



International  
Labour  
Office  
Geneva

**Report V (1)**

# Employment and decent work for peace and resilience

Revision of the Employment (Transition from War to Peace)  
Recommendation, 1944 (No. 71)



**International  
Labour  
Conference**

**106th Session, 2017**

## **ATTENTION**

In accordance with Article 39 of the Standing Orders of the International Labour Conference, governments are invited to make comments on the present report, after consultation with the most representative organizations of employers and workers. **The comments must reach the Office no later than 19 November 2016.** They will form the basis of the background report for the 2017 ILC discussion.

International Labour Conference, 106th Session, 2017

Report V(1)

# Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)

Fifth item on the agenda



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## INTRODUCTION

At its 320th Session (March 2014), the Governing Body of the International Labour Office decided to place on the agenda of the 105th Session (May–June 2016) of the International Labour Conference a standard-setting item on decent work for peace, security and disaster resilience with a view to the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), for a double discussion.<sup>1</sup>

In accordance with article 39, paragraph 1, of the Standing Orders of the Conference, the Office prepared a preliminary report setting out the law and practice in different countries, which included a questionnaire.<sup>2</sup> The report was transmitted to member States in April 2015. Governments were invited to give their views by 25 September 2015, after consultation with the most representative organizations of employers and workers. Based on the replies received, the Office prepared a second report on the item,<sup>3</sup> which was thereafter communicated to member States. These two reports formed the basis for the first discussion of the item by the Conference, at its 105th Session, in May–June 2016.

On 10 June 2016, the International Labour Conference, meeting in Geneva in its 105th Session, adopted the following resolution:<sup>4</sup>

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Recommendation concerning employment and decent work for peace and resilience that revises and replaces the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71),

Decides that an item entitled “Employment and decent work for peace and resilience” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Recommendation.

In the light of this resolution and in conformity with article 39, paragraph 6, of the Standing Orders of the Conference, the Office has prepared the text of a proposed Recommendation. The text is formulated on the basis of the first discussion by the Conference, and takes into account the replies to the questionnaire in the law and practice

<sup>1</sup> ILO: *Minutes of the 320th Session of the Governing Body of the International Labour Office*, March 2014, GB.320/PV, para. 42.

<sup>2</sup> ILO: *Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)*, Report V(1), International Labour Conference, 105th Session, Geneva, 2016. See: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_358383.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_358383.pdf).

<sup>3</sup> ILO: *Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)*, Report V(2), International Labour Conference, 105th Session, Geneva, 2016. See: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_449893.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_449893.pdf).

<sup>4</sup> ILO: *Reports of the Committee on Employment and Decent Work for the Transition to Peace: Resolution and proposed Conclusions submitted for adoption by the Conference*, in *Provisional Record No. 15-1*, International Labour Conference, 105th Session, Geneva, 2016.



report. The purpose of the present report, which should reach governments not later than two months from the closing of the 105th Session of the Conference, is to transmit the proposed Recommendation to member States in accordance with the Standing Orders.

Governments are hereby requested to inform the Office within three months from the publication of this report, and after consulting the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make. Taking into account the first discussion, the Office has provided further clarifications and proposals, suggested some changes to the text adopted at the 105th Session of the Conference and included comments explaining the rationale for the suggested changes. Given the interdisciplinary nature of the subject matter at the crossroads of humanitarian, human rights and development responses to crisis situations arising from conflict and disasters, the Office encourages Members to adopt a whole-of-government approach in preparing the replies. These should be as detailed and comprehensive as possible and should be communicated to the Office at the earliest opportunity – and in any case not later than **19 November 2016**, pursuant to article 39, paragraph 6, of the Standing Orders of the Conference – preferably by email to REVISIONR71@ilo.org. The comments received will be reflected in the fourth and final report on the item, which will be prepared by the Office for the consideration of the Conference in 2017.

