

THE STRIKE AND THE JUDGE: BETWEEN DISTRUST AND PROTECTION

EDITORIAL

The right to strike is not always appreciated by the employers who try to dry up the sources of inspiration of the judge when he protects this right. One of these sources is incontestably the international law, in particular the International organization of Work (ILO) law and the European Convention on human rights. In this respect it is interesting to examine, through the article of Mrs. Fiorentino, the position of the international authorities of the ILO and the Council of Europe concerning the right to strike. (I)

The judge's work with regard to the right to strike is not limited to the definition of this right. Other related issues may arise. Thus, in 2013 and 2014, various South African courts handed down decisions on the extent of the right to strike of minority unions. Professor Rochelle Le Roux has made an analysis of that case law (II)

Finally the judge's reluctance toward the right to strike as evidenced by the recent criminal conviction handed down by a Chinese court in the district of Guangzhou and presented by Professor Zheng Aiqing should not be swept under the carpet (III). Similarly, the German judge, despite the position of the European Court of Human Rights, does not seem in favor of the civil servants right to strike as evidenced by the article by Professor Achim Seifert (IV)