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Third Item on the Agenda:
Information and Reports on the Application
of Conventions and Recommendations

Freedom of Association and Collective Bargaining:
General Survey

Report of the Committee of Experts on the Application of Conventions
and Recommendations (Articles 19, 22 and 35 of the Constitution)



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discretionary power to examine the books and other documents of an organisation, conduct an investigation and demand information at any given time, there is a grave danger of interference which may be of such a nature as to restrict the guarantees provided for in Convention No. 87. Investigatory measures should be restricted to exceptional cases, when they are justified by special circumstances such as presumed irregularities that are apparent from annual financial statements or complaints reported by members of the trade union. Furthermore, in order to guarantee the impartiality and objectivity of the procedure, these controls should be conducted subject to review by the competent judicial authority. Legislation which empowers the administrative authorities to investigate the internal affairs of a union at their entire discretion does not conform to the principles of the Convention.¹

Inviolability of union premises,
correspondence and communications

189. Freedom to administer a trade union implies that it should be able to dispose of its assets unhindered and that the public authorities should refrain from interfering without due cause with the organisation's premises and correspondence.

190. Although most legal systems provide for the protection of private premises, and therefore of union premises and correspondence, they often make exceptions in emergency situations or in the interests of public order. While recognising that, as for any other associations or individuals, a trade union cannot claim immunity against the searching of its premises, the Committee considers that it should only be possible for such action to be taken when a warrant has been issued for the purpose by the regular judicial authority, when the authority is satisfied that there is good reason to presume that such a search will produce evidence for criminal proceedings under the ordinary law and provided the search is restricted to the purpose for which the warrant was issued.

Activities and programmes

191. Workers' and employers' organisations should have the right to organise their activities and formulate their programmes in complete freedom. Although this would appear to be the case in a substantial number of countries, some impose certain legal restrictions on the

¹ In the case of Uruguay, the Committee noted with satisfaction in 1982 that Act No. 15137/1981 and Regulation No. 513/981 represented a considerable improvement over the original draft Bill; in particular, the limitation on the duration of trade union assemblies and the extensive powers accorded to the public authorities to request reports on trade union activities had been removed.

With regard to Barbados, the Committee noted with satisfaction in 1975 an amendment to section 35 of the Trade Unions Act enabling trade unions to appeal to the Supreme Court against decisions of the Registrar of Trade Unions concerning violations of the regulations on the use of union funds.

guarantees provided for under the Convention, in particular on political activities and the right to strike.¹

Political activities

192. In certain countries the law restricts the political activities of trade unions, for example by prohibiting them from making financial contributions to a political party or to persons seeking a political appointment.²

193. Elsewhere, there is a total ban on political activities. In many cases, for instance, the law prohibits the organisations purely and simply from engaging in party politics or any political activity whatsoever.³

194. By contrast, legislative or other provisions in certain countries establish close links between the trade unions and the sole political party in power.⁴

195. It is increasingly apparent, as was mentioned during the preparatory work on Convention No. 87,⁵ that a trade union's activities cannot be restricted solely to occupational questions, since the choice of a general policy - in economic affairs for example - is bound to have consequences on the situation of workers (remuneration, holidays, working conditions, the running of enterprises, etc.). Developments in the trade union movement show that the promotion of working conditions through collective bargaining, though still a major feature of trade union action, increasingly involves participation by organisations in economic and social policy making bodies. This in turn means that trade unions must be able to devote attention to matters of general interest - i.e. "political" in the broadest sense of the word - and that, for example, they must be able to express their views publicly on a government's economic and social policy, since the fundamental objective of the trade union movement is to ensure the development of the social and economic well-being of all workers.

¹ As for restrictions on collective bargaining, see below, Chapter XII.

² For example, Liberia (Labour Practices Law, s. 4110).

³ For example, Argentina (Act No. 22105/1979, s. 8); Brazil (Consolidated Labour Laws, s. 521); Chad (Labour Code, s. 36); Colombia (Labour Code, s. 378a, Decree No. 2655/1954 and Resolution No. 4/1952); Costa Rica (Labour Code, s. 280); El Salvador (Labour Code, s. 229(a)); Ecuador (Labour Code, s. 443); Kuwait (Labour Act, s. 73); Nicaragua (Labour Code, s. 204); Paraguay (Labour Code, s. 302); Peru (Decree No. 009/1961); Somalia (Labour Code, s. 28); Turkey (1982 Constitution, Art. 52).

