

26 October 2023

The Director General
International Labour Organization (ILO)
4 Route des Morillons
CH-1211 Geneva

Dear Director General,

We, the Joint Platform of ten Central Trade Unions, met in Delhi on the 25th October, 2023 and discussed 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.

In the light of the above, the Joint Platform of Central Trade Unions resolved as follows:

“Indeed, the right to strike is of the utmost importance for workers in India 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 India, the right to protest is a fundamental right under Article 19 of the Constitution of India. And the right to strike is a lawful right under the provisions of the Industrial Disputes Act, 1947.

“Industrial Relations Code, forcibly enacted by the GOI in blatant violation of all basic principles of Tripartism and also in violation of basic legislative procedures and norms, prohibits the right to strike and demands that unions give a 60-day notice to strike. When a notice leads to automatic conciliation and striking during conciliation is illegal. Workers cannot strike when: conciliation proceedings are pending before a conciliation officer, and seven days after they are completed; or Legal proceedings are pending before an Industrial Tribunal/National Industrial Tribunal or arbitrator, and sixty days after they are completed. The Code thus destroys the freedom of association guaranteed to Indian citizens under the Constitution.

“On the whole, the Labour Codes seek to destroy all the basic rights of the workers. All the Central Trade Unions submitted complaints to the ILO against the Labour Codes, trampling underfoot all the labour rights and violation of ILO Core Conventions, which has been duly acknowledged by the ILO. *(The copy of the complaint of Ten CTUs of India dt.29.05.2023, addressed to yourself is attached herewith and we are with ILO to protect the*

International Labour Standards, all Conventions, Recommendations, Protocols, declarations of the ILO, including Right to strike).

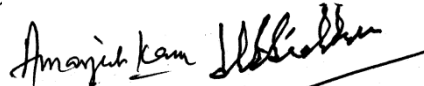
“Trade Unions have claimed and seriously oppose that these Labour Codes are anti-worker as they paved the way for a “hire and fire” policy and restrict the right to strike. “Trade unions unanimously demanded scrapping of the Labour Codes and organised couple of massive national General Strikes on that demand and have also been resisting implementation of various provisions of Labour Codes through united struggles in many industrial sectors across the country. The new norms would adversely affect the workers by allowing easy retrenchment and exempting certain categories of companies from adherence to the laws that safeguard their rights and imposing conditions of virtual slavery on the working people. The joint platform of CTUs firmly reiterates that the right to strike is an inalienable and fundamental right at work.”

Yours sincerely,

Joint Platform of Central Trade Unions in India



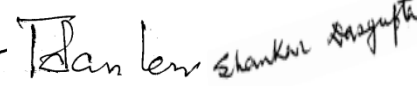
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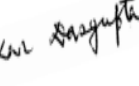
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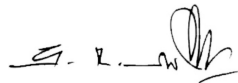
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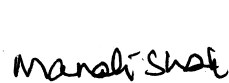
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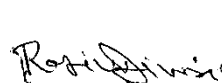
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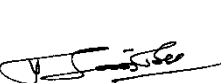
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