Governments are further requested to communicate to the Office, by the same date, whether they consider that the proposed text provides a satisfactory basis for the second discussion by the Conference at its 106th Session, in June 2017. Governments are also asked to indicate which organizations of employers and workers they consulted before they finalized their replies. The results of the consultations should be reflected in the governments' replies. It should be noted that such consultations are obligatory for countries that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

In accordance with the practice established in 1988, the report of the Committee on Employment and Decent Work for the Transition to Peace appointed by the Conference to consider this item ("the Committee") was published and is available to member States in its entirety, as is the record of the discussion of the item in the plenary sitting of the 105th Session of the Conference.<sup>5</sup>

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<sup>5</sup> ILO: *Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings*, in *Provisional Record* No. 15-2(Rev.); and *Provisional Record* No. 19, International Labour Conference, 105th Session, Geneva, 2016.



## OFFICE COMMENTARY ON THE PROPOSED RECOMMENDATION

The text of the proposed Recommendation concerning employment and decent work for peace and resilience is based on the Conclusions adopted by the International Labour Conference following its first discussion of the item at its 105th Session, in May–June 2016 (the “Conclusions”). It also takes into account the replies received to the questionnaire included in the law and practice report in which the Office had synthesized lessons learned from contemporary crisis responses, including by the International Labour Organization (ILO).

### **Broad consensus on the scope and purpose of the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)**

The first discussion revealed a broad consensus on the timeliness and the necessity of revising the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), (hereinafter “Recommendation No. 71”). It clearly established the continued relevance of the purpose of this international labour standard, which was adopted in 1944, in responding to the contemporary challenges arising from numerous crises, conflicts and disasters, which affect many countries and significant segments of the population.

There was agreement on the proposed broadening of the scope and purpose of the new Recommendation to include crisis situations arising from both international and non-international conflicts and from disasters. There was full recognition of the vital role of employment generation and support to livelihoods in addition to other key dimensions of the Decent Work Agenda in promoting peace and recovery and building resilience.

Finally, while Recommendation No. 71 concerned post-war recovery and reconstruction, there was broad consensus that the guidance should be extended to address prevention and resilience.

The first discussion also underscored the interdisciplinary nature of the topic touching on some complex issues at the crossroads of humanitarian, human rights and development responses to crises. A variety of circumstances and diversity of views were expressed on some of the specific issues.

With the aim of facilitating dialogue and building consensus in preparation for the second and final discussion of the item at the 106th Session of the Conference, in 2017, this report responds to the requests to the Office to provide further clarification regarding several questions raised during the first discussion and to suggest a new formulation of the text that was left in brackets at the end of the first discussion.

Issues arising which required clarification included the mandate and the specific role of the ILO and its tripartite constituents in crisis response, and in particular its role in humanitarian and emergency assistance as distinct from long-term developmental action. Some concerns were also raised regarding the consistency of provisions in the revised



instrument with the current state of international law and States' obligations and the need to better align the definitions and terminology used in the instrument with ongoing international discussions. While explanations were provided by the Office during the first discussion in response to such issues, the present report addresses these three in more detail.

### **Role and mandate of the ILO in crisis (conflict and disaster) response**

The foundational and constitutional principles of the ILO which were laid down in the aftermath of two world wars are deeply embedded in its role and mandate in promoting peace through social justice. Recommendation No. 71, which was adopted in 1944 as the Second World War was nearing an end, focused on the necessary reorganization of employment and on economic reconstruction, and laid the foundation for promoting peace and prosperity and for addressing some of the root causes of poverty, deprivation and injustice which lead to conflict.

The decision to revise Recommendation No. 71 was taken by the Governing Body, in full recognition of the continued relevance of the mandate of the ILO and the central role of employment and decent work in responding to contemporary crisis situations arising from conflicts and disasters. As demonstrated by practical technical cooperation, the unique tripartite structure of the Organization and its expertise in issues concerning the world of work give the ILO a comparative advantage for promoting the Decent Work Agenda in crisis contexts, among and in complementarity with other international organizations and specialized agencies of the United Nations (UN).