In the case of Madagascar, the Committee noted with satisfaction in 1976 that the new Labour Code eliminated a sentence in the previous Code forbidding trade unions to engage in any political activity.

⁴ See para. 135 above.

⁵ During the preparatory work on Convention No. 87, the Workers' members and several Government members opposed any amendment of the text proposed by the Office that might restrict trade union activities solely to occupational matters. See ILO, Record of Proceedings, ILC, 30th Session, 1947, p. 570.

196. However, as the International Labour Conference indicated in its 1952 resolution concerning the independence of the trade union movement, when trade unions in accordance with the law and practice of their respective countries and at the decision of their members decide to establish relations with a political party or to undertake constitutional political action as a means towards the advancement of their economic and social objectives, such political relations or actions should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions, irrespective of political changes in the country.

197. Moreover, when governments endeavour to enlist the collaboration of the trade unions in the implementation of their economic and social policy, they should appreciate that the value of such collaboration depends largely on the freedom and independence of the trade union movement, as an essential factor in social progress, and should not seek to transform it into a political instrument for the attainment of their own political objectives. Finally, they should not attempt to interfere in the normal activities of a union under the pretext of its freely established relationship with a political party.

198. The Committee therefore considers that legislative provisions prohibiting all political activities or, on the contrary, establishing a close link between the unions and a political party are incompatible with the principles of the Convention.

Protest action and the right to strike

199. Workers' organisations have a number of means at their disposal to promote and defend their economic and social interests. Some of these are simple protest actions, for example protest meetings or petitions, which do not cause any direct damage to the employer. Others, however, are aimed at exerting pressure by causing prejudice to the employer, e.g. slowing down of work (go-slow), the strict application of the rules (work-to-rule), or recourse to strike action.

200. The Committee considers that the right to strike is one of the essential means available to workers and their organisations for the promotion and protection of their economic and social interests. These interests not only have to do with obtaining better working conditions and pursuing collective demands of an occupational nature, but also with seeking solutions to economic and social policy questions and to labour problems of any kind which are of direct concern to the workers.¹

201. In international law, the right to strike is explicitly recognised in Article 8 of the International Covenant on Economic, Social and Cultural Rights. At the regional level, the European Social Charter was the first international text to recognise explicitly the right to strike in the case of a conflict of interests, subject to any commitments under collective agreements in force.

202. The study of national legislation shows that the extent to which the right to strike is recognised differs from country to country: while tacitly or explicitly accepted in some countries, in many others it is limited by restrictions of varying scope and severity.

¹ See, for example, ILO: Committee on Freedom of Association, 214th Report, Case No. 1081, para. 261.

203. As regards the majority of the socialist countries, their legislation contains no provision relating to the legality or illegality of a strike. In view of the nature of the particular economic and political systems of these countries, the governments consider that trade unions have no need to resort to direct action in order to defend their interests.

General prohibition of strikes

204. A general prohibition of strikes and the suspension of the right to strike, such as occurs in certain countries, may arise from specific provisions in the law.¹ The prohibition of strikes may also result, for all practical purposes, from the cumulative effect of the provisions relating to the established dispute settlement machinery, according to which labour disputes are channeled through compulsory conciliation and arbitration procedures leading to a final award or decision which is binding on the parties concerned; a similar situation may arise in cases where, in the absence of an agreement between the parties, disputes can be settled by compulsory arbitration or decision at the discretion of the public authorities.² Under these systems, it is possible to prohibit or put a rapid stop to almost any strike.

205. A general ban on strikes seriously limits the means at the disposal of trade unions to further and defend the interests of their members (Article 10 of the Convention) and their right to organise their activities (Article 3) and is, therefore, not compatible with the principles of freedom of association.

206. A general prohibition of strikes or a temporary suspension of the right to strike sometimes results from provisions adopted under

¹ For example, Argentina (Act No. 21261/1976 prorogued by Act No. 21400/1976); Bangladesh (Ordinance No. XXVI/1982, s. 8); Chad (Ordinance No. 30/1975); Colombia (for federations and confederations, Labour Code, s. 417); Liberia (Decree No. 12/1980); Nicaragua (Decrees Nos. 911/1981 and 955/1982); Pakistan (Proclamation of 16 October 1979); Syrian Arab Republic (Agricultural Labour Code, s. 160); Thailand (Decree No. 3/1976, read in conjunction with ss. 133 and 141 of the Industrial Relations Act).

