



ENTERPRISE, SECTORAL AND GENERAL STRIKES IN INTERNATIONAL AND COMPARATIVE LAW

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Abstract: Most legal regulation of strikes assumes a single setting: a dispute between a group of workers and their own employer. Yet strikes also take place at the level of a whole sector, in support of other workers, and across an entire economy in protest against government policy. This article examines how international and national law treat strikes at these different levels. It proposes a three-axis typology (scale, target and purpose), sets out the position of ILO supervisory bodies, the 2026 advisory opinion of the International Court of Justice, the European Court of Human Rights and the Court of Justice of the European Union, and compares the solutions adopted in the United Kingdom, Germany, France and Serbia. The analysis is then applied to the new strike provisions of the Labour Code of Uzbekistan. The author shows that Uzbek law organises collective bargaining at several levels but recognises the strike, in practice, at the level of one employer only, and suggests how this asymmetry could be reduced without opening the door to purely political strikes.

Keywords: sectoral strike, general strike, sympathy strike, secondary action, protest strike, levels of collective bargaining, ILO Committee on Freedom of Association, Labour Code of Uzbekistan.



Introduction

Reading the strike provisions of many labour codes, one might conclude that strikes are normally confined to a single enterprise. Workers make demands, the employer refuses, conciliation fails, the workforce votes, notice is given, and the strike begins. That sequence describes many disputes, but it does not capture some of the most consequential strikes of the last century: general strikes against pension reforms in France, sector-wide stoppages by teachers or doctors, or sympathy actions in which dockers in one port supported dockers in another.

The Serbian Strike Act makes explicit what the enterprise-based model leaves implicit. It recognises three levels of strike action: within a company or other legal entity, within a branch or sector, and at the level of a general strike [1, p. 108]. Many legal systems do not address the broader forms expressly. Where legislation regulates only a strike against the workers' own employer, action directed elsewhere has no obvious procedure to follow and can therefore be declared unlawful.

The issue is not merely technical. A. Gourevitch argues that workers experience domination in a market economy partly because they must sell their labour to some employer, rather than because of the conduct of a particular employer. On that view, sympathy and general strikes “might be superior to workplace strikes” as a response, because they address the wider structure rather than a single workplace [2, p. 318]. Whatever the merits of that argument, it exposes a gap in legal reasoning: the law rarely explains why the protection of strike action should end at the boundary of the enterprise.

The article has three aims: first, to clarify what is meant by the “level” of a strike; second, to identify what international law requires in relation to strikes beyond the enterprise; and third, to assess, in light of those standards and comparative experience, the regime introduced in Uzbekistan by Law No. ZRU-1150 of 11 June 2026, which has been in force since 12 September 2026. The



research uses the formal-legal method, functional comparison, and analysis of the practice of international supervisory and judicial bodies.

1. What is the “level” of a strike? A three-axis typology

The term “level” is used in legal writing in several different senses. Confusion arises when questions of scale, target, and purpose are treated as if they were the same. For the purposes of this article, these dimensions are considered separately.

The first axis is scale: how far the stoppage reaches. Here the Serbian classification is useful: an enterprise strike, a sectoral (branch) strike and a general strike [1, p. 108]. Scale is an organisational fact. It tells us who must decide, whom the notice must be addressed to and who sits on the other side of the table. Under the Serbian Act, for example, a decision on a sectoral or general strike is delivered not to a single employer but to the relevant employers’ association, the founder and the competent state body [1, p. 109].

The second axis is target: against whom the pressure is directed. A primary strike is aimed at the strikers’ own employer. A secondary strike puts pressure on another employer, typically a customer or supplier of the employer in dispute. A sympathy (solidarity) strike supports workers elsewhere without any demand of the strikers’ own.

The third axis is purpose: what the strike seeks to achieve. Occupational strikes pursue demands about pay and conditions; protest strikes oppose an economic or social policy that directly affects workers; purely political strikes pursue aims that have no link to workers’ interests as workers.

The three axes may overlap. A general strike can pursue occupational demands, such as a national minimum wage, or take the form of a protest against government policy. A sympathy strike, in turn, may be limited to a single enterprise. Bogg and Estlund make a related point from a normative perspective: secondary, sympathy,



and political strikes may still be grounded in the freedoms from forced labour, of association, and of contestatory expression, even where they lack the workplace-specific element of “the right to contest employer power” [3, p. 249]. This distinction helps determine the level of protection that different forms of strike action should receive.

2. What international law requires beyond the enterprise

ILO supervisory bodies. The Committee on Freedom of Association and the Committee of Experts have not confined the right to strike to disputes with a single employer. As systematised by B. Gernigon, A. Odero, and H. Guido, their approach can be stated through four propositions [4]. First, strikes are a legitimate means for workers to defend not only their occupational interests in a narrow sense, but also their position on economic and social policy issues that directly concern them; protest strikes against such policies are therefore protected. Second, strikes of a purely political character fall outside the protection of freedom of association. Third, a general prohibition on sympathy strikes may lead to abuse, and workers should be able to take such action where the initial strike is itself lawful. Fourth, the level of collective bargaining is a matter for the parties, and legislation that confines the right to strike to a particular bargaining level, including the enterprise level, is open to criticism [4; 5]. A nationwide strike is therefore not objectionable merely because of its scale; its purpose remains decisive.