### **Role of the ILO in humanitarian and/or development assistance**

With respect to questions raised about the ILO's role in humanitarian emergency assistance or assistance that is primarily developmental, years of experience in crisis response by the international community have shown that close interactions between actors and action in humanitarian and development assistance are a reality of crisis response nowadays, and a key consideration in making progress.

The UN General Assembly highlighted the clear relationship between emergency, rehabilitation and development in its resolution 46/182 of 1991 by including among its guiding principles the need to provide emergency assistance in ways that are supportive of recovery and long-term development. The resolution also recognizes the essential role of economic growth and sustainable development for "prevention of and preparedness against natural disasters and other emergencies". Furthermore, the resolution calls for the involvement of development assistance organizations at an early stage of the crisis response, and for their close collaboration with emergency relief and recovery efforts, in accordance with the respective mandates.<sup>1</sup>

Resolution 48/57 of 1993, which affirms the role of the Inter-Agency Standing Committee in the coordination of humanitarian assistance, calls for enhanced system-wide support to facilitate the transition from emergency relief to rehabilitation and

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<sup>1</sup> A/RES/46/182 (1991), *Strengthening of the coordination of humanitarian emergency assistance of the United Nations*, paras 9, 10 and 40. See: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/46/182>.



development.<sup>2</sup> Furthermore, resolution 68/102 of 2013 encourages member States, the UN and humanitarian and development organizations to continue to build the capacity at all levels of government and within local organizations and communities to strengthen national and local capacities to prevent, prepare for and respond to humanitarian emergencies.<sup>3</sup>

More recently, at the World Humanitarian Summit in Istanbul in May 2016, the international community renewed its commitment to transcend the humanitarian–development divide. Under the “Commitment to Action” signed by the UN Secretary-General and eight UN entities,<sup>4</sup> and endorsed by the World Bank and the International Organization for Migration, the parties undertook to implement a “new way of working” that meets people’s immediate humanitarian needs while at the same time reducing risk and vulnerability, by working together towards collective outcomes, over multi-year time frames and on the basis of diverse actors’ comparative advantage in each context.

The role of the ILO in humanitarian settings can perhaps best be illustrated by concrete examples of its provision of assistance in the immediate aftermath of a crisis.

In Haiti, in the immediate aftermath of the 2010 earthquake, the ILO carried out monitoring activities to prevent the trafficking of Haitian orphans or abandoned children to neighbouring countries, where they would risk becoming victims of the worst forms of child labour, both in agriculture, particularly in the sugarcane plantations, and in urban areas in domestic service and in the sex tourism industry.<sup>5</sup> At the same time, the ILO participated in a joint UN project that contributed to post-earthquake reconstruction in Port-au-Prince through the implementation of a debris management strategy. The strategy encompassed a system of community planning, demolition of damaged buildings, and removal, transportation, recycling and reutilization of debris for the rehabilitation of community infrastructures, including public squares, paved corridors, and construction of retaining walls and stairways. The system set up by the ILO for the transformation of debris into construction material led to no less than 24,922 paid working days for temporary jobs, resulting in the production of 243,000 paving stones and the rehabilitation of nine districts in Port-au-Prince. In addition, the ILO was responsible for conducting training. A total of 943 Haitians were trained in enterprise creation and management, 234 benefited from improved entrepreneurship skills and more than 752 learned how to construct anti-seismic and anti-cyclonic houses and received training on best practices in occupational safety and health. The ILO also developed a microinsurance instrument to improve access to finance, and 441 micro-enterprises received credit. The ILO thereby supported the rehabilitation and recovery process by contributing to the reactivation of the local economy and the rebuilding of the social fabric, which provides a good example of how to address development challenges in fragile situations through a combination of short- and longer-term interventions.<sup>6</sup>

<sup>2</sup> A/RES/48/57 (1993), Strengthening of the coordination of humanitarian emergency assistance of the United Nations, para. 14. See: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/48/57>.