² For example, Algeria (Act No. 82-05, ss. 40-42); Bolivia (General Labour Act, s. 113(c)); Brazil (Consolidated Labour Laws, s. 872); Colombia (Act No. 48/1968, s. 3); Cyprus (Rule 79B); Dominican Republic (Labour Code, ss. 374, 377, 633 and 655); Ecuador (Constitution, Article 31k and Labour Code, s. 466); Ethiopia (Labour Proclamation of 1975, ss. 99 and 106); Gabon (Labour Code, s. 239 et seq.); Ghana (Industrial Relations Act, 1965, ss. 18 and 21); India (Industrial Disputes Act, 1947, s. 10); Jamaica (Labour Relations and Industrial Disputes Act, 1975, as amended, s. 15); Kenya (Trade Disputes Act, 1965, ss. 21 and 22); Lesotho (Laws Nos. 34 of 1975 and 21 of 1982); Malaysia (Industrial Relations Act, s. 26); Malta (Industrial Relations Act, s. 27); Mauritius (Industrial Relations Act, ss. 82-83); Mauritania (Labour Code, Book IV, ss. 40 and 48); Nigeria (Industrial Disputes Decree No. 7/1976); Paraguay (Labour Procedure Code); Singapore (Industrial Relations Act, s. 31); Sri Lanka (Industrial Disputes Act, ss. 40 and 43); Sudan (Industrial Relations Act, 1976, ss. 17-31); Tanzania (Permanent Labour Tribunal Act, 1967, s. 22); Tunisia (Labour Code, ss. 384 to 387); Zambia (Industrial Relations Act, 1971).

emergency powers or may be attributed by governments to the existence of a crisis. The Committee considers that, inasmuch as the prohibition or general suspension of strikes constitutes a major restriction of one of the essential means available to workers and their organisations for furthering and defending their interests, such measures cannot be justified except in a situation of acute national crisis, and then only for a limited period.

Specific restrictions on the
right to strike

207. In some countries the legislation, while admitting the principle of the right to strike, introduces a number of more or less important restrictions on such action: these restrictions concern certain categories of workers; or they are imposed in the light of the objectives of the strike or the methods employed; or they are derived from provisions imposing time limits which must elapse before workers can resort to strike action.¹

Restrictions relating to public
servants and workers in
essential services

208. National legislations differ radically on the subject of the legality or otherwise of work stoppages decided by public servants. A comparison of current legislation in a number of countries shows that a variety of possibilities are provided for, along with several possible solutions.

209. At one extreme there are countries whose legislation specifically recognises the right to strike of public servants² and where, if a dispute can be settled neither by existing machinery nor through consultation or negotiation, they can lawfully engage in strike action. The laws and regulations in force may, however, restrict the exercise of this right by people in certain positions.³

210. Some countries make no distinction between strikes in the public sector and strikes in other sectors of the economy: public servants must simply observe the normal procedure laid down in the general legislation of the country.⁴

211. In another group of countries, there are no laws or regulations concerning the legality or otherwise of strikes by public

¹ With regard to Panama, the Committee noted with satisfaction in 1982 that Act No. 8/1981 had removed the limitation imposed on the exercise of the right to strike which made such exercise subject to the condition that the demands for better working conditions made by workers should not, in the opinion of the administrative authority, affect the profitability of the undertaking.

² For example, Benin, Canada, Comoros, Finland, France, Greece, Ivory Coast, Luxembourg, Mexico, Niger, Norway, Portugal, Senegal, Sweden, Togo, Zaire.

³ See para. 212 below.

⁴ For example Italy and Sweden.

servants. Since the silence of the legislation on the matter is open to different interpretations, various legal solutions have been adopted by the countries concerned in such cases. On the one hand, the legality of a strike may be tacitly recognised or implied by the government's attitude towards the recognition or registration of trade unions.¹ (If a trade union's constitution, rules or other documents that have to be submitted to a competent authority provide for strike action and the authority does not raise any objection, it can be assumed that work stoppages are legal.) On the other hand, the issue may remain a matter of controversy.² Finally, the absence of any general or specific provisions relating to strikes in the public service may be interpreted as their tacit prohibition.³ In a number of countries, the legislation explicitly denies the right of public servants to strike.⁴

212. Even the fact that the right to strike in the public service is explicitly or tacitly recognised does not mean that all public servants enjoy unlimited freedom in this respect. On the contrary, various limitations and restrictions have been introduced by law and in practice in a considerable number of countries that authorise strikes in the public service. These restrictions appear to be based on a variety of criteria, such as the level of responsibility of the officials concerned, their place in the administration hierarchy, the nature of the services they perform and the conditions in which a strike is called and conducted.⁵

213. Numerous countries also have provisions prohibiting or limiting strikes in essential services. However, the concept of essential services varies from one national legislation to another. In some cases, a long list of such services is given in the law itself;⁶

¹ For example, Israel, Madagascar, United Kingdom.

