



February 13, 2015

Email: kellie.leitch@parl.gc.ca

The Honourable Dr. K. Kellie Leitch, P.C., O.Ont., M.P.
Minister of Labour
and Minister of Status of Women
Employment and Social Development Canada
165 Hôtel de Ville Street
Gatineau, Quebec
K1A 0J2

Re: ILO Convention 87, the Right to Strike and the International Court of Justice

Dear Minister:

This March, the ILO Governing Body will consider a proposal to refer a current dispute between the worker and employer groups about whether or not the right to strike is enshrined within Convention 87 on Freedom of Association to the International Court of Justice (ICJ).

In our view, the recent Supreme Court of Canada decision affirming the right to strike as essential to meaningful collective bargaining now creates a responsibility for the Government of Canada to support that proposition.

We therefore request that you not only cast your support in favour of the proposal, but take active leadership within the ILO's Industrialized Market Economy Countries (IMEC group) for it to take the same position at the upcoming ILO Governing Body meeting.

As you are well aware, the disagreements between the ILO's worker and employer groups about the role of the Committee of Experts in interpreting the implementation of Convention 87 has created a stalemate in the functioning of the ILO's review process, which provides recommendations for governments to properly implement labour standards at the national level, including in Canada.



At issue are two questions. The first relates to the Committee's specific interpretation that the right to strike is enshrined in Convention 87. The second is by questioning this interpretation, the Committee's role in providing future recommendations about any ILO Convention on labour standards is undermined. By doing so, the core purpose of the ILO as expressed in the Philadelphia Declaration of 1944 and the Declaration on Fundamental Principles and Rights at Work of 1998 (both supported by Canada) is also undermined.

Another proposal to create a special tribunal within the ILO to review such disputes may be acceptable in the long term. However, this should not replace the current reference to the International Court of Justice. Creating such a tribunal would depend on the acceptance of ILO social partners in shaping its terms of reference and functions—a drawn out process that could bring the ILO review machinery to a halt for far too long.

The best option at the ILO is to proceed with deliberation to the International Court of Justice now.

The Canadian trade union movement is clear on the direction you should take at the ILO with respect to Convention 87. We are united in our request that you now take the necessary steps to carry forward the spirit of the recent Supreme Court decision on the right to strike into the upcoming decision-making at the ILO. We look forward to hearing you speak up on this issue at the ILO in March.

Yours sincerely,

A handwritten signature in black ink that reads "Jeannie Baldwin". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Jeannie Baldwin
Regional Executive Vice-President, PSAC Atlantic