<sup>3</sup> A/RES/68/102 (2013), Strengthening of the coordination of emergency humanitarian assistance of the United Nations, paras 14 and 15. See: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/68/102>.

<sup>4</sup> World Health Organization (WHO), United Nations Development Programme (UNDP), World Food Programme (WFP), United Nations High Commissioner for Refugees (UNHCR), Food and Agriculture Organization of the United Nations (FAO), United Nations Children’s Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

<sup>5</sup> See: <https://www.dol.gov/ilab/reports/child-labor/findings/tda2009/dominicanrepublic.pdf>.

<sup>6</sup> See: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms\\_459561.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_459561.pdf).



Another example of the ILO's work in a humanitarian context is the response to Super Typhoon Haiyan (Yolanda), which hit the Philippines in 2013. The typhoon killed thousands of people and affected the livelihoods of 5.9 million workers, 2.6 million of whom were already vulnerably employed and living at or near the poverty line. As co-chairs of the Early Recovery and Livelihoods Cluster for the Philippines with the United Nations Development Programme (UNDP) and the ILO, as well as the Department of Trade and Industry, in partnership with the Departments of Labour and Employment and Social Welfare and Development, joined efforts to create immediate short-term jobs in the hardest-hit areas through an emergency employment programme. Besides providing much-needed quick income and guaranteed minimum wage, the programme granted social protection and health coverage to its beneficiaries, and gave them access to orientation on occupational safety and health, and to training for work scholarships and for better livelihood opportunities. As the response by the Government of the Philippines became more comprehensive, the ILO contributed to the cluster's efforts to capacitate local governments in enhancing their systems and support services for job creation; to assist communities in developing value-chain-based enterprises; and to establish a convergence mechanism among national government agencies, local governments and private sector groups to avoid duplication of efforts, maximize coverage of assistance to affected communities, and share best practices in livelihood recovery.

Furthermore, the ILO liaised with other related clusters, such as Shelter, Food Security and Agriculture, and Health, to ensure a coordinated approach. Among the various initiatives that aimed to support recovery and enhance the resilience of the affected population, the ILO worked with local communities to build back better and greener, to improve the resilience of the social and economic infrastructure and facilities in preparation for possible future disasters, and to help small-scale farmers displaced by the typhoon to restore their lands, achieve sustainable production and reduce their vulnerability to climatic disasters. These labour-intensive initiatives were developed in cooperation with employers' and workers' organizations.

The ILO also assisted the local labour force in developing resilient livelihoods through tourism-related skills training programmes aimed at meeting both the short-term rehabilitation and reconstruction demand (construction-related skills training) and the medium and long-term needs of the local labour market (service-related skills training), and promoted the development of enterprises that enhanced the value chains of key local industries. In addition, at the request of the Employers' Confederation of the Philippines, the ILO supported several activities related to disaster preparedness and business continuity planning. Through its engagement in the early phase of the response to the typhoon, the ILO promoted a comprehensive strategy encompassing emergency employment, local resource-based works, skills development and enterprise development and advocating the principles of decent work, which helped build strong partnerships and paved the way for longer-term development initiatives.<sup>7</sup>

These are just two of the many examples which show the continuity of purpose and action of the ILO in discharging its mandate on employment and the Decent Work Agenda, from the emergency humanitarian phase through to local economic recovery and more sustainable development. This approach and experience is embedded in the provisions of the relevant parts of the proposed Recommendation.

The Director-General of the International Labour Office reaffirmed the role of the Organization when he stated at the 2016 World Humanitarian Summit, "there must be a

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<sup>7</sup> ILO: Sustainable livelihood and recovery for Super Typhoon Haiyan-affected communities, 2015. See: [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms\\_427189.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_427189.pdf).



bridge between humanitarian assistance and development solutions. And it is clear decent work serves as an important bridge between two.”

