



BASHKIMI I SINDIKATAVE TË PAVARURA TË SHQIPËRISË

Dekoruar me "Medaljen e Artë të Shqiponjës" nga Presidenti i Republikës së Shqipërisë me dekretin nr. 6050, datë 20.02.2009

THE UNION OF THE INDEPENDENT TRADE UNIONS OF ALBANIA

Decorated with the "Gold Medal of Eagle" by the President of the Republic of Albania no. 6050, on 20.02.2009

Dear Director General,

We thank you for your letter to all ILO Member States dated 31 August that was brought to our attention. In this letter you confirmed that you have received therequest from the ILO Workers' group of 12 July 2023for the urgent referral of the dispute over the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No 87) (C.87) in relation to the right to strike to the International Court of Justice (ICJ) for decision, in accordance with article 37(1) of the ILO Constitution.The Workers' group also requested this matter to be put urgently on the agenda of the Governing Body for decision. This request has in the meantime receivedsupport from 36 Governments from different regions, recognising the importance of legal certainty on this issue for all constituents.

We also express our appreciation for the background report that was prepared by your Office to inform the decision during the Special Meeting of the Governing Bodyon 10 November2023 and welcome your invitation to all Governments and employers' and workers' organisations concerned to send in comments.

Indeed, the right to strike is of the utmost importance for workers in Albania and the inability of the ILO to supervise this right, as a consequence of the dispute, in our national context (is potentially seriously affecting The Right to organize)labour relations in our country Albania.

The Right to organize provided by C87 Convention is linked to the right to strike, as a right of workers to be organised and being protected, and not to be in pressure for the right to be organised, as it is the only mechanism that the workers and trade unions have in their hands to be organized in trade unions, and to achieve collective agreement according to Labour Code of Albania.

We, therefore, wholeheartedly support the request for a referral from our Workers' representatives in the Governing Body and call for an urgent decision by the Governing Body to ensure an immediate referral of the dispute to the ICJ. In addition, since we firmly believe that the right to strike is an essential part of freedom of association and already elaborated by the ILO supervisory bodies, there will be no added value in a protocol complementing the convention to qualify the right to strike. On the contrary, any such attempt would generate a conflict with C.87 already guaranteeing the right to strike as a fundamental principle and right at work. This would further exacerbate the dispute rather than solve it. We are convinced that legal certainty through an advisory opinion of the ICJ that is binding on the ILO is urgently required.

Yours sincerely,

President of BSPSH Albania

Mr. Gëzim KALAJA

Address: BSPSH, Rruga Aleksander Moisiu

Tel/Fax: +355 4 2 472 154; E-mail: bspsh@albmail.com; Tirana-Albania