

10th November 2023

Mr. Gilbert Hougbo

Director General

International Labour Organisation

Geneva, Switzerland

NORMES@ilo.org

RE: STANDARD SETTING AND THE RIGHT TO STRIKE

Dear Sir,

Reference is made to the background report prepared by the Office entitled "Action to be taken on the request of the Workers' group and 34 governments to urgently refer the dispute on the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in relation to the right to strike to the International Court of Justice for decision in accordance with article 37(1) of the ILO Constitution".

On behalf of the Business Eswatini Chamber of Commerce and Employer Federation, we express our strong conviction that standard-setting is the most logical and appropriate approach to defining authoritative International Labour Organization (ILO) rules regarding the right to strike. By doing so, we aim to resolve the ongoing dispute over interpretation.

Standard-setting is intrinsically linked to the ILO's core mandate and reflects its fundamental values of tripartism and social dialogue. It ensures active engagement from all ILO constituents, leading to consensus-based solutions that are universally relevant and accepted.

Adoption of a legally binding instrument, such as a Protocol to Convention 87 specifically addressing the right to strike, or industrial action more broadly, would delineate the scope and limits of this fundamental right at the international level.

BE CONNECTED



It would also address the current regulatory gap within the ILO's body of standards. Importantly, the Protocol would unequivocally establish that rules governing the right to strike, supported by the ILO's tripartite constituents, reside solely within the Protocol—not within Convention 87.

We strongly urge the ILO to refrain from escalating this matter to the International Court of Justice (ICJ) and instead take the necessary steps within the ILO framework, as proposed above.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'E. Nathi Dlamini', with a stylized flourish at the end.

E. NATHI DLAMINI

CHIEF EXECUTIVE OFFICER

Cc:

1. Mr. Mthunzi Shabangu

Commissioner of Labour

Ministry of Labour and Social Security

Mbabane

Eswatini

2. Mr. Mduduzi Gina

The Secretary General

Trade Union Congress of Eswatini (TUCOSWA)

P. O. Box 1158

Manzini, M200