



КОНФЕДЕРАЦИЯ НА НЕЗАВИСИМИТЕ СИНДИКАТИ В БЪЛГАРИЯ

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Gilbert F. HOUNGBO
ILO Director General

КНСБ
СОФИЯ, ПЛ. "МАКЕДОНИЯ" № 1
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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 Bulgaria 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.

From the point of view of national legislation, according to Art.50 of the Constitution of the Republic of Bulgaria, workers have the right to strike to protect their collective economic and social interests. This right is exercised under the conditions and according to the procedure determined by law.

Next, the right to strike in Bulgarian legislation is regulated in Art.11-19 of the Law on Settlement of Collective Labour Disputes.

In addition, Art. 47 of the Law on Civil Servants regulates the right of civil servants to strike, referring to the Law on the Settlement of Collective Labour Disputes.

The right to strike derives from freedom of association and the right to protect the economic and social interests of workers. The right to strike is a fundamental element of the freedom of association and one of the most important trade union rights of workers and employees. It is precisely in this that the strong connection between the right to strike and Convention No. 87 is expressed. For this reason, we believe that Convention 87 categorically and unconditionally guarantee the right to strike.



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As examples from practice, various cases of violations in Bulgaria related to the creation of obstacles to the exercise of freedom of association, the right to collective bargaining and the right to strike can be cited, which the Confederation of Independent Trade Unions in Bulgaria collects as signals in special reports on violations of the labour, insurance and trade union rights of workers and employees from 2015 to the present.

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,

Plamen Dimitrov
President of CITUB

