

ZDG/DWM/0432/25.23/ML

Warsaw, 6 November 2023

Mr. Gilbert Houngbo
ILO Director General
International Labour Office (ILO)
Route de Morillons 4
1211 Geneva 22

Subject: Comments on the Office Background Paper on referral to the ICJ matters in relation to the right to strike

Dear Director General,

Employers of Poland would like to refer to the information that the Office of ILO distributed the 31 August 2023 on an urgent referral to the International Court of Justice regarding the interpretation of the ILO Convention No. 87 in relation to the right to strike.

We are against this decision. We consider this step to be counter-effective and antagonising member parties of the International Labour Organisation. In our view, the most appropriate step would be to return to the ILO talks and resolve it in the form of a tripartite, social dialogue. Subsequently, a worthwhile solution to consider would be the adoption of a legally binding instrument such as a protocol to Convention 87, which would finally clarify the interpretation of the provisions on the right to strike.

As Employers of Poland - a country where the Trade Union "Solidarity" played a key role in the system transformation - we would like to emphasise our commitment to the protection of workers' rights. At the same time, it is our position that any contentious issues regarding the interpretation of the law should be resolved through tripartite consultations and take into account the interests of both employees and employers. This is how it is addressed in Poland, where our organisation represents employers in the tripartite Social Dialogue Council.

Once again, we would like to express our opposition to the referral of the interpretation of the right to strike to an International Court of Justice. Our position on this issue is in line with the other European organisations representing employers.

Yours sincerely,