² For example, Austria, Belgium, Denmark, Netherlands.

³ For example, Federal Republic of Germany.

⁴ For example, Bolivia, Brazil, Burundi, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Kuwait, Lebanon, Morocco, Nicaragua, Philippines, Rwanda, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, United States, Uruguay, Zimbabwe.

⁵ For example, Canada, Finland, Japan, Luxembourg, Madagascar, Mexico, Norway.

⁶ For example, Brazil (Legislative Decree No. 1642/1978); United Republic of Cameroon (Labour Code, s. 165, paragraph 3, and Decree No. 74/969, s. 2); Canada (the legislation of the Province of Alberta); Colombia (Labour Code, s. 43C and Decrees Nos. 414/1952, 1593/1959, 1167/1963 and 57 and 534/1967); Costa Rica (Labour Code, s. 369; however, subsection (b) of s. 369 (concerning transport and port work) has been declared unconstitutional); Dominican Republic (Labour Code, ss. 370 and 371); Guyana (Law on Public Utilities, Cap. 54:01); India (Essential Services Maintenance Act, No. 40, 1981); Jamaica (Labour Relations and Industrial Disputes Act, 1975, as amended, ss. 15 and 28); Kenya (Trade Disputes Act, 1965); Lesotho (Act No. 34/1975, amended in 1982); Malawi (Trade Disputes (Arbitration and Settlement) Ordinance); Pakistan (Industrial Relations Ordinance, ss. 31-33); Poland (Trade Unions Act, 1982, s. 40(1) and (2)); Sri Lanka (Essential Services Act, 1979); Swaziland (Industrial Relations Act, 1980, s. 65 and Note No. 54/1982); United States (Labor-Management Relations Act, (Footnote continued on next page)

sometimes, the definition of such services covers all activities which the government may consider appropriate or all strikes that may be contrary to public order, the general interest or economic development.¹

214. In the opinion of the Committee, the principle whereby the right to strike may be limited or prohibited in the public service or in essential services, whether public, semi-public or private, would become meaningless if the legislation defined the public service or essential services too broadly. As the Committee has already mentioned in previous general surveys,² the prohibition should be confined to public servants acting in their capacity as agents of the public authority or to services whose interruption would endanger the life, personal safety or health of the whole or part of the population.³ Moreover, if strikes are restricted or prohibited in the public service or in essential services, appropriate guarantees must be afforded to protect workers who are thus denied one of the essential means of defending their occupational interests. Restrictions should be offset by adequate impartial and speedy conciliation and arbitration procedures, in which the parties concerned can take part at every stage and in which the awards should in all cases be binding on both parties. Such awards, once rendered, should be rapidly and fully implemented.

(Footnote continued from previous page)

1947, ss. 206-210); Venezuela (Labour Act (Regulations), s. 393); Zambia (Industrial Relations Act, s. 3).

In New Zealand, the Industrial Relations Act, 1973, lays down certain procedures to be followed before calling a strike in essential industries and export slaughterhouses (sections 125 and 125A). The Trade Act, 1975, authorises the Court of Arbitration to order a resumption of work on the grounds that the economy of the country is or may be seriously affected by a strike. A request to this effect may be addressed to the Court by a Minister or by a person directly affected by the strike (section 119C). Finally, an amendment to the Industrial Relations Act adopted in 1981 confers special powers on the Minister of Labour in the event of a strike or threat of strike in essential industries and export slaughterhouses affecting the public interest (section 125B-E).

¹ For example, Cyprus (Supply and Services (Transitional Powers) (Continuation) Law, Cap. 175A); Philippines (Labour Code, s. 264); Trinidad and Tobago (Industrial Relations Act, s. 65); Tunisia (Labour Code, s. 389).

² See RCE, Report III (Part IV), ILC, 43rd Session, 1959, para. 68, and General Surveys of 1973, para. 109, on freedom of association and collective bargaining and of 1978 on forced labour, para. 123. See also, ILO: Committee on Freedom of Association, 218th Report, Case No. 1131, para. 779.

