



RANDRANA SENDIKALY USAM - SVS

Défenseur des Droits de l'Homme

1^{er} Prix 2020 - Nations Unies - Haut-Commissariat



Antananarivo, 5 octobre 2023

Monsieur le Directeur Général de l'Organisation Internationale du Travail (OIT)
4 route des Morillons, CH-1211, Genève 22,
Suisse,

Réf : 0387-synd/RANDRANA/23

Objet : Support for the WORKER'S group proposal on the RIGHT TO STRIKE

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 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 Madagascar 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 Madagascar, many workers who lead strike for worker's right request are dismissed by their employers; a part from administrative slowness, many dismissal workers lost the case on the trial. On 2015, the great mining, multinational firm Ambatovy, have dismissed 318 workers after a strike, and some of them do not have any verdict by the trial till now; on 2017, 268 workers have been dismissed by textile firm CLASSIC; on 2022, more than 200 workers have been dismissed after a strike for requesting decent wage at TROPIC MAD... These are an example, but dismissal after a request of right by strike movement becomes a habit for workers, especially for unions representative and shop stewards. Whatever Right of strike must be considered as logical continuation of freedom of association, the C.87;

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,

RANDRANA SENDIKALY Alliance

Barson RAKOTOMANGA
SG SVS/ RANDRANA SENDIKALY
1^{er} Prix 2020-NATIONS UNIES
HAUT COMMISSARIAT
+261 34 71 622 01
boniah_bdd@yahoo.fr

MBOLANOMENA
SG USAM/ RANDRANA SENDIKALY
1^{er} Prix 2020-NATIONS UNIES
HAUT COMMISSARIAT
+261 34 69 338 18
usam_sg@yahoo.fr

Siège social : Logement 1017 Cités des 67Ha Nord Ouest – Antananarivo – 101 – Madagascar

Email : boniah_bdd@yahoo.fr; svs.syndicat@gmail.com; usam_sg@yahoo.fr;

Infolines : +261 34 71 622 01/ 34 69 338 18