



বাংলাদেশ লেবার ফেডারেশন-বিএলএফ

BANGLADESH LABOUR FEDERATION-BLF

Registration No. BJF-19

A National Trade Union Federation, Affiliated with International Trade Union Confederation (ITUC)
Central Office :

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Ref:

Date:

Dated: The 6th October 2023

Dear Director General,

Greetings from Bangladesh Labour Federation- BLF. Hope you are doing well.

We thank you for your letter 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 Bangladesh and the inability of the ILO to supervise this right, as a consequence of the dispute, in our national context this will potentially seriously affect the labour relations in our country. This will shrink the strength of the Trade Unions bargain and limit the scope of negotiation at all level.

The Govt. of Bangladesh has raised a bill in the parliament recently to limit the right to strike. The Essential Services Bill 2023 was placed in Parliament integrating the Essential Services (Maintenance) Act 1952 and the Essential Services (Second) Ordinance 1958 to make it more time-befitting.

The government would be able to declare any service essential when it would be necessary once the bill is passed by the parliament.



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It also said that “illegal” strike that could affect essential services was made punishable offences in the draft law proposed by the labour and employment ministry.

The essential services already included power generation and distribution-related activities, posts and telecommunications, railways, passenger and goods transportation through water, road and air ways.

Trade Unions are seriously opposing the bill. We have already submitted a memorandum to the Speaker of the parliament for not to pass the Bill in the parliament. We have already organized a meeting with the parliamentary standing committee to convey our deep concern.

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,

Shakil Akhter Chowdhury

General Secretary

Bangladesh Labour Federation-BLF