³ The Committee on Freedom of Association has, for example, considered that the hospital sector and air traffic control are essential services; but it has considered that banking, agricultural activities, ports, the metal, petrol, tobacco, and printing industries, teaching and radio and television, for example, are not essential services in the strict sense of the term.

Requisitioning, minimum service

215. Under the legislation of some countries, workers on strike can be requisitioned.¹ The requisitioning of workers could be abused as a means of settling labour disputes, and such action is therefore to be avoided except where, in particularly serious circumstances, essential services have to be maintained. Requisitioning may be justified by the need to ensure the operation of essential services in the strict sense of the term. In other sectors of the economy, on the other hand, the Committee considers that, if a total and prolonged stoppage of work in a major industrial sector is liable to endanger the life, safety or health of the population and cause an acute national emergency, the maintenance of a minimum service - concerning a specified category of workers - would seem to be justified. For such a measure to be acceptable, the minimum service should be restricted to operations that are strictly necessary to avoid endangering the life, personal safety or health of the whole or part of the population; at the same time, the workers' organisations should, if they wish, be able to participate in defining the minimum service along with the employers and public authorities.² Such a system could also be used in the case of essential services in order to avoid a total ban on strikes in these services.

Restrictions relating to the objectives of a strike

216. In many countries political strikes are explicitly or tacitly recognised as unlawful. Elsewhere, restrictions on strikes can be applied in such a way that any strike may be considered as threatening the security of the State. The Committee considers that trade union organisations ought to have the possibility of recourse to protest strikes, in particular where aimed at criticising a government's economic and social policies. However, strikes that are purely political in character do not fall within the scope of the principles of freedom of association.³

217. As for sympathy strikes, where workers come out in support of another strike, they are recognised as lawful in certain countries.⁴ It would appear that more frequent recourse is being had to this form

¹ For example, Cyprus (Supply and Services (Transitional Powers) (Continuation) Law, Cap. 175A); Portugal (Legislative Decree No. 637/74); Tunisia (Labour Code, s. 389); Upper Volta (Ordinance No. 82.003/1982).

² See, for example, ILO: Committee on Freedom of Association, 204th Report, Case No. 952, para. 162; 221st Report, Case No. 1097, para. 84. In Greece, for essential services, only a minimum service must be ensured in the case of a strike. The unions participate in defining the number and composition of the teams required for the essential service (Law No. 1264, 1982, s. 21).

³ See, for example, ILO: Committee on Freedom of Association, 139th Report, Cases Nos. 737-744, para. 124.

⁴ For example, France, Federal Republic of Germany, India, Italy, Spain (in its ruling of 8 April 1981 the Constitutional Tribunal considered that the provision declaring sympathy strikes unlawful was unconstitutional in that it tended to limit the exercise of the right to strike to those "directly" concerned), Sweden, United Kingdom.

of action because of the structure or the concentration of industries or the distribution of work centres in different regions of the world. The Committee considers that a general prohibition of sympathy strikes could lead to abuse and that workers should be able to take such action provided the initial strike they are supporting is itself lawful.

Restrictions relating to the
methods used

218. Where the right to strike is guaranteed by a country's legislation, the first question that arises is whether the action taken by the workers constitutes a strike as defined by the law. Normally speaking, any work stoppage can be described as a strike, however short or limited it may be. The problem would seem to be more complicated, however, where there is no stoppage but merely a slowing down of work (go-slow) or the strict application of the rules (work to rule). Staggered, sit-down and lightning strikes, repeated walk-outs and picketing also pose a problem. The Committee shares the opinion of the Committee on Freedom of Association that, as far as the methods of exercising the right to strike are concerned, restrictions on working to rule, the occupation of an enterprise or working premises, sit-down strikes and picketing can only be justified if the action ceases to be peaceful.

Provisions imposing a waiting
period on strikes

219. In a large number of countries the law requires notice to be given of an intention to strike, allows for a cooling-off period or stipulates that the majority of the workers concerned or the general assembly of the union must first signify their approval of a strike order.¹ Such procedures should not be so cumbersome as to render the lawful strike impossible in practice.

220. The legislation of many countries requires workers to notify the administrative authorities of an intention to strike and to resort to conciliation and arbitration procedures before a strike is allowed to commence.²

221. Finally, there is the special situation in some countries where trade unions, having voluntarily decided to register with the authorities (which in turn entitles them to use the official machinery for the settlement of labour disputes by means of conciliation and arbitration proceedings with binding awards), are not allowed to strike

¹ For example, Burundi, Denmark, Honduras, Philippines, Poland, Switzerland, United Kingdom/Hong Kong, United States.