In order to further specify the distinct role and mandate of the ILO in crisis response in particular in the framework of the revision of Recommendation No. 71, the Office has suggested adding a new clause, 2(c), to the Part on objectives and scope (see below).

### **Consistency with international law and other instruments**

Regarding the observations made by some Committee members during the first discussion about the consistency of the provisions in the revised instrument with the current state of international law and, in particular, States’ obligations under humanitarian law, refugee law and human rights instruments, a further effort has been made to align terminology and definitions; however, the Office recalls that some concepts that were contextualized for the purpose of this Recommendation are still under development. The definition of “disaster” is a case in point.

For further clarification, the Office suggests adding a new Paragraph 5 to the proposed Recommendation to alleviate concerns and to emphasize consistency with States’ obligations under international law.

Furthermore, it is recalled that a Recommendation, which is not subject to ratification, typically provides more detailed, non-binding guidance that encapsulates good practices and up-to-date experience. The same also applies where there is both a Convention and a Recommendation on a topic.

With respect to the potential for a Recommendation to evolve into a Convention in the future, it should be noted that according to the ILO Constitution and the Standing Orders of the International Labour Conference, this would require a new decision by the ILO Governing Body and a new standard-setting process over a single or double discussion by the Conference. Therefore, there is no shortcut process or automatic evolution from a Recommendation to a Convention.

### **Changes to the proposed Recommendation**

The Office has carried out a light revision of the proposed instrument by streamlining and shortening the text, and adding a small number of new clauses.

The main changes introduced in the proposed Recommendation are as follows:

- (a) The text was rearranged to improve the logical sequence of the provisions and to avoid multiple repetitions of the same issue. This particularly concerns some of the text under the Parts on strategic approaches and employment generation, which had similar formulations by the end of the first discussion. To simplify and avoid repetition, the content of the last paragraph of the Part on strategic approaches has been integrated in the first paragraph of that Part and in the second paragraph of the Part on employment generation. In line with this change, the Part on employment generation has been brought forward to come after the Part on strategic approaches and before the Part on rights, equality and non-discrimination.
- (b) The titles of Part I and Part IX have been modified to “Objectives and scope” and “Social dialogue and role of employers’ and workers’ organizations” respectively, in order to reflect more accurately their content.



- (c) Three new provisions have been added. In the Part on objectives and scope, a new clause was added to clarify the mandate of the ILO in crisis response focusing on employment and decent work issues (Paragraph 2(c)), and a Paragraph emphasizing coherence and consistency with other instruments of international law was added (Paragraph 5). Both additions respond to questions and concerns raised during the first round of discussions, as explained above. Furthermore, a new Part was added, Other provisions, which incorporates point 41 of the Conclusions and includes a standard Paragraph to formalize the replacement of Recommendation No. 71 (Paragraph 37).
- (d) The two middle clauses in the Part on prevention, mitigation and preparedness have been merged.
- (e) Minor editing changes have been introduced throughout, where necessary, with a view to improving readability and avoiding inconsistencies with the terminology used in other ILO instruments.

The changes and the rationale behind them are explained in detail in the commentary under the relevant headings. These changes take into consideration the opinions expressed by the tripartite constituents and fully respect the agreements reached during the first discussion.

In addition, the Office was asked to propose a way forward on Part X, on refugees, internally displaced persons and returnees, which was left in brackets after the first discussion, taking into account the outcome of the ILO tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market, held at ILO headquarters in Geneva from 5 to 7 July 2016. The Office proposal has been included in the relevant parts of the commentary. It consists of integrating the provisions on internally displaced persons into Part IV, after Paragraph 12, and replacing Part X on refugees and returnees with new text. The rationale for this separation is that refugees are governed by a different international regime than internally displaced persons who are nationals of the same country affected by crisis. This change responds to the views expressed on this issue by the Committee during the first discussion and to the discussions at the aforementioned tripartite technical meeting, and is consistent with the further consultations that the Office held with the Office of the United Nations High Commissioner for Refugees (UNHCR) after the first Conference discussion. It should be noted that these new proposals have been included in the comments part of this report only for the purposes of seeking further comments from governments and therefore have not been reflected in the proposed Recommendation at this stage.

