

Geneva, 4th October 2023

Mr. Gilbert F. Hougbo
Director-General
International Labour Organization (ILO)
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Calling on the ILO to intervene vis-à-vis the Government of Ukraine to achieve opposition to the inclusion of lockout provisions in Collective Labour Disputes draft law

Dear Mr. Director-General,

I am writing to you as the General Secretary of [IndustriALL Global Union](https://www.industriall-union.org), which represents more than 50 million workers in the mining, energy, and manufacturing industries in 141 countries to call on you to intervene vis-à-vis the government of Ukraine to ensure that the lockout provisions in Articles 48-52 of the Collective Labour Disputes draft law, currently under discussion in the Verkhovna Rada of Ukraine, are not included.

The inclusion of the lockout provisions would seriously undermine the otherwise progress this draft law represents in terms of the removal of norms prohibiting strikes from 22 current laws (Article 44, amendments to the laws, Section VIII of the project) and the legislative establishment of a crucial innovation such as the prohibition of strike-breaking (part 7 of Article 50 of the project).

We are particularly concerned about giving employers the right to initiate a lockout (Article 48) because it would violate workers' rights by highly increasing the risk that the court could declare a strike illegal if it "violates property rights" (Article 45), limiting the number of employees in the authorized body to no more than 3 to 5 people (Article 38), compensating the employer by the authorized body (person) leading the strike, if the court deems the strike illegal, for damages caused by such a strike, without any restrictions (Part 2 of Article 54), reducing the possibility to conduct a warning strike to only once and for a maximum of one hour during the entire period of the collective labour dispute (Article 36), imposing a tax on the strike fund (Part 4 of Article 39), and setting up a complex procedure for employees to exercise the right to strike, as outlined in Article 46 of the project.

The inadmissibility of the lockout, as stipulated in Articles 48-52 of the draft law, is confirmed by the practices observed within the European Committee on Social Rights. In addition, the Committee highlights that the right to lockout and the right to strike should not receive equal levels of protection. The right to lockout should not be regarded as offering comprehensive and extensive protection, in contrast to the right to strike.



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At the international level, the right to strike is regulated by ILO Convention 87 on freedom of association and the protection of the right to organise. At the national level, in Ukraine, the right to strike is enshrined in the Ukrainian Constitution under Article 44.

Considering that the lockout provisions are in violation of the Ukrainian Constitution and international labour standards, IndustriALL Global Union calls for the exclusion of these provisions from the draft law on collective labour disputes.

I look forward to your prompt action and reply.

Sincerely,

Atle Høie
General Secretary