



RUSSIAN UNION of INDUSTRIALISTS & ENTREPRENEURS

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Gilbert F. Hougbo
ILO Director General

Comments on the Background report on referral to the ICJ matters in relation to right to strike

Dear Mr. Hougbo,

Russian Union of Industrialists and Entrepreneurs notes that “right to strike” is not explicitly stated in the text of the ILO Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No 87). This issue was consistently raised at the ILO during last decades but never as a subject for full-scale debates in the social partnership mode.

In accordance with the International Covenant on Economic, Social and Cultural Rights adopted 16 December 1966 by General Assembly resolution 2200A (XXI), article 8, paragraph (d) “The States Parties to the present Covenant undertake to ensure:... the right to strike, provided that it is exercised in conformity with the laws of the particular country”. Thus Russian Federation follows its own procedures in addressing strikes declaring and holding, that are regulated by Constitution and Labour Code. Based on the national legislation right to strike is a measure of last resort for addressing collective labour disputes (protecting collective workers’ rights).

We are strongly convinced that standard setting is the most obvious, appropriate and logical step towards defining authoritative ILO rules on the right to strike, and thus resolving the dispute over interpretation.

Standard-setting is linked to the ILO's core mandate and reflects the ILO's core values of tripartism and social dialogue. Only standard-setting will ensure that

all ILO constituents can actively engage in the process, that any solution achieved is based on consensus or at least a broad majority, and that any outcome adopted is universally relevant and accepted.

Adoption of a legally binding instrument such as a Protocol to Convention 87 on the right to strike or more broadly on industrial action would determine the scope and limits of the right to strike at the international level, as far as is possible, and fill the regulatory gap that currently exists in the ILO body of standards. In doing so, the Protocol would make it clear once and for all that rules on the right to strike that have the support of ILO's tripartite constituents are only contained in the Protocol, and not in Convention 87.

Initiation of the Recommendation could be another option for addressing legal regulation of the right to strike.

We strongly urge for the general discussion of a Protocol to Convention 87 based on the social dialogue principles.

*Sincerely yours,
A. Shokhin*

President of the Russian Union of
Industrialists and Entrepreneurs

Alexander Shokhin