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6 November 2023

Comments to the Background report prepared by the Office titled “Action to be taken on the request of the Employers’ group to urgently include a standard-setting item on the right to strike on the agenda of the 112th Session of the International Labour Conference”

The Confederation of Finnish industries does not oppose a recognition of the right to strike or even an international ILO recognition of this right. However, we share the view of the employers’ group that Convention 87 neither explicitly nor implicitly includes within its scope the right to strike and it is clearly and explicitly documented that the right to strike intentionally was excluded when the constituents drafted and adopted Convention 87.

While the ILO Constitution provides an avenue to referral to the ICJ to resolve interpretation dispute, this is not the only solution available nor the most appropriate solution for this matter. The framework for right to strike in ILO is of a true tripartite nature that should be discussed by social dialogue in ILO and not determined by an external body such as the ICJ.

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.

Yours sincerely

Confederation of Finnish Industries

A handwritten signature in blue ink, appearing to read 'Ilkka Oksala', is positioned above the printed name and title.

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