Issuer:	Riigikogu
Type:	act
In force from:	06.07.2018
In force until:	30.06.2023
Translation published:	26.06.2018

Collective Labour Dispute Resolution Act

Passed 05.05.1993
RT I 1993, 26, 442
Entry into force 07.06.1993

Amended by the following acts

Passed	Published	Entry into force
20.12.1995	RT I 1996, 3, 57	01.09.1996
02.06.1998	RT I 1998, 57, 858	06.07.1998
19.06.2002	RT I 2002, 63, 387	01.09.2002
17.12.2008	RT I 2009, 5, 35	01.07.2009
20.05.2010	RT I 2010, 29, 151	20.06.2010
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
28.02.2013	RT I, 20.03.2013, 1	01.04.2013
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
05.03.2015	RT I, 10.03.2015, 31	05.07.2015 – Judgment of the Constitutional Review Chamber of the Supreme Court declares § 18 (3) of the Collective Labour Dispute Resolution Act unconstitutional and invalid insofar as it sets out that a sympathy strike must be notified of three days in advance.
23.09.2015	RT I, 16.10.2015, 1	26.10.2015
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
13.06.2018	RT I, 26.06.2018, 4	06.07.2018

Chapter I
GENERAL PROVISIONS

§ 1. Purpose of Act

This Act regulates the procedure for the resolution of collective labour disputes and the calling and organisation of strikes and lock-outs.

§ 2. Definitions

(1) A collective labour dispute is a disagreement between an employer or an association or a federation of employers and employees or an association or a federation of employees which arises upon the entry into or the performance of collective agreements or the establishment of new working conditions.

(2) A strike is an interruption of work on the initiative of employees or an association or a federation of employees in order to achieve concessions from an employer or an association or a federation of employers to lawful demands in labour matters.

(3) A lock-out is an interruption of work on the initiative of an employer or an association or a federation of employers in order to achieve concessions from employees or an association or a federation of employees to lawful demands in labour matters.

§ 3. Parties to collective labour dispute

(1) The parties to a collective labour dispute are an employer or an association or a federation of employers and employees or an association or a federation of employees.

(2) Employees or an association or a federation of employees are represented by the person authorised thereby (hereinafter *representative of employees*).

(3) An employer or an association or a federation of employers is represented by the person authorised thereby (hereinafter *employer*).

§ 4. Submission of demands of employees and employers

Demands of employees and employers shall be submitted to the other party in writing.

§ 5. Hearing of demands

(1) Employers and representatives of employees are required to hear submitted demands within seven calendar days after the date of their submission and to notify the persons who submitted the demands of their decision in writing on the date following the date of the decision.

(2) Representatives of the party which submitted demands may be invited to participate in the hearing of the demands, and they may be required to submit documents necessary for the substantive resolution of the matter.

§ 6. Notice of labour dispute

The parties shall consult the Public Conciliator in writing if an agreement is not reached through negotiations and a threat of a disruption of work arises.

§ 7. Resolution of labour disputes by federations of employers and federations of employees

(1) Failing agreement in the event of collective labour disputes, the employer and the representative of the employees have the right of recourse to a federation of employers and a federation of employees.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

(2) A federation of employers and a federation of employees shall, within three days after the date following the receipt of an application, establish a committee on the basis of parity for the resolution of a labour dispute and notify the Public Conciliator thereof.

(3) An agreement reached by a federation of employers and a federation of employees is binding on the parties to the dispute.