The Office also duly considered the proposal made by some members of the Committee and by the Africa group at the 105th Session of the International Labour Conference when the report of the Committee was adopted in plenary that all provisions referring to vulnerable groups in crisis situations arising from conflict and disasters, including refugees, could be grouped into one new Part of the instrument. However, the Office has not made proposals in this respect as such a grouping proved to be entirely unfeasible: it would have broken the logic of the thematic parts of the instrument and resulted in multiple and confusing repetitions.

The comments by governments on the suggested changes and new proposals in the commentary will inform the Office's preparation of the fourth and final report on the item, which will form the basis for the second discussion, at the 106th Session (2017) of the International Labour Conference.



In addition, the present report will be used to support the further consultations and briefings by the tripartite constituents between the two sessions of the Conference that were requested by the members of the Committee during the first discussion. The Office is available to provide such briefings and organize consultations on request.<sup>8</sup>

Close consultations with other international organizations with a mandate and interest in crisis response, in particular within the UN system, started in preparation for the first discussion and were pursued during the first discussion for the preparation of this report; they will continue, as needed, until discussions have concluded.

## PROPOSED RECOMMENDATION

### *Preamble* (Point 3(a)–(k) of the Conclusions)

The Office has established a standard preambular text that incorporates point 3(a)–(k) of the Conclusions, with the following changes:

- In the sixth preambular paragraph, several words were added through the amendment process during the first discussion. For better readability, the Office has proposed reordering the sentence and pairing “poverty” with “development”.
- In the seventh preambular paragraph, the Office has replaced “Decent Work Agenda” by “employment and decent work” for consistency with the rest of the text.
- In the tenth preambular paragraph, the Office has deleted the word “adequate”, because its possible restrictive interpretation did not fit the aspirational character of the proposed Recommendation.
- In the eleventh preambular paragraph, the Office has replaced “re-establishing” by “restoring” in order to align the wording with that used in point 17(d) of the Conclusions and Paragraph 10(c) of the proposed Recommendation.

As for the reference to consultation with employers’ and workers’ organizations, which appears in the tenth preambular paragraph and also further in the text, the Office invites Members to reflect on the type of participation that would be required in each case, and to share their preferences. The Office draws attention to the fact that, in the context of a crisis, it would be particularly important to expand the range of consultations with employers’ and workers’ organizations, and not to restrict them to the most representative organizations.

## I. OBJECTIVES AND SCOPE

To better reflect the content of this Part, the Office has revised the title to read “Objectives and scope”.

### *Paragraph 1* (Points 4, 6 and 8 of the Conclusions)

In Paragraph 1, the Office has combined points 4 and 8 of the Conclusions, as they both dealt with the objectives of the proposed Recommendation. For the sake of consistency and avoiding repetitions, the Office has also moved to this Paragraph the reference to the types of conflicts that are relevant for the purposes of this instrument,

<sup>8</sup> Requests can be sent to [EMPLOYMENT@ilo.org](mailto:EMPLOYMENT@ilo.org).



which had previously been included in point 6 of the Conclusions as a result of the amendment process during the first discussion.

*Paragraph 2  
(Point 5(a)–(b) of the Conclusions)*

The text of Paragraph 2(a) was bracketed pending the completion of the work of the Open-ended Intergovernmental Expert Working Group on Indicators and Terminology relating to Disaster Risk Reduction (Working Group).<sup>9</sup> As explained during the first discussion, the definition proposed by the Office drew from the 2009 UNISDR Terminology on Disaster Risk Reduction (2009 UNISDR Terminology)<sup>10</sup> and from the internationally agreed Hyogo Framework for Action 2005–2015.<sup>11</sup> The suggested language integrated the concepts of “disaster” and “hazard”, bringing together in a single sentence the causes and effects of hazardous events.

