



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No.03/L –200

ON STRIKES

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON STRIKES

Article 1
Purpose

The purpose of this Law is to guarantee freedom and rights, related to organization and participation of Kosovo employees on strike under international standards.

Article 2
Scope

With this Law shall be regulated and defined the rights of employees on strike, conditions and ways of organizing the strike and also the rights and obligations of employees and employers while being on strike.

Article 3

Organization of the strike in state institutions

The Employees in the Kosovo Security Force, Kosovo Police, Fire Services, Emergency Health Services and other bodies of particular interest for the Republic of Kosovo, have no right to organize the strike, if by special Law is not regulated differently.

Article 4

Definitions

1. Terms used in this Law shall have the following meanings:

1.1. **Strike** - organized interruption of work by the employees with aim of realization of the rights and economic, social and professional interests from work relationship.

1.2. **Strikers** - workers who express their dissatisfaction regarding the rights, working conditions, economic, social and professional interests through strikes.

1.3. **Council of Strikers** - a temporary body selected by employees to represent interests of the employees and to lead the strike on their behalf.

1.4. **Services of vital importance** - services that for the reason of work interruption can cause the riskiness of life and of people health or can cause the damage of major size.

Article 5

The participation on Strike

1. The Trade-Union Organizations, or half of employees of a certain working organization, where is no trade-union organization, have the right to organize strikes, to protect their economic, social and professional interests.

2. The participation in the strike is volunteer.

3. The employee can not be forced to participate in a strike against his/her will.

Article 6

General conditions for organizing a strike

1. The strike is legal, when the conditions below are fulfilled:

1.1. is organized by a trade union that has a role of a legal person and is registered in the Ministry of Labor and Social Welfare;

1.2. is organized by half of employees within a work organization;

1.3. has a purpose to realize the requirements from work relationship, according to Law and work contract;

1.4. when the Trade-union, on one hand, and the employers' organization, on the other hand, have tried to make an agreement regarding their requests;

1.5. is not against the legislation in force.

Article 7 Reasons for going on Strike

1. The reasons of workers to get on strikes can be:

1.1. non-implementation of legal provisions that protect workers interest;

1.2. the non-fulfillment of worker's legal requirements, that are based on protection of worker's social interests;

1.3. because of the non-payments of the salaries;

1.4. un-safety at work;

1.5. non-implementation of provisions of General Collective Contract and the Working Contract, signed among the employer and the employee;

1.6. for other reasons which are based on the applicable Laws of our country or in the International Labor Conventions.

Article 8 Admonition of the strike

1. The strikers' council is obliged to admonish the strike to the employer and trade-union.

2. The strikers' council is obliged to admonish the strike not later then seven (7) days before the assigned date for beginning of the strike, by delivering the decision for going on strike to the governing body and to the leadership body of organization, respectively to the employer.

3. The decision with which the strike is admonished must contain:

- 3.1. the reasons for going on strike;
 - 3.2. workers' requirements;
 - 3.3. the place where the strike will be held;
 - 3.4. the starting time and the day of going on strike and,
 - 3.5. the request for solution of disputes in peaceful way.
4. The admonished strike can last up to one (1) hour a day.
 5. Strike Council has a duty and responsibility to keep peace and order during the time of strike.
 6. In cases when the strike goes out of control, the Strike Council is obliged to notify the competent bodies for keeping order.

Article 9 **Organizing the strike**

1. The Strike and admonished strike can be organized to:
 - 1.1. enterprise-strike to the employer;
 - 1.2. branches or activities- under activity strike;
 - 1.3. level of the country- general strike.
2. The strike must not begin before the procedure of negotiations among the employees and the employer, in order to find a solution for fulfillment of worker's requirements without organizing the strike.
3. The decision for going on strike of workers, in the organization, in a part of the organization or at the employer is taken by the body of the trade-union organization or more than half of the employees.
4. The decision for going on strike in a level of a federation or activity is taken by body of trade-union of this federation or activity.
5. The decision for going on general strike of workers is taken by competent body according to trade-union statute.
6. The strike is organized according to this Law and other acts that are in accordance with this Law.

Article 10
The ways for organization of the strike

1. Strike can be organized through:

- 1.1.the interruption of work in work place;
- 1.2. assembly of employees working in space and
- 1.3. lack of employees from work, and
- 1.4. assembly of the employees outside work environments, and at other areas.