Chapter II
CONCILIATION

§ 8. Public Conciliator

[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(1) The Public Conciliator is an independent impartial official who helps the parties to labour disputes reach mutually satisfactory resolutions.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(2) The statutes of the Public Conciliator are established by a regulation of the Government of the Republic.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(3) [Repealed – RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(3^1) [Repealed – RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(4) [Repealed – RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(5) [Repealed – RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^1. Requirements set for Public Conciliator

A person acting as the Public Conciliator shall:
1) be a citizen of the Republic of Estonia with active legal capacity whose permanent place of residence is in the Republic of Estonia;

2) have acquired higher education or a corresponding qualification for the purposes of § 28 (2^2) of the Republic of Estonia Education Act or a corresponding qualification in a foreign state;
3) possess skills, experience and knowledge necessary for resolving collective labour disputes, including skills, experience and knowledge concerning labour law and the functioning of the labour market and business;
4) on the basis of the requirements of the Language Act, be proficient in the official language at a level no lower than C1.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^2. Election and appointment to office of Public Conciliator

(1) The central federations of employers and of trade unions shall agree upon a candidate for the Public Conciliator:
1) no later than three months before the end of the term of office of the sitting Public Conciliator on the basis provided for in § 8^3(1) of this Act, or
2) within three months after the end of the term of office of the Public Conciliator on the bases provided for in § 8^3(2) through (5) of this Act.

(2) The central federations of employers and of trade unions shall present the agreement to the Government of the Republic through the minister responsible for the field or in a timely manner notify the Government of the Republic through the minister responsible for the field of not reaching an agreement. The following shall be attached to the agreement:
1) written consent of the candidate to assume the position of the Public Conciliator;
2) documents which prove that the candidate meets the requirements provided for in § $8^1$of this Act.

(3) If the central federations of employers and of trade unions do not reach an agreement on the candidate for the Public Conciliator in a timely manner, the candidate for the Public Conciliator shall be elected by way of a public competition arranged by the Ministry of Social Affairs.

(4) The competition committee shall comprise three members and it shall include the minister responsible for the field, the representative of the central federation of employers and the representative of the central federation of trade unions. If there is more than one central federation of trade unions or of employers, the central federations of trade unions and the central federations of employers shall appoint one representative each. The committee shall make a decision on the candidate for the Public Conciliator by simple majority.

(5) The Ministry of Social Affairs shall notify the winner of the competition and the candidates not elected of the final results of the competition in a format which can be reproduced in writing within five working days after the final results of the competition have become clear.

(6) If the election of the candidate for the Public Conciliator under subsection (3) of this section is unsuccessful, the candidate for the Public Conciliator shall be presented to the Government of the Republic by the minister responsible for the field.

(7) The Government of the Republic shall appoint the Public Conciliator to office for a term of five years.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^3. Expiry of term of office of Public Conciliator

The term of office of the Public Conciliator expires:
1) on the day of expiry of the term;
2) after 30 working days have passed from the submission of a resignation to the minister responsible for the field;
3) on the day of entry into force of a judgment of conviction for an intentional criminal offence;
4) on the day of entry into force of a judgment of conviction for a criminal offence committed through negligence, which imposes an imprisonment;
5) upon the death of the Public Conciliator.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^4. Working conditions of Public Conciliator

§ 43 (1), (2) and (4) and § 62 of the Civil Service Act shall be applied to the Public Conciliator.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^5. Deputy Public Conciliator-adviser

(1) The deputy Public Conciliator-adviser shall perform the duties of the Public Conciliator:
1) in the temporary absence of the Public Conciliator;

2) in a situation where the Public Conciliator has removed themselves from conciliation proceedings;
3) from the expiry of the term of office of the Public Conciliator until the appointment of a new Public Conciliator.

(2) The deputy Public Conciliator-adviser shall meet the requirements set for the Public Conciliator in § 8^1 of this Act.

(3) In addition to that provided for in the Employment Contracts Act, the Public Conciliator has the right to cancel the employment contract with the deputy Public Conciliator-adviser within 90 calendar days as of the appointment to office of the Public Conciliator by notifying of the termination of the employment contract at least 30 calendar days in advance.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 8^6. Office of Public Conciliator

(1) The Office of the Public Conciliator (hereinafter *the Office*) is an agency servicing the Public Conciliator.

(2) The head of the Office is the Public Conciliator. The Public Conciliator enters into employment contracts with the employees of the Office.

