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Greece: Emergency action to thwart teachers' strike unnecessary

The use of special government measures to thwart a proposed teachers' strike in Greece violates the country's international human rights obligations, Amnesty International said.

The national Union of High School Teachers (OLME) has proposed taking industrial action for six days during university entrance exams, which begin on Friday 17 May and come at the end of the academic year.

The strike action – reportedly endorsed by the local teacher's unions – is in protest at a decision in late April to increase teachers' working hours. Teachers' unions claim the change will result in substantial layoffs and a downgrade in the overall quality of education in the country.

In a bid to quash the strike, the Greek authorities are reportedly invoking special legislation to force teachers to keep working. Teachers could face criminal charges and a minimum of three months' imprisonment if they fail to comply – if charged, they face immediate suspension from their duties and a prospect of losing their jobs.

“A blanket prohibition on teachers' right to strike, imposed by means of criminal prosecution and the threat of prison sentences, is clearly unnecessary and disproportionate and would violate Greece's international human rights obligations,” said Jezerca Tigani, Deputy Europe and Central Asia Programme Director at Amnesty International.

“Times of financial hardship don't absolve governments from their obligations to uphold all human rights, and workers' rights in particular should not become a casualty to the crisis.”

Under Greek law the government has powers to compulsorily mobilize workers during peacetime in the event of a sudden incident that requires the adoption of urgent measures to deal with the defence needs of the country or an urgent social need – for example, a natural disaster or a public health risk.

When it announced the use of this legal provision against the teachers' strike, the government argued that the measure was necessary “to prevent a severe disturbance in the social and financial life of the country and to safeguard public order and the health of the prospective university students”.

Under international law, Greece has binding obligations to respect and protect the right to freedom of association, which includes the right to organize – to form and join trade unions – and the right to strike. These obligations are set out in international human rights treaties to which it is a state party. These include the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the European Convention on Human Rights; and the International Labour Organization's (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

These rights can only be limited under very specific circumstances if it is demonstrably necessary and

proportionate, and will protect national security, public safety, public health or morals, or the rights and freedoms of others.

On this basis, very narrow restrictions of the right to strike can be permissible. This could apply to the armed forces, the police and other public servants who exercise authority in the name of the state. It could also apply to workers in essential services – services which, if interrupted, would endanger the life, personal safety or health of the population.

ILO experts have noted that the education sector does not constitute an essential service in that strict sense of the term and, more generally, that any limitations on strikes must be reasonable and must not place a substantial limitation on trade unions.

Since 2010, Greek workers have staged a number of anti-austerity strikes to protest at severe cuts to salaries and government programmes.