The International Court of Justice. On 21 May 2026 the Court advised, by ten votes to four, that the right to strike of workers and their organisations is protected under Convention No. 87 [6]. The Advisory Opinion is significant both for what it establishes and for what it leaves unresolved. It confirms the existence of the right as a matter of treaty law, but does not define the categories of strikes covered by it. Commentators have noted that the Court did not determine who may strike, whether political, solidarity, or mid-contract strikes are protected, or which authority should



set the limits [7]. For the present discussion, that restraint is important: the Opinion neither endorses nor rejects the supervisory bodies' approach to sympathy and protest strikes, while its treatment of their conclusions as a legitimate supplementary means of interpretation makes those principles more difficult to disregard.

The European Court of Human Rights. The ECtHR considered secondary action in *National Union of Rail, Maritime and Transport Workers v. the United Kingdom* (2014). The Court accepted that secondary industrial action falls within the scope of Article 11 of the Convention, but regarded it as an "accessory" rather than a core aspect of trade union freedom. In view of the wide margin of appreciation in matters of social and economic policy, it held that the British statutory ban on secondary action, in force since 1990, did not violate the Convention [8]. Although the judgment is often described as a defeat for unions, it is more nuanced: action directed beyond the workers' own employer was recognised as an aspect of protected association, while states retained substantial room to regulate it.

The Court of Justice of the European Union. The transnational dimension adds another layer to the analysis. In *Viking* and *Laval* (2007), the CJEU recognised collective action as a fundamental right within EU law, but held that collective action capable of restricting the freedom of establishment or the freedom to provide services must pursue a legitimate aim and satisfy the requirement of proportionality [9; 10]. Cross-border strike action is therefore assessed both as an exercise of freedom of association and as a potential restriction on economic freedoms. Bogg and Estlund use *Viking* to illustrate the contested boundaries of the fundamental right to strike [3, p. 229].

Interim conclusion. International law draws its clearest line at the level of purpose and is less settled on the question of target. Protest strikes concerning social and economic policy are protected, whereas purely political strikes are not. Sympathy strikes receive qualified protection in ILO practice but substantially



weaker protection in Strasbourg. The scale of the strike, taken by itself, does not justify a restriction.

3. National models have four ways of drawing the boundary

United Kingdom: the boundary is the employer. British law protects industrial action only when it is taken in contemplation or furtherance of a “trade dispute”, defined as a dispute between workers and their own employer relating wholly or mainly to matters such as pay and conditions; secondary action is excluded from statutory protection altogether [11]. As a result, a lawful sectoral strike is possible only as a coordinated series of separate disputes, balloted employer by employer, while a general strike is effectively excluded. The Employment Rights Act 2025, which received Royal Assent on 18 December 2025, eased certain balloting and notice requirements, including a reduction in the notice period from fourteen to ten days from February 2026, but it left both the definition of a trade dispute and the ban on secondary action intact [12]. The reform therefore changed procedure without changing the underlying boundary.

Germany: the boundary is the collective agreement. German law has no separate statute governing strikes. Under the case law of the Federal Labour Court, a strike is lawful only when it pursues an objective that can be regulated through a collective agreement and is called by a trade union. Political strikes, including protest strikes against legislation, are unlawful. Sympathy strikes were formerly treated in the same way, but in its judgment of 19 June 2007 (1 AZR 396/06) the Court accepted that a sympathy strike supporting a lawful primary strike may be lawful, subject to proportionality, including consideration of the relationship between the two employers [13]. Germany therefore allows limited strike action beyond the enterprise as regards the target, while maintaining a strict position on purpose.



France: the boundary is the occupational interest. In France, the right to strike is a constitutional right of the individual worker [14], and its limits are determined mainly by the purpose of the action rather than its scale or target. A strike must pursue occupational demands; a purely political stoppage does not qualify as a strike in the legal sense. French case law and doctrine, however, recognise that occupational interests can include workers' responses to government reforms concerning pensions, employment, or public services. This explains why large interprofessional mobilisations against pension reforms have been treated as lawful strikes even though they were nationwide and directed in substance at the government. France therefore provides the clearest example of a legal system in which general strike action can operate within ordinary strike law.

Serbia: the boundary is procedural. The Serbian Strike Act of 1996, as described by R. Raonić and O. Raonić, recognises enterprise, sectoral, and general strikes and provides for a warning strike of up to one hour [1, p. 108]. The distinction between these levels is mainly procedural: the relevant body decides and the notice is addressed to the appropriate recipient. The authors also identify limits in the Act. It defines a strike simply as a “work stoppage”, leaving go-slows, work-to-rule, and sit-ins outside the definition, and it contains no express provision on solidarity strikes, which they argue should be regulated [1, p. 102].

