

International Maritime Law Seminar – London 2019

Ports Strikes in Argentina, legal and Practical
consequences. Courts Interpretation

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Introduction:

- Legal Right to Strike / Derecho de Huelga
- History: Crime / Free Act / Legal Right
- México: Constitutional Level - 1917
- Argentina: Constitutional Level - 1957
- International Treaties:
 - International Agreement on Economic, Social and Cultural Legal Rights – PIDESC -
 - International Agreement on Civil and Politics Legal Rights – PIDCP -
 - International Labor Organizations – ILO -

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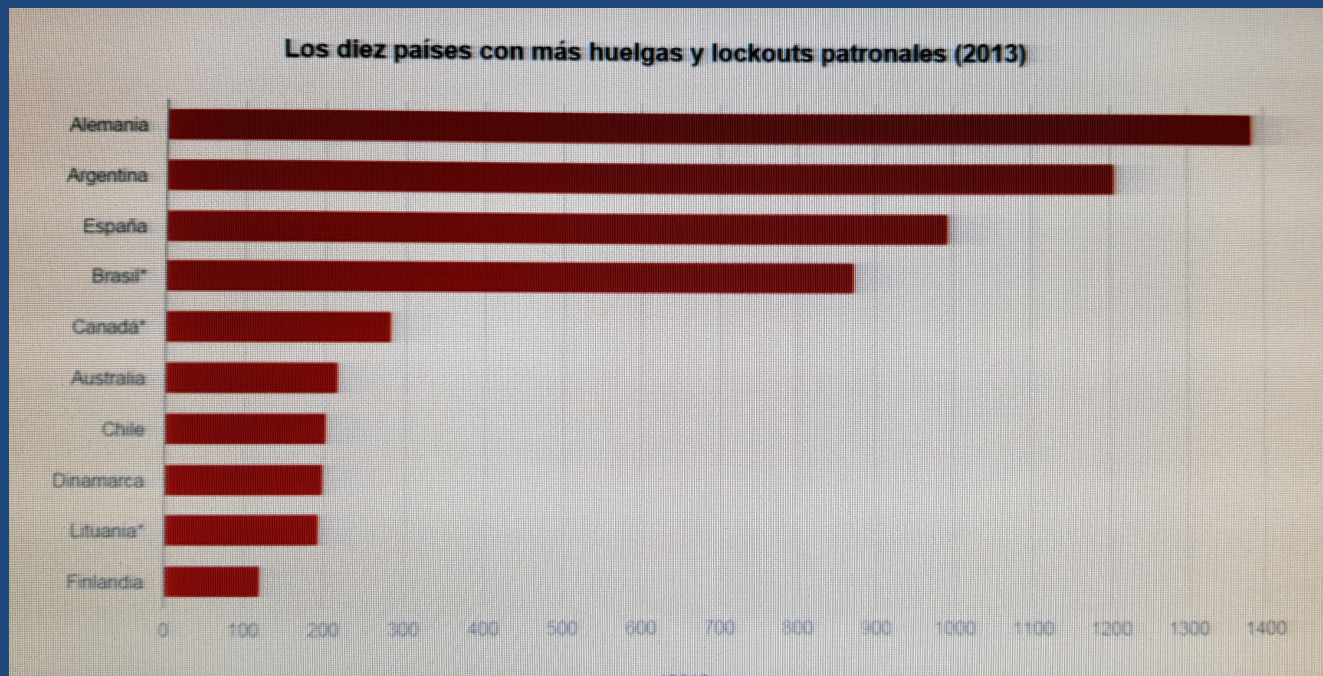
Introduction:

- Legal Aspects:
 - Formal – Law Nº 14.786
 - Substantial – Law Nº 25.877
- Formal requirements:
 - Notification
 - Conciliatory Proceedings
 - Union's Quorums
- Substantial requirements:
 - Essential Public Services determination
- Conflict of interests of the Ministry of Labor

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Statistics



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Statistics

Gobierno	Período	Cantidad de paros	Frecuencia
Alfonsín	12/1983 a 07/1989	13	1 paro cada 6 meses
Menem	07/1989 a 07/1995	3	1 paro cada 24 meses
Menem	07/1995 a 12/1999	5	1 paro cada 11 meses
De la Rúa	12/1999 a 12/2001	9	1 paro cada 3 meses
Duhalde	02/2002 a 05/2003	3	1 paro cada 5 meses
Kirchner	01/2002 a 05/2003	1	1 paro cada 55 meses
CFK	12/2007 a 12/2011	0	Ningún paro en 48 meses
CFK	12/2011 a 12/2015	5	1 paro cada 8 meses
Macri	12/2015 a 03/2017	1	1 paro cada 15 meses

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Practical Consequences:

- UNIONS Role

- United Maritime Workers Union – SOMU –



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Practical Consequences:

- UNIONS Role
 - United Maritime Workers Union – SOMU -
 - Master and River Pilots Association
 - Maritime Naval Industry Federation
- Unions as a Political tool....

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Practical Consequences:

- UNIONS Role

- United Maritime Workers Union – SOMU -
- Master and River Pilots Association
- Maritime Port Naval Industry of the Argentina

- Unions as a Political tool....

- Damages:

- Delays / Demurrages

- Who will pay for all the damages???

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Legal Consequences:

- Official declaration of the Measure:
 - Legal or Illegal
 - NOT an Absolute Legal Right
 - Consideration of the Damages caused
- Declared... Illegal...
 - Action against:
 - Unions...
 - Workers...
- Supreme Court of Justice:

The lack of Legitimation of the Union according to our Laws will declare the measure **ILLEGAL**

Conclusions:

- Shipping Sector:
 - Economical damages
 - Official data declaration of the Strike
 - Chances...
 - Long Lawsuit proceedings...

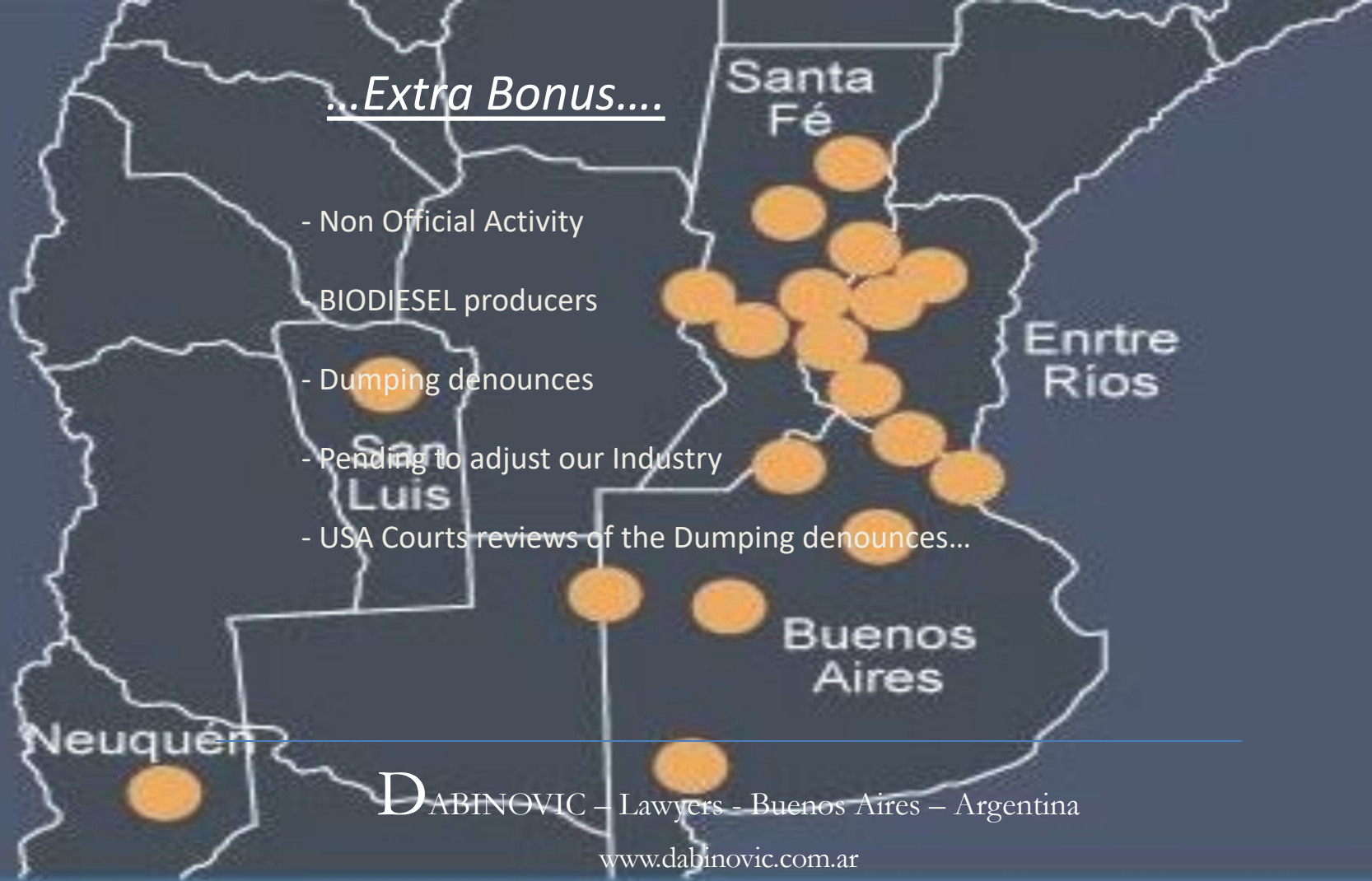
THANKS!!!

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...Extra Bonus....

- Non Official Activity
- BIODIESEL producers
- Dumping denounces
- Pending to adjust our Industry
- USA Courts reviews of the Dumping denounces...



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THANKS

Thank you ALL...for your kind attention!!!!

Adrian J. Dabinovic

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