Article 11
The right to go on strike

- 1. The participation on strikes is allowed if it is foreseen by Law, collective contract and trade-union statute.
- 2. The employee can not be discriminated because of the strike's organizational and participation causes.
- 3. The worker can not be prevented from the strike's right in any way, neither to be taken the punishment measures for ending the strike in the meaning of paragraph 1 of this Article.
- 4. For organizing and participating in the strike, which is in contradiction with the Law to employees, may be initiated the disciplinary proceeding.

Article 12
The Strike Council

- 1. The strike council leads the strike and represents the striker's interests.
- 2. Strikers' council and the representatives of the employers bodies that have been admonished for the strike, from the date of the admonishment of the strike and during the strike, are obliged to insist to solve their requests by agreement.
- 3. Strikers' council and the employees who participate in the strike are obliged to organize and lead the strike in order not to endanger the safety, health of the people, wealth and to continue the work after the end of strike.

Article 13
Protection of workers' rights during the strike

1. For organizers of strike, towards the strike participants and towards other employees that support the strike, can not be taken disciplinary or material measures and the working term cannot be terminated.
2. During the organized strike according to the conditions determined by this Law the employers cannot employ new employees who would substitute the participants on the strike.

Article 14
The destruction of property during the strike

1. If the employee during the strike destroys on purpose the employer's property or third person's property, than towards him:
 - 1.1. it is initiated a disciplinary procedure and
 - 1.2. it is required a compensation of the damage according to legal procedure.

Article 15
Impossibility for going on strike

1. The strike cannot be held or must be suspended in case of extraordinary condition for as long as this condition continues.
2. Extraordinary conditions are: natural disasters, war state, epidemics and cases when the freedom of election is endangered.

Article 16
The minimum security of work process

1. The strikers' council is obliged that during the time of strike to cooperate with leadership body of the enterprise, respectively with employer in order to ensure the minimum of working and the production process, when this duty is necessary for the life and safety of citizens or is irreplaceable condition of life and work of citizens.
2. The minimum of work process is defined depending on activity conditions, riskiness rating of life and people health and other important circumstances for realization of peoples' needs, employers and other subjects.

3. During the definition of minimum of work process according to this Article, the employer is obliged to take the opinion of competent body of trade-union.

4. With internal sub-legal act of the employer, which should be in accordance with the Law and the Collective Contract, shall be defined duties and obligations which must be carried out while striking.

Article 17 **The services of vital importance**

1. The organization of strikes at the activities of special public interest may, and at the activities on which work interruption, based on work nature, risk life or health of people, or cause damages with high consequences, may be realized if the special conditions defined by this Law are met. A special condition is to provide the minimum of work process and production, to ensure the life and health of people, or non-causing of damages with high consequences.

2. Services of vital importance are:

2.1. protection services for security of the country;

2.2. emergency medical and hospital services;

2.3. water supply services;

2.4. electricity power supply services;

2.5. air traffic control services;

2.6. services for protection against fire;

2.7. the prisons services;

2.8. services for veterinary protection when are in questions the different outbreaks.

2.9. hygiene-sanitary services.

Article 18 **Effects of a legal strike**

1. During the process of the strike the assignments, that derive from the work contract, shall be suspended.

2. The termination or suspension from work because of participation in a legal strike is illegal.

3. Provisions from 2 paragraph of this Article are not applied if the employee, during the strike, commits an act that is against the Law.

Article 19 **Effects of the illegal strike**

1. When the strike is not legal, the employer may terminate the working-terms with the strikers.

2. The Employer has the right toward the employee who do not recommence the work within three (3) days, to solve the work contract with an immediate effect.

3. When the strike is accompanied with illegal actions, the parties will refer to the competent court, which determines the responsibilities of parties, actions that they must commit, the damage caused and the obligation of a party for compensation.

4. In contest events regarding the strike legality, the pairs may refer to the Competent Court.

Article 20 **The interruption of strike**

1. The strike is interrupt:

1.1. when are accomplish the requests of striker's;

1.2. when the agreement with the employer is achieved;

1.3. when Strike Council values the reason of strike interruption; and

1.4. when are in questions cases of extraordinary state determined by Article 15 of this Law.