Definition of “disaster” in the 2009 UNISDR Terminology:

A serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.

Definition of “hazard” in the 2009 UNISDR Terminology:

A dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage.

Definition of “hazard” in the Hyogo Framework for Action:

A potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation. Hazards can include latent conditions that may represent future threats and can have different origins: natural (geological, hydrometeorological and biological) or induced by human processes (environmental degradation and technological hazards).

It should be noted that the Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework)<sup>12</sup> does not provide a definition of “disaster”, but includes a reference to the definition of “hazard” used in the Hyogo Framework for Action. The Office is following closely the discussions of the Working Group and will include the agreed definition in the fourth and final report on the item, if available by then.

With respect to Paragraph 2(b), the definition of “resilience” that was retained at the first discussion is that used in the 2013 UN Plan of Action on Disaster Risk Reduction for

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<sup>9</sup> The Open-ended Intergovernmental Expert Working Group on Indicators and Terminology relating to Disaster Risk Reduction was established by the UN General Assembly in resolution 69/284 of 3 June 2015 to define indicators and review terminology related to disaster risk reduction and to the Sendai Framework for Disaster Risk Reduction 2015–2030. The Working Group, which is comprised of experts nominated by States and supported by the United Nations Office for Disaster Risk Reduction (UNISDR), is expected to complete its work by December 2016. See <http://www.preventionweb.net/drr-framework/open-ended-working-group>.

<sup>10</sup> UNISDR: 2009 UNISDR Terminology on Disaster Risk Reduction. See: [http://www.unisdr.org/files/7817\\_UNISDRTerminologyEnglish.pdf](http://www.unisdr.org/files/7817_UNISDRTerminologyEnglish.pdf).

<sup>11</sup> UNISDR: Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters, International Strategy for Disaster Reduction, 2005. See: <http://www.unisdr.org/2005/wcdr/intergover/official-doc/L-docs/Hyogo-framework-for-action-english.pdf>.

<sup>12</sup> UNISDR: Sendai Framework for Disaster Risk Reduction 2015–2030, 2015. See: [http://www.preventionweb.net/files/43291\\_sendaiframeworkfordren.pdf](http://www.preventionweb.net/files/43291_sendaiframeworkfordren.pdf).



Resilience.<sup>13</sup> This formulation was preferred to that originally proposed by the Office, which combined the wording of that Plan of Action with elements taken from the Sendai Framework (which quotes the 2009 UNISDR Terminology) and from the UNESCO glossary of terms on safety, resilience and social cohesion.<sup>14</sup> The language adopted by the Committee underscores the importance of anticipating, preventing and reducing the impacts of crises, as well as dealing with their consequences.

For the sake of coherence, the Office will include further suggestions by the Working Group in the fourth and final report, if available by then.

Finally, in response to requests for clarification, the Office has inserted a new clause, 2(c), to specify that the term “crisis response”, as used in the context of the proposed Recommendation, refers to employment and decent work measures taken in accordance with the role and mandate of the ILO in response to crisis situations arising from conflicts and disasters.

*Paragraph 3  
(Point 6 of the Conclusions)*

In Paragraph 3, the Office has deleted the words “international and non-international armed conflicts and disasters that destabilize societies and economies”, which are now integrated in Paragraph 1, and has edited the sentence for clarity.

*Paragraph 4  
(Point 7 of the Conclusions)*

In Paragraph 4, the Office has replaced the words “affected by crisis situations” by “including those engaged in crisis response”, since the aim of this provision is to place a specific focus on workers involved in emergency response operations rather than all workers affected by crisis, who are covered by the provision in Paragraph 3.

