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ILO-Office of the Legal Adviser
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Comments on the Background report on referral to the ICJ matters in relation to right to strike

The Confederation of Finnish industries does not oppose a recognition of the right to strike or even an international ILO recognition of this right. However, we share the view of the employers' group that Convention 87 neither explicitly nor implicitly includes within its scope the right to strike and it is clearly and explicitly documented that the right to strike intentionally was excluded when the constituents drafted and adopted Convention 87.

While the ILO Constitution provides an avenue to referral to the ICJ to resolve interpretation dispute, this is not the only solution available nor the most appropriate solution for this matter. The framework for right to strike in ILO is of a true tripartite nature that should be discussed by social dialogue in ILO and not determined by an external body such as the ICJ.

We firmly believe that the only efficient and sustainable way forward is further tripartite social dialogue. A tripartite social dialogue solution would ensure that all ILO members would be actively involved in the process, that solutions would be based on consensus, or at least a broad majority, and that the outcomes adopted would be universally relevant and accepted.

To achieve legal certainty, that is legal clarity based on wide acceptance, a solution should remain in the hands of the competent actors in ILO standards matters, in particular the ILO's tripartite constituents.

Yours sincerely

Confederation of Finnish Industries

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