

Your rights during a strike – brief, basic information

Who is allowed to take part in strikes – including token and sympathy strikes?

Every employee – whether a union member or not – has the right to take part in a (token or sympathy) strike, if the trade union has called one.

Is the employer allowed to forbid his employees from taking part in the strike?

No! Even if he were to do so, employees would not have to comply, as the right to strike is enshrined in Article 9 Section 3 of the German Basic Law (constitution). The only requirement is that ver.di has called the strike. Employees do not have to inform the employer whether they are planning to go on strike.

Is the employer permitted to issue an employee with a caution or dismissal notice because of involvement in a strike?

No! Such disciplinary measures by the employer on the grounds of involvement in a strike are forbidden, and trade unions can take legal action against them. In addition, at the end of an industrial dispute, ver.di reaches an agreement prohibiting disciplinary action.

Can agency workers be required to undertake strike-breaking work during a strike?

No! Agency workers do not have to work in a company that is subject to a strike. This is explicitly stated in the “Temporary Employment Act”.

Who receives strike pay?

Employers do not pay any wages for the period during which employees are on strike. By way of compensation, ver.di members receive strike pay when a call has gone out for work to be halted for four or more hours – provided they have paid their statutory membership contributions. And they must have joined ver.di at least one month before the start of the strike.

How is the strike pay calculated?

Strike pay amounts to less than the individual’s net pay, but is free of tax or social insurance levies. The precise level is based on the membership contribution. Parents receive an additional daily support payment for each family member entitled to child benefit.

For how long do members receive strike pay and where does one apply for it?

Strike pay is payable from the first day of the strike until the industrial dispute is over. Applications for strike pay are usually made via the local strike office.

Does sickness insurance cover continue during the strike?

Yes – protection remains in place during the strike. The law states that those with compulsory insurance do not have to pay any contribution during this period. Only those with voluntary and private insurance have to continue to pay contributions.

Instructions of the strike committee

To ensure successful, smooth-running and orderly industrial action, all members (and non-members) involved must follow the instructions of the strike committee.

