



Trade Union Congress of the Philippines
Katipunang Manggagawang Pilipino

06 November 2023

Mr. GILBERT F. HOUNGBO
Director General
International Labor Organization

Dear **Director General Hougbo**:

Greetings from the Trade Union Congress of the Philippines (TUCP)!

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 a decision. In the meantime, this request continues to receive support from 36 Governments across different regions, as they recognise the importance of establishing legal certainty on this issue for all their 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 their comments.

The right to strike is of utmost importance for workers in the Philippines and the inability of the ILO to supervise this right, as a consequence of the dispute, further hinders the observance of C.87 in our country – itself already a continuing concern for the past 14 or so years, since the first High-Level Mission in 2009, with its findings reinforced by the observations of the more recent 2023 High-Level Tripartite Mission.

Allowing this issue to remain unresolved when a mechanism to resolve it at the highest level (i.e. referring it to the International Court of Justice or ICJ) is a disservice to workers everywhere, as it deprives our trade unions a crucial means to defend their economic and social interests – our reason for being, in service of our members' rights. Without the right to strike as corollary to our rights under C.87, workers' interests will continue to be undermined in a system generally tilted against their interests.

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



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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.

Sincerely and respectfully yours,


ATTY. RAYMOND DEMOCRITO C. MENDOZA
Deputy Speaker, House of Representatives
Chairperson, TUCP Party List
President, TUCP Labor Center

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