



KONFEDERATA E SINDIKATAVE TE SHQIPERISE
CONFEDERATION OF THE TRADE UNIONS OF ALBANIA

Nr. 446 Prot

Tiranë, on 04.10.2023

To: Mr. Gilbert F. HOUNGBO
ILO – Director General

From: Mr. Kol NIKOLLAJ
President – Confederation of Trade Unions of Albania – KSSH

Dear Director General,

Confederation Of Trade Unions of Albania, KSSH, as the biggest and most organized confederative umbrella in Albania, affiliated at ITUC/PERC, would like to express the highest considerations for You and also thanking 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.

We appreciate and support the Workers' group who requested that 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.

KSSH 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 and seriously evaluated this situation.

Indeed, the right to strike is of the utmost importance for workers in Albania and it is guaranteed by the Constitution of the Republic of Albania, article 51, as well as in the Labor Code of the Republic of Albania, article 197, as an exclusive right of employees. The inability

of the ILO to supervise this right, as a consequence of the dispute, in our national context has seriously affected/is potentially seriously affecting labour relations in our country.

In our national context, it has influenced and continues to negatively influence trade union activities and social partnership relations in our country.

The right to strike is a fundamental right of the employee, as the weaker party in the employment relationship. This right is only for trade union organizations, which also enjoy the right to strike in solidarity with a legal strike. The strike is limited by law to the armed forces and is reduced to vital services, being allowed when minimum service is guaranteed.

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,

Confederation of Trade Unions of Albania
President

Kol NIKOLLAJ