(3) The deputy Public Conciliator-adviser is a staff member of the Office.

(4) The expenses necessary for the activities of the Public Conciliator and the Office are covered from the state budget.

(5) The Office shall be registered in the state register of state and local government agencies pursuant to the procedure provided by the statutes of the register.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 9. Duty of Public Conciliator

[RT I, 16.10.2015, 1 – entry into force 26.10.2015]
The main duty of the Public Conciliator is to facilitate the resolution of a collective labour dispute in conciliation proceedings. The Public Conciliator shall identify the reasons for and the circumstances of a labour dispute and propose resolutions.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 10. Rights of Public Conciliator

[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(1) The Public Conciliator has the right to invite the parties to participate in conciliation proceedings.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(2) The Public Conciliator has the right to engage in their work qualified persons or experts and competent officials who are compensated for unreceived wages pursuant to the procedure prescribed by law upon their release from the duties of their principal jobs.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 11. Conciliation of parties

(1) Conciliation is effected by the medium of the Public Conciliator or on the basis of a proposal made by the Public Conciliator. The parties shall reply to the proposal of the Public Conciliator within three days.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(2) Parties are required to participate in conciliation proceedings, send their fully authorised representatives to participate in conciliation proceedings and submit documents necessary for the substantive resolution of the matter by the date specified by the Public Conciliator.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(3) Conciliation is documented by a report, which shall be signed by the representatives of the parties and the Public Conciliator. A report shall also be prepared if no agreement is reached.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(4) A conciliation contained in a signed report is binding on the parties and enters into force upon signature, unless a different date is agreed on.

(5) The Public Conciliator and the participants in the resolution of a labour dispute shall maintain the confidentiality of any industrial, business or professional secrets which become known to them during the conciliation proceedings.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 12. Resolution of labour disputes at court

(1) Failing agreement between a federation of employers and a federation of employees in a dispute arising from the performance of a collective agreement, the federations have the right of recourse to a labour dispute committee or the court for the resolution of the dispute.

(2) The organisation of strikes or lock-outs is prohibited as of the date of recourse to a labour dispute committee or the court.

§ 13. Creation of right to strike or lock out

(1) The right of employees or associations or federations of employees to organise a strike and the right of employers or associations or federations of employers to lock out employees to resolve a labour dispute arises only if there is no prohibition against disruption of work in force, if conciliation procedures prescribed in this Act have been conducted but no conciliation has been achieved, if an agreement is not complied with, or if a court judgment is not executed.

(2) In the case of a strike or a lock-out, the parties are required to resume negotiations in order to reach an agreement in the collective labour dispute.

Chapter III
STRIKES AND LOCK-OUTS

§ 14. Decision-making

(1) A decision to organise a strike is made by the general meeting of employees or an association or a federation of employees.

(2) A decision to organise a lock-out is made by an employer.

§ 15. Advance notice of strike or lock-out

(1) Organisers of a strike or a lock-out are required to notify the other party, the Public Conciliator and the local government of a planned strike or lock-out in writing at least two weeks in advance. The notice shall set out the reasons, exact time of commencement and possible scope of the strike or lock-out.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(2) An employer is required to inform of a strike or a lock-out its contracting partners, other interested enterprises or institutions and, through the media, also the public.

§ 16. Direction of strike

(1) A strike is directed by a person or persons (strike leader) authorised by the general meeting of employees or the association or federation of employees which makes the decision to organise a strike.

(2) A strike leader shall act within the limits prescribed by international legislation binding on the Republic of Estonia, Acts and other legislation of Estonia and resolutions of the general meeting of employees or an association or a federation of employees authorising the strike leader, represent the interests of those who authorised the strike leader during a strike, and inform the public through the media about the course of the resolution of the collective labour dispute. Such authority terminates if the parties sign a conciliation (agreement) on the manner of regulation of the labour dispute, if the strike is declared unlawful by a court, or on the basis of a decision of the bodies authorising the strike leader.

