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6/11/2014

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*Translation from Swedish*

To Stefan Löfven, Prime Minister of  
Sweden  
Ylva Johansson, Minister for Employment

Dear friends,

On 7 November and 11 November, the ILO Governing Body will, once again, address the issue of the crisis in the ILO. The crisis is extremely serious and increasingly acute and started at the International Labour Conference in 2012. On that occasion, the EmployersøGroup caused a situation that can only be described as a general attack on the entire supervisory mechanism; in the first phase their attack was focused on the right to strike.

Two ILC sessions later, the crisis has multiplied and there is no opening to be seen so far, nor is there any solution to the conflict. Instead, the conflict has entailed that the credibility of the entire ILO and its capacity to act are being jeopardised and after three years, confidence in the ILO is already being undermined. The observance of the ILO standards, i.e. Conventions, Recommendations, Declarations, Protocols ó indeed the constitution is at risk.

For LO and the democratic international trade union movement, the ILO is the most important UN body. The ILO is the expert body for working conditions and international labour law. The employers do not accept the existence of a global right to strike; instead they maintain that Convention 87 on the Freedom of Association and the Protection of the Right to Organize (core convention) does not include the right to strike. The EmployersøGroup has disapproved of the mandate of the Committee of Experts, as well as the conclusions that the Committee has outlined since decades. The Committee of Experts consists of a group of remarkably qualified lawyers, nominated by the constituent parties and subsequently appointed by the ILO Governing Body.

At the Governing Body meeting in March 2014 an agreement was reached concerning the mandate for the Committee of Experts; it only lasted for two months. When the 2014 Labour Conference opened, the EmployersøGroup declared that they no longer accepted the agreed mandate, which led to a breakdown of the work of the Committee on the Application of Standards (CAS), the third one in succession. Moreover, the EmployersøGroup extended their criticism from Convention 87 and the right to strike, to also

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**The Swedish Trade Union Confederation**

questioning several other Conventions: Convention 98 on Right to Organize and Collective Bargaining (core convention), Convention 122 on Employment Policy, Convention 131 on Minimum Wage Fixing, Convention 182 on the Worst forms of Child Labour (core convention) and Convention 158 on Termination of Employment. What had been the fear of the WorkersøGroup in the Governing Body and during the ILC was now a fact. The employers want to disrupt the ILO in its entirety.

Ever since the crisis started, this issue has been discussed in the ILO Governing Body. In addition, ILO Director General Guy Ryder has conducted informal consultations with representatives from the three parties on several occasions. The Government of Switzerland willingly hosted a series of meetings with the parties, in an attempt to induce them to agree on a possible way forward and eventually to find a durable solution to the conflict; all efforts were however without success. Employers from the USA, Canada and the UK are the ones who lead and set the tone in the criticism and campaign against the ILO, many of them with hired lawyers having union busting as their speciality.

Prior to the forthcoming meeting of the ILO Governing Body, Guy Ryder has presented a paper proposing that the issue of the right to strike should be referred to the International Court of Justice (ICJ) in The Hague and that the ILO Governing Body should ask for a so-called "advisory opinion" from the Court. The WorkersøGroup supports this request. The EmployersøGroup, however, does not, and it has now launched a strategy aiming to postpone making the decision until the meeting of the ILO Governing Body in March 2015. This is unacceptable for LO and the international trade union movement. Sweden must act forcefully and quickly in this matter, primarily towards the other Nordic governments and especially in the EU. In order to have the issue of the right to strike referred to the ICJ, 15 of the 28 government members of the ILO Governing Body must vote -yesø In this regard, the Swedish government must actively contribute to lobbying and persuading as many governments as possible.

I assert that this is a crucial issue for the ILO but especially for all workers in the world. Without a strong ILO, without core conventions and other standards in the ILO system, without a functioning supervisory system, ILO will collapse and I know, as much as you do, that the price will in this case be paid by those who work today and those who will work in future.

Yours sincerely  
The Swedish Trade Union Confederation  
Karl-Petter Thorwaldsson  
President  
Deputy President of the ITUC