² In this regard, in countries where conciliation and arbitration are voluntary, due account should be taken of the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), whose Paragraph 7 states that "no provision of this Recommendation may be interpreted as limiting in any way whatsoever the right to strike". As to compulsory conciliation and arbitration procedures, which can in practice be tantamount to a ban on strikes, the Committee draws attention to the comments in paragraph 204 above.

if a strike ban has been included in an award or where they are bound by the terms of an award.¹

Sanctions against strikes

222. Most legislation that restricts the right to strike contains clauses providing for sanctions against workers who infringe these provisions. In some countries, striking illegally is a penal offence punishable by a fine or term of imprisonment.² Elsewhere, engaging in an unlawful strike may be considered an unfair practice and incur the corresponding civil action and disciplinary sanctions.

223. As regards strikes the Committee considers that penal sanctions should only be imposed where there are violations of strike prohibitions which are in conformity with the principles of freedom of association. In addition, in these cases the sanctions should be proportionate to the offences committed, and penalties of imprisonment should not be imposed in the case of peaceful strikes. The Committee considers that the application of disproportionate penal sanctions does not favour the development of harmonious industrial relations.

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224. Interference by the administrative authorities in trade union activities may raise difficulties in the application of Article 3 of Convention No. 87, particularly where an organisation's financial administration is concerned. The principles embodied in the Convention do not exclude the possibility of external control over the internal activities of an organisation if it is believed or alleged that the law or a union's rules are being infringed. In order to guarantee an impartial and objective procedure, however, such control should be subject to review by independent judicial authorities. Similarly, the inviolability of the premises and correspondence of trade union organisations should be secured by judicial guarantees.

¹ For example, Australia (Conciliation and Arbitration Act), New Zealand.

² For example, Bahamas (Industrial Relations Act, s. 72); Bangladesh (Ordinance No. XXVI/1982, s. 8); Philippines (Labour Code, s. 273); Poland (Trade Union Law, 1982, s. 47 provides for sanctions against strike leaders); USSR (Penal Code of the RSFSR, s. 190).

In Japan, penal sanctions for strike action have been imposed by the Supreme Court on certain workers who have organised or instigated strikes in public services.

As regards the legislation in the USSR, the Committee on Freedom of Association has noted the formal assurance given by the Government of the USSR that a collective stoppage of work is not, and never has been regarded as absenteeism and that Soviet legislation does not provide, and never has provided any sanction in respect of a collective stoppage of work for the purpose of supporting the claims of the workers. The Committee has recommended the Government of the USSR to take appropriate steps to ensure that this assurance is generally known to the workers concerned (23rd Report, Case No. 111, para. 227). As regards section 190 of the Penal Code of the RSFSR mentioned above, the Government states that it does not share the Committee's opinion as concerns the interpretation given to this provision and the possibility of systematically applying penal sanctions in cases of strikes.

225. The most common restrictions on the right of trade unions to organise their activities and to formulate their programmes appear to concern the political activities of organisations and the right to strike. Given the development of the trade union movement, union action cannot nowadays be restricted solely to occupational matters. A general prohibition of political activities is not only incompatible with Convention No. 87 but it is also unrealistic for all practical purposes. Trade unions often undertake some measure of political action, including support for a political party, which they may consider necessary for the advancement of their economic and social objectives. Thus organisations should be able to make public their views on a government's economic and social policy, provided that their political action does not compromise the continuity of the union movement or of its economic and social functions; governments, in turn, must not endeavour to use organisations as political instruments.

226. With regard to the right to strike, a general prohibition - sometimes the result of express provisions or, as in many countries, the cumulative effect of provisions concerning the official disputes settlement machinery - constitutes a considerable limitation on the means available to trade unions to further and defend the interests of their members and on their right to organise their activities. A prohibition of this nature can only be justified in circumstances of acute national crisis and for a limited duration. A permanent ban on strikes should only be imposed on public servants acting in their capacity as public authority officials and on workers in essential services, and should be compensated by the existence of adequate impartial and speedy conciliation and arbitration procedures. Finally, restrictions relating to the objectives of a strike and to the methods used should be sufficiently reasonable as not to result in practice in a total prohibition or an excessive limitation of the exercise of the right to strike.