guarantees. 10. Applicable Law and Jurisdiction. 11. Countertrade. 12. The Position of Sub-contractors. 13. Appendices: IME, IEE, ACE, 'Model Form of General Conditions of Contract'. FIDIC 'Condition of Contract for Electrical and Mechanical Works'. UN 'General Conditions for Supply of Plant & Machinery for Export. ICC 'Incoterms 1980'.



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