



QAZAQSTAN RESPÝBLIKASYNYŇ

**KÁSIPODAQTAR
FEDERATSIASY**

010000, Kazakhstan,
Astana, Abai avenue 38

+7 7172 21-61-68

E-mail: interdep@fprk.kz
kense@kasipodaq.kz



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**Director General of ILO
Gilbert Hounbo**

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 the request from the ILO Workers' group of 12 July 2023 for 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 received support 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 Body on 10 November 2023 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 Kazakhstan and the inability of the ILO to supervise this right, as a consequence of the dispute, in our national context is potentially seriously affecting labour relations in our country.

In Kazakhstan, the legal framework for labour rights and the right to strike is primarily governed by the Labour Code. Workers in Kazakhstan have the legal right to strike under certain conditions. These conditions typically include engaging in collective bargaining, notifying relevant authorities, and following established dispute resolution procedures.

It is important to note that, despite the recognition of the right to strike, the labour legislation establishes restrictions on strikes in organizations directly related to the life of the population, etc. Currently, the Federation of trade unions of Kazakhstan is actively working to further improve labour and trade union legislation in terms of introducing a notification procedure for registering trade

unions, simplifying the procedure for making workers' demands and announcing strikes, and the role of trade unions in resolving labour disputes.

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,

Chairman

A handwritten signature in blue ink, appearing to be 'S. Dauletalin', with a horizontal line extending to the right.

S.Dauletalin