



বাংলাদেশ এমপ্লয়ার্স ফেডারেশন
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02 November 2023

The Director General

International Labour Organisation
Rue des Morillons 4, 1211 Genève
Switzerland

Subject: **Right to Strike**

Respected Director General,

Please accept sincere greetings from Bangladesh Employers Federation (BEF).

BEF presents its compliments to the Director General and wishes to highlight the ongoing issue concerning the "Right to Strike" and its potential referral to the International Court of Justice (ICJ) or standard setting in the International Labour Conference (ILC). BEF, alongside the entire Employer Group, strongly believes that to resolve the long-standing dispute on the interpretation of the right to strike in the context of Freedom of Association and the Right to Organise Convention (C87), a solid and sustainable social dialogue-based solution determined by the ILO tripartite constituents should be strived for, rather than resorting to external means like the ICJ.

We are aware that the two proposals will be discussed during the two special sessions of the ILO Governing Body. Our concerns for the referral to the ICJ are twofold: firstly, there is insufficient evidence to support the Committee of Experts and the workers group's opinion that the right to strike can be inferred from the Freedom of Association and Right to Organize Convention of 1948 (C87). Secondly, the referral of this issue to the ICJ could undermine the entire tripartite mechanism and the functioning of the ILO.

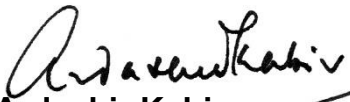
It is our firm belief that internal ILO issues, like the "Right to Strike," should be resolved through ongoing dialogue and negotiations involving ILO tripartite constituents: governments, employers, and workers to reach a mutually agreeable solution. In that context, standard-setting appears to be the most appropriate and logical approach to define authoritative ILO rules regarding the right to strike. An agreed-upon standard would effectively address the interpretation dispute of C87, while an ICJ advisory opinion is unlikely to achieve that goal, potentially exacerbating existing disagreements. Standard-setting aligns with the ILO's core values of tripartism and social dialogue, ensuring active engagement from all ILO constituents and fostering consensus or majority-supported outcomes.

The adoption of a legally binding instrument, such as a Protocol to C87 on the right to strike or on industrial action more broadly, would precisely delineate the scope and limitations of the right to strike at the international level, filling the current regulatory gap in ILO standards. It would clarify that rules agreed upon by the full tripartite constituency on the right to strike are contained solely within the Protocol, not C87 or any other convention. Ultimately, the way this issue will be handled will have broader implications for the integrity of the ILO system, and this should be taken into careful consideration.

I strongly urge upon to consider the request from a holistic perspective protecting the integrity of the globally renowned standard setting organization like ILO.

Thanking you,

Yours' sincerely,


Ardashir Kabir
PRESIDENT