

Organisation internationale du Travail OIT
International Labour Organization
4, route des Morillons
1211 Genève 22

To the attention of the Director-General

Bern, 29 September 2023

Support for the urgent Referral Request to the ICJ on the Right to Strike for decision in accordance with article 37(1) of the Constitution

Dear Director-General

We are writing to you on behalf of the Swiss Trade Union Confederation (SGB-USS) to express our support for the request from the Workers' Group to refer the dispute on the Right to Strike to the International Court of Justice (ICJ). The proposal to have an urgent agenda item added to the ILO GB agenda to take a decision on this matter has garnered the support of already 36 Governments.

This initiative is of immense significance in the context of workers' rights, and we believe it is essential to now finally go ahead with the referral to the ICJ to solve the dispute on the interpretation of the ILO Convention on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in relation to the right to strike for decision in accordance with article 37(1) of the Constitution.

The right to strike is a fundamental pillar of labour rights and a cornerstone of democracy. It is a tool that allows workers to peacefully voice their concerns and seek redress for issues that affect their well-being, livelihoods, and working conditions. The recognition and protection of this right to strike as essential part of ILO Convention No. 87 is vital for the establishment and maintenance of fair and equitable labour relations worldwide and in Switzerland.

We support fully the Workers' Group demand for referral to the ICJ. This shared goal resonates with our commitment to promoting fair labour practices and safeguarding the rights of workers within Switzerland.

We would like to take this opportunity to state explicitly that we respectfully disagree with the Swiss Government position that was communicated to you in a letter on which we were not consulted. Contrary to the Government position, we request that the above-mentioned case at long last be referred immediately to the ICJ in accordance with Art. 37(1) of the Constitution and the 1949 delegation of authority from the Conference to the Governing Body to decide on referral requests under article 37(1) of the Constitution. Through the transparent process and preparations, includ-

ing your request for reactions from all Member States, all Member States have been able to contribute to the debate on this matter. This makes an expansion of the Governing Body to a Committee of the Whole unnecessary. In addition, such format distorts the tripartite balance in the Governing Body making it unfair and undesirable.

Thank you for your attention to this crucial matter.

Best regards,

SWISS TRADE UNION CONFEDERATION

A stylized, cursive signature in blue ink, likely belonging to Pierre-Yves Maillard.

Pierre-Yves Maillard
President

A cursive signature in black ink, likely belonging to Luca Cirigliano.

Luca Cirigliano
Head of international affairs