(3) In the exercise of the authority of a strike leader, a strike leader does not have the right to adopt decisions which are within the competence of state bodies, governmental authorities or other organisations or the other party to the labour dispute.

(4) A strike leader is required to apply measures to preserve the assets of the other party and to maintain the rule of law and public order, and is liable for violations of law and damage caused by a strike.

§ 17. Direction of lock-out

A lock-out is directed pursuant to the procedure determined by the employer.

§ 18. Warning and sympathy strikes

(1) Employees and their associations or federations have the right to organise warning strikes with the duration of up to one hour.

(2) Sympathy strikes are permitted in support of employees engaging in a strike. The duration of such strikes shall be decided by the representative, association or federation of the employees who makes the decision to organise the strike. A sympathy strike shall not last longer than three days.

(3) The representative, an association or a federation of employees is required to notify the employer, association or federation of employers and the local government of a planned warning strike in writing at least three days in advance.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(4) The representative, an association or a federation of employees is required to notify the employer, association or federation of employers and the local government of a planned sympathy strike in writing at least five days in advance.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

§ 19. Postponement or suspension of strike or lock-out

(1) The commencement of a strike or a lock-out may be postponed once: by one month by the Government of the Republic on the proposal of the Public Conciliator, or by two weeks by the city or rural municipality government on the proposal of the Public Conciliator.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(2) The Government of the Republic has the right to suspend a strike or a lock-out in the case of a natural disaster or catastrophe, in order to prevent the spread of an infectious disease or in a state of emergency.

§ 20. Freedom to participate in strike

(1) Participation in a strike is voluntary. It is prohibited to impede the performance of work by employees who do not participate in a strike.

(2) It is prohibited for individuals who are not employed by an enterprise, institution or other organisation where a labour dispute arises or who do not represent the employees pursuant to the procedure prescribed by law to instigate a strike.

§ 21. Restrictions on right to organise strike

(1) Strikes are prohibited:
1) in governmental authorities and other state bodies and local governments;
2) in the Defence League, courts, and rescue service agencies.
[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(1^1) Subsection (1) of this section is not applied to persons who are employed under an employment contract in an institution or organisation specified in that subsection, except for rescue workers employed under an employment contract in a rescue service agency and persons employed under an employment contract in the Ministry of Defence, the Defence Resources Agency, the Defence Forces or the Defence League.
[RT I, 20.03.2013, 1 – entry into force 01.04.2013]

(2) Institutions and other organisations specified in subsection (1) of this section shall resolve collective labour disputes by negotiations, by the medium of the Public Conciliator or in court.

(3) In enterprises and institutions which satisfy the primary needs of the population and economy, the body which calls a strike or locks out employees shall ensure indispensable services or production which shall be determined by agreement of the parties. In the case of disagreements, indispensable services or production shall be determined by the Public Conciliator whose decision is binding on the parties.

(4) A list of enterprises and institutions which satisfy the primary needs of the population and economy shall be established by the Government of the Republic.

§ 22. Unlawful strikes and lock-outs

(1) Strikes or lock-outs for the purpose of affecting the activities of courts are unlawful.

(2) Strikes or lock-outs which are not preceded by negotiations and conciliation proceedings are unlawful.

(3) Strikes or lock-outs which are called or organised in violation of the procedure established by this Act are unlawful.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

§ 23. Declaration of strikes or lock-outs as unlawful

(1) A decision to declare a strike or a lock-out unlawful is made by the court.

(2) The court shall communicate its decision to the parties to the labour dispute and through the media to the public.

Chapter III[1]
LIABILITY

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 23[1]. Hindering hearing of collective labour disputes

Hindering the hearing of collective labour disputes, refusing to submit documents or data necessary for the hearing of collective labour disputes or non-submission thereof, or failure to attend conciliation proceedings at the time specified by the Public Conciliator
is punishable by a fine of up to 300 fine units.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]

(2) The same act, if committed by a legal person, –
is punishable by a fine of up to 3200 euros.
[RT I, 26.06.2018, 4 - entry into force 06.07.2018]

§ 23[2]. Resuming strike or lock-out declared unlawful or suspended

(1) Resuming a strike or a lock-out declared unlawful or suspended, and commencing or resuming a postponed strike or lock-out before the specified time –
is punishable by a fine of up to 200 fine units or by detention.
[RT I, 26.06.2018, 4 - entry into force 06.07.2018]

(2) The same act, if committed by a legal person, –
is punishable by a fine of up to 3200 euros.
[RT I, 26.06.2018, 4 - entry into force 06.07.2018]

§ 23[3]. Organisation of resumption of strike or lock-out declared unlawful or suspended or postponed

(1) Organisation of the commencement or resumption of a strike or a lock-out declared unlawful or suspended or postponed before the specified time –
is punishable by a fine of up to 300 fine units or by detention.
[RT I, 26.06.2018, 4 - entry into force 06.07.2018]

(2) The same act, if committed by a legal person, –
is punishable by a fine of up to 3200 euros.
[RT I, 26.06.2018, 4 - entry into force 06.07.2018]

§ 23[4]. Proceedings

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The extra-judicial body conducting proceedings in matters of misdemeanours provided for in this section is the Labour Inspectorate.

Chapter IV
FINAL PROVISIONS

§ 24. Rights and liability of participants in strikes and organisers of lock-outs

(1) Participation in a strike shall not be considered a violation of the relevant employment contract or result in the liability of the employee, unless the employee is the organiser of a strike which has been declared unlawful by the court.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

(2) [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

(3) It is prohibited to terminate the employment contracts of participants in lawful strikes on the initiative of the employer during a strike.

§ 25. Remuneration during strike or lock-out

(1) Employees are not paid wages for the period of a strike or a lock-out.

(2) An employee who does not participate in a strike but who cannot perform his or her work by reason of the strike shall be remunerated by the employer on the same bases as for the period of work stoppages which are not the fault of the employee or to the extent prescribed by a collective agreement.

(3) An employee who cannot perform his or her work by reason of a lock-out which has been declared unlawful shall be deemed to be unlawfully suspended from work, and he or she shall be paid average wages for the period of the lock-out.

(4) Upon the full or partial satisfaction of the demands of employees or an association or a federation of employees, the employer shall pay compensation in an amount agreed upon by the parties to the employees or the association or federation of employees who called the strike.

§ 26. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 27. Covering of expenses

Expenses relating to the resolution of a collective labour dispute are covered by the party at fault or divided between the parties by agreement.

§ 28. Making up for time lost by reason of strike

By agreement of the parties to a collective labour dispute, participants in a strike may make up for the time lost by reason of the strike outside working time. The time spent making up for the time lost by reason of a strike shall not be deemed to be overtime or work on days off or public holidays.

Chapter V
IMPLEMENTING PROVISIONS

[RT I, 16.10.2015, 1 - entry into force 26.10.2015]

§ 29. Specification of election and appointment to office of Public Conciliator

(1) The Public Conciliator in office at the time of entry into force of § 8^2 of this Act shall remain in office until the expiry of their term of office.

(2) If at the time of entry into force of § 8^2 of this Act the duties of the Public Conciliator are performed by the deputy Public Conciliator, the performance of the duties of the Public Conciliator by them ends on the bases and pursuant to the procedure provided by this Act by the appointment to office of the Public Conciliator. Within four months as of the entry into force of § 8^2 of this Act, the central federations of employers and of trade unions have the right to agree upon the candidate for the Public Conciliator. On the basis of § 8^2(2) of this Act, the central federations shall submit the agreement to the Government of the Republic through the minister responsible for the field or in a timely manner notify the Government of the Republic through the minister responsible for the field of not reaching an agreement. If the central federations fail to reach an agreement, § 8^2(3) through (7) of this Act shall be applied.
[RT I, 16.10.2015, 1 – entry into force 26.10.2015]