

YOUR RIGHTS TO STRIKE

Im WiSe 23/24:
Heraus zum
Streik
Semester

Who can go on strike? Can I take part in a strike if I am not a trade union member?

The right to strike is a fundamental right protected by the constitution (Article 9, Paragraph 3 of the Basic Law). Employees who are not members of the union calling the strike can also take part in a strike. However, if employers deduct wages for the period after the strike (which they are allowed to do - see below), only members of the unions calling the strike will receive strike pay from their union. Non-members do not receive strike support.

In order to support the industrial action, which is ultimately aimed at improving your working conditions, you should definitely follow a strike call and stop working as a student assistant - whether you are in a union or not. Convince your student friends and acquaintances to join in and show solidarity with us. Our working conditions are their study conditions!

When can I go on strike? Who can call student assistants to strike?

In order to take part in a strike, the unions involved, ver.di and GEW, must have issued an official strike call with the exact dates. Only the unions involved can call a strike - otherwise you are not protected against dismissal. The call for strike action states exactly which employees will be called out. Only these employees can take part in the strike.

How do I go on strike if I do not have fixed working hours or days?

If you are relatively flexible about the days and times you work, you can of course do so on the days of the strike. The day or days of the strike are then your working days. For example, if no one tells you on which days you are supposed to support the research of your chair, then it is up to you to decide how much of that research you leave undone because you are scheduling it for the day you are called to strike.

What if I have fixed working days?

Again, if the strike day is your regular working day, you do not have to work. If the strike day does not fall on one of your working days, you can of course still take part in strikes, actions and demonstrations in your free time.

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What if I am a tutor? Can I only strike on the day I give my tutorial?

No, you can also strike when you have other work to do. For example, if you have the flexibility to decide when you need to correct assignments for your tutors, it is up to you to decide how much of your correction work you will leave undone because you have scheduled it for the day you are on strike.

Can I be disadvantaged under labour law if I go on strike?

Taking part in a lawful strike is not a breach of the employment contract. An employer may not take any disciplinary action (warning, reprimand or dismissal) against an employee for taking part in a strike. At the end of the strike, there is a right to continued employment under the current contract. Employment is suspended during the strike. Employees do not have to work. There is no right to be paid for the duration of the strike.

Do I have to inform my line manager when I go on strike? Will my superiors automatically be informed that I am on strike?

No, there is no obligation to do so. Nor is there any point in announcing the exact day of the strike in advance. The purpose of the strike is to put pressure on the employers. This pressure will be less if they can prepare for the strike in advance and can possibly organise strikebreakers. If you are asked beforehand, for example by your line manager, whether you will take part in the strike, you do not have to answer or you can give an evasive answer.

Superiors will not be informed of your individual participation. However, they will generally be informed by the university management that a strike is taking place. However, if your personal relationship allows it, it may be useful to talk to your superiors about the aims of the strike in general and ask for their support.

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Do I have to report to anyone when I go on strike, or is it enough not to go to work?

If you are a trade union member and want to receive strike pay, you need to be on your union's strike list. If there are central rallies on the day of the strike, the strike lists will usually be available at these rallies.

In addition to this "traditional" procedure, as a ver.di member you can register on the online platform "meine ver.di" to take advantage of some services, including digital strike support. You can then simply submit your application for strike support digitally via your smartphone. Your presence at the strike will be confirmed by scanning your individual QR code, and your strike support will be transferred in good time. Since Corona, the GEW has often offered the opportunity to sign up to an online strike list. You will receive instructions on how to do this from the GEW's local labour dispute management team.

Otherwise, union members will be informed separately where and when they can sign up to strike lists. If you are not a union member, you do not need to register.

Under what conditions will I receive strike pay - and how much?

Members of the unions calling the strike will receive strike pay. In order to receive strike pay, you must be on the strike lists (see previous question!). It is also possible to join a union on the spot during industrial action. Strike benefits are exempt from tax and social security contributions.

Strike pay at ver.di depends on various factors. It is therefore difficult to give a general figure. As a rough guide, however, you can expect around 60-70 per cent of your net income. Only if you have declared your income to ver.di and pay a membership fee of one per cent of your gross income will you receive strike pay based on this income. There are allowances for children who are entitled to child benefit. Payment will be made as soon as the university has made the deductions. To qualify for strike pay, you must have been a member for a full month - although retroactive membership to the first of the previous month is possible.

In the GEW, strike pay will be paid on presentation of proof of pay deduction. The amount of strike pay per day for GEW student workers is the net pay deduction. To do this, send your pay slips showing the deduction from your wages as a result of the strike to the GEW branch that called you out and ask for the strike pay for the days in question.

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My contract is very short. If I go on strike, I am afraid it will not be renewed. Am I protected against this?

Unfortunately there is no protection or entitlement to an extension. This is another reason why it makes sense to talk to your line manager and full-time colleagues and ask for their support. Experience shows that many will be sympathetic if you explain your situation. Of course, it is even better if as many of your colleagues as possible join the strike, as the masses provide a degree of protection. Besides, the goal of the minimum contract period is exactly what we are fighting for: that we and other student employees will have to worry less in the future that our contracts may not be renewed when we exercise basic workers' rights - such as taking annual leave, but also the right to strike.

Can I tell my colleagues to join the strike?

Yes - you should definitely do that! The more employees who take part, the greater the impact of the strike. The state governments will only move on pay negotiations if there are lots of us on the streets. The strike is our only means of exerting pressure.

Do I have to make up the work I missed?

No. It would contradict the strike if the work continued as before. The strike would not be noticed by the employers. It is also illegal to order overtime as a result of taking part in the strike.

Can my employer ask my colleagues who are not on strike to do my job?

Yes, unfortunately this is allowed. The employer decides on the distribution of tasks.

Can I strike together with TV-L employees?

Yes! As part of the 2023 collective bargaining round for the federal states, it is possible for the unions to call student assistants to strike together with TV-L employees. Even if we are not covered by the TV-L, our goals are part of the collective bargaining round. You can find out who is being called out in the current strike call. It is best get in touch with your colleagues as soon as possible.