The comparison suggests that systems that give collective bargaining a particularly strong role, such as Germany and the UK, tend to define the limits of strike action by reference to the employer or the collective agreement. Systems that understand the strike as an individual civil right, as in France, place greater weight on the purpose of the action. Serbia demonstrates a different possibility: the scale of a strike can be recognised through procedural rules without creating either a blanket prohibition or a legal gap.

4. In Uzbekistan, bargaining at three levels, strikes at one



Law No. ZRU-1150 defines a strike as the temporary, voluntary, and joint cessation, in whole or in part, by employees of the performance of their labour obligations [15]. The definition is neutral as to the scale or level of the action and expressly includes partial stoppages. The more restrictive feature emerges from the procedural rules that connect the strike to a collective labour dispute with an employer.

Under Article 581, a strike may be declared when conciliation and mediation in a collective labour dispute have produced no result, when the employer evades those procedures, or when the employer fails to implement an agreement reached through them [15]. The decision is taken by the general meeting (conference) of the organisation's employees at least one month before the strike begins (Article 582). Notice is then given to the employer and to the competent state body (Article 583). The procedure is therefore constructed around a single employer: the workforce decides, management receives the notice, and the employer's failure to resolve the dispute opens the way to strike action.

At the same time, the Labour Code regulates social partnership at several levels. In addition to collective agreements within individual organisations, it provides for general, sectoral, and territorial agreements concluded by representatives of workers, employers, and the state [16]. Sectoral agreements create binding obligations, and disputes over their conclusion or implementation are a normal feature of collective bargaining. Yet the new strike chapter provides no corresponding procedure for such disputes: it identifies neither a body competent to decide on a sectoral strike nor an addressee for the notice. The result is a clear asymmetry: collective bargaining operates at several levels, whereas the strike procedure remains tied to one level.

This produces three practical effects. A sectoral strike can be organised only as a series of separate enterprise strikes, each requiring its own meeting and one-month



lead time and each exposed to Article 590, which treats a breach of the Code's requirements as a ground for declaring the strike unlawful. Coordination is therefore costly and legally risky. A sympathy strike likewise has no clear legal basis because the supporting workforce has no dispute with its own employer and cannot satisfy Article 581. Finally, a protest strike against a government decision on wages, pensions, or employment conditions in the public sector, a form expressly protected by ILO principles [4], has no procedural mechanism either. These forms would therefore be highly likely to be treated as unlawful, exposing those who lead them to administrative and, potentially, criminal liability under the new rules [15].

One possible justification is legislative caution. Uzbekistan has only recently introduced a statutory strike procedure, and beginning with enterprise-level disputes, where the parties and the subject of the dispute are easier to identify, may be regarded as a prudent first step. Storey's earlier concern about strikes that could "arrest the whole business of the country" [17, p. 103] also remains recognisable in modern policy debates. The author accepts part of this concern. Purely political strikes should remain outside the legal regime, as they do under ILO principles and in the systems considered above. A protest strike concerning social or economic policy, a sympathy strike supporting a lawful primary strike, and a sectoral strike connected to a sectoral agreement are different. They concern workers' interests in their capacity as workers, fall within the international standards to which Uzbekistan has committed itself through ratification of Convention No. 87 and the International Covenant on Economic, Social and Cultural Rights [18], and cannot be excluded solely because they extend beyond a single workplace without addressing the principle that scale alone is not a sufficient ground for restriction.

Conclusion

The level of a strike has three dimensions: scale, target, and purpose. Legal systems differ mainly in which of these dimensions they use to define the limits of



lawful action. International standards draw the clearest distinction at the level of purpose: protest strikes on social and economic policy are protected, purely political strikes are not, and the scale of a strike is not, by itself, a sufficient ground for restriction. Sympathy strikes receive qualified protection. National systems range from the employer-centred British model to the French model, under which nationwide strikes concerning major reforms can fall within ordinary strike law.

Uzbekistan's new regime currently draws the line at the employer. That approach is understandable at the beginning of a new statutory framework, but it creates an asymmetry between multi-level collective bargaining and single-level strike procedures. The author proposes the following amendments to the Labour Code:

1. Provide a procedure for strikes in disputes over the conclusion or performance of sectoral and territorial agreements, with the decision taken by the representative bodies of the trade unions that are parties to the agreement and the notice addressed to the relevant employers' association and the competent state body.
2. Permit short protest strikes (for example, up to one working day) against decisions of state bodies on wages, pensions, employment or working conditions that directly affect the workers concerned, subject to notice and to the existing rules on minimum necessary services.
3. Permit sympathy strikes of limited duration in support of a primary strike that has not been declared unlawful, where there is an economic or organisational connection between the employers.
4. State expressly that strikes pursuing aims unrelated to the occupational, social and economic interests of workers are not covered by the chapter.



These proposals would not convert every dispute into a national confrontation. They would provide a lawful channel for broader forms of collective action and, in light of the comparative material reviewed above, may offer a more orderly framework than leaving such action without a clear legal procedure. Further research should examine sectoral bargaining regulation in neighbouring Central Asian states and the first judicial practice under Article 590.

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