Article 21 **Legal forbiddance for strikes and compensation of the damage**

The employers and the trade-unions may ask from the competent court to forbid organization of strike which is in contradiction with this Law.

Article 22
Reconciliation procedures

1. The procedure for reconciliation begins with proposal of the parties, at the latest in terms of seven (7) days, from the beginning of the contest.
2. The Social Partners shall assign the composition and structure of reconciliation Commission.
3. The parties can accept or reject the proposal of reconciliation Commission.
4. Accomplished agreement in the reconciliation procedure must be in written form.

Article 23
Supervision

1. The supervision for application of the provisions of this Law, of the Collective Contracts and of the sub-legal acts by which the employees' respectively the employers' rights and assignments are infringed related to the strike and participation in strike, shall be conducted by Labor Inspectorate.
2. In conducting the inspection, Inspector of Labor, is authorized to:
 - 2.1. do the supervision of legal and sub-legal acts;
 - 2.2. do identification of other documentations to verify the facts and circumstances which are of interest for surveillance;
 - 2.3. listen and take statements from employers, responsible persons, striker council, representatives of trade union, employees and other persons;
 - 2.4. be engaged in taking preventive measures and other measures related to legal violations, which is authorized in accordance with the Law.
3. The employer, responsible person, the Striker Council, trade union representative and the employee, are obliged to enable the inspector of work to supervise, review documents and non-obstruct in his work and also to provide necessary documentation and information for conducting the inspection.
4. To conduct the inspection and to undertake measures, labor inspector, prepares minutes, which contains official statement and necessary taken measures. Minutes of employers' shall be submitted to the Striker Council, respectively to trade-unions.

Article 24
Evidence for strikes and refusal of work by employees

1. By the responsible body of the Ministry of Labor and Social Welfare, should be held evidence regarding:

- 1.1. number of the organized strikes;
- 1.2. requests set forth by the strikers on strike;
- 1.3. extending the strike;
- 1.4. place and way for interruption of strike;

2. Striker Council, is obliged to submit the decision for organization and holding the strike to the Ministry of Labor and Social Welfare.

3. Striker Council and employer are obliged, within two (2) days, from the date of interruption of the strike, to inform the MLSW for duration and reasons for termination of the strike.

4. The employer is obliged to submit to the MLSW the decision for exclusion of employees from work.

Article 25
Fines

1. With fine from five hundred (500) up to five thousand (5000) € shall be punished for violation, the employer, the legal person or responsible person of legal person if:

- 1.1. prevents workers to take part in strike according to paragraph 1 of Article 9 of this Law;
- 1.2. uses violation measures to finish the strike according to paragraph 3 of Article 9 of this Law;
- 1.3. accept new employees that will replace the participants of the strike, according to Article 11 of this Law, or
- 1.4. acts in contradiction with paragraph 1 and paragraph 2 of Article 16 of this Law.

2. With fine from five hundred (500) up to one thousand (1000) € will be punished for violation, the trade-union or council of strikers if:

- 2.1. during the strike refuse to cooperate with the leading body of the enterprise, to ensure the exercise of minimum work process that ensures the safety of people and property, or are irreplaceable condition of life and work of the citizens;
 - 2.2. acts in contradiction with Article 8 of this Law;
 - 2.3. acts in contradiction with Article 15 of this Law.
3. With fine from fifty (50) to three hundred (300) € will be punished for violation, the employee who during the strike:
- 3.1. refuses to cooperate with the leading body of the enterprise, to ensure the exercise of minimum work process that ensures the safety of people and property, or are irreplaceable condition of life and work of the citizens;
 - 3.2. acts in contradiction with Article 8 of this Law;
 - 3.3. acts in contradiction with Article 15 of this Law.
4. All gathered means from the penalties enounced shall de deposited to the Kosovo Budget.

Article 26
Issuance of sub-legal acts

The Ministry of Labor and Social Welfare, in term of six (6) months, from entrance into force of this Law, shall issue sub-legal acts for right and complete implementation of this Law.

Article 27
Abrogation of acts

With entry into force of this Law all other legal and sub-legal acts that are in contradiction with this Law shall be abrogated.

Article 28
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No.03/L –200
22 July 2010

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI