



**MINISTRY
EMPLOYMENT AND LABOUR
REPUBLIC OF SOUTH AFRICA**

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Mr GF Hougbo
The Director General
International Labour Organization
4 route des Morillons
CH-1211, Geneva,
SWITZERLAND

Dear Mr Hougbo,

RE: SUPPORT FOR THE WORKERS' GROUP PROPOSAL ON THE RIGHT TO STRIKE

I hope this letter finds you well. I am writing to you to express full support for the proposal put forth by the Workers' Group regarding the interpretation of Convention 87 (Freedom of Association and Protection of the Right to Organise Convention) concerning the right to strike.

As you are aware, the Workers' Group has formally requested the urgent referral of this matter to the International Court of Justice (ICJ) to bring about legal certainty and preserve the integrity and credibility of the ILO's supervisory system. During the Governing Body session held in March, it was evident that consensus could not be reached on a procedural framework for such referrals.

Therefore, as the Government of the Republic of South Africa, we unreservedly support the Workers' Group's call for an urgent discussion about referring the case to the ICJ and for including the matter on the agenda of the upcoming 349th Governing Body Session in November 2023.

For our country, labour rights, particularly the right to strike and freedom of association, are extremely important. Our Constitution, along with various pieces of legislation such as the Labour Relations Act (LRA), enshrines and protects these fundamental socio-economic rights. These rights play a crucial role in safeguarding workers' interests and fostering a fair and balanced relationship between employers and employees.

Furthermore, it is our firm belief that resolving the matter concerning the right to strike is essential in our ongoing efforts to ensure better protection of labour rights all over the world. While we recognise the significance of social dialogue and collective bargaining as the ultimate objectives, the current uncertainty surrounding the interpretation of Convention 87 means that workers are deprived of their most potent tool in the event of industrial disputes.

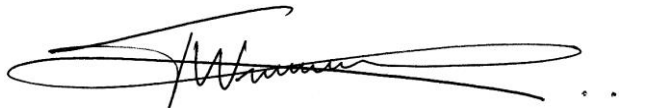
We kindly request that you convey our Government's unwavering support to the Workers' Group and assure them of our commitment to working collaboratively with all the ILO Constituents. We believe that a unified stance from everyone will strengthen our commitment to protect the most vulnerable among us and advance social justice in the world of work.

We further underscore the urgent need to address the lack of legal certainty regarding the interpretation of Convention 87. We also think that the ICJ is better positioned to assist us resolve this long-standing matter.

In conclusion, we express our gratitude for your efforts in advancing the cause of workers' rights and ensuring a fair and equitable global labour landscape. We trust that the ILO will continue to play a pivotal role in promoting social justice and protecting the rights of workers worldwide.

Thank you for your attention to this matter. We look forward to continued cooperation with the ILO and its Constituents.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'TW Nxesi', is written over a solid black horizontal line.

MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
REPUBLIC OF SOUTH AFRICA

DATE: 14 JULY 2023