*Paragraph 5  
(New paragraph – point not included in the Conclusions)*

The Office has inserted a new Paragraph 5. This saving clause takes into account the concerns raised during the Committee discussion with regard to a possible conflict between some of the provisions of the proposed Recommendation and Members’ obligations arising from relevant international human rights treaties or international humanitarian law.<sup>15</sup> This new Paragraph also settles the question regarding the inclusion of references to UN General Assembly resolutions in the instrument. In fact, while similar saving clauses have already been incorporated in international labour Conventions in the past,<sup>16</sup> the inclusion of direct references to non-ILO instruments in the body of

<sup>13</sup> United Nations System Chief Executives Board for Coordination: United Nations Plan of Action on Disaster Risk Reduction for Resilience, 2013. See [http://www.preventionweb.net/files/33703\\_actionplanweb14.06cs1.pdf](http://www.preventionweb.net/files/33703_actionplanweb14.06cs1.pdf).

<sup>14</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), International Institute for Educational Planning: *Safety, resilience and social cohesion: Glossary of terms*, 2015. See: <http://unesdoc.unesco.org/images/0023/002348/234806e.pdf>.

<sup>15</sup> Such as the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees (<http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>); and the core international human rights instruments (see: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>).

<sup>16</sup> See, for example, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 1(3), and the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), Article 2(6).



Conventions or Recommendations is discouraged as it may require a periodical revision of the text, thus creating an additional burden for the International Labour Conference.

## II. GUIDING PRINCIPLES

### *Paragraph 6 (Points 9(a)–(j) and 17(j) of the Conclusions)*

In Paragraph 6, a number of changes have been made to improve the flow of the text without altering its substance. First, the Office has shortened and simplified the text and reworded the chapeau. Second, in order to avoid repetition and improve readability, the Office has made some editorial adjustments in clauses (a), (b), (c), (e), (f), (g), (h) and (j).

In Paragraph 6(b), the Office has deleted the verb “protect” before “other human rights”. This does not modify the meaning of the sentence, as the words “respect, promote and realize” apply to all three concepts included here.

In Paragraph 6(c), the Office has combined in the same sentence the issue of corruption with that of clientelism referred to in point 17(j) of the Conclusions, which complements the scope of this guiding principle. Combating clientelism is applicable in general, not only with respect to employment. The corresponding clause in the Part on employment generation has therefore been removed.

In Paragraph 6(e), the Office suggests replacing the bracketed text with the following formulation:

- (e) *include specific measures to reduce the vulnerability of population groups that have been particularly affected by crisis situations, **including but not limited to** women, young persons, children, minorities, indigenous and tribal peoples, persons with disabilities, internally displaced persons and refugees;*

Adding the term “including but not limited to”, which has been used in previous ILO instruments,<sup>17</sup> responds to the concerns raised during the first discussion that the groups that become vulnerable as a result of a crisis vary according to the specific circumstances of the crisis. This formulation mentions those who are typically most affected by crises but does not preclude others.

The Office suggests replacing the bracketed text in Paragraph 6(i) with the following two clauses:

- (i) *be based on the principles of humanity, neutrality, impartiality and independence, and fully respect the sovereignty, territorial integrity and national unity of Members, including in cases in which international assistance is provided;*
- New (j) *recognize the primary responsibility of Members in responding to emergencies occurring on their territories, while reaffirming the principles of international cooperation, solidarity and shared responsibility; and*

This alternative formulation responds to the request made during the first discussion to introduce all the principles that guide humanitarian emergency assistance, as included in the relevant UN General Assembly resolutions. Accordingly, Paragraph 6(i) and part of Paragraph 6(j) reproduce the principles expressed in resolution 46/182 of 19 December 1991, Strengthening of the coordination of humanitarian emergency assistance of the United Nations; resolution 67/231 of 21 December 2012, International cooperation on

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<sup>17</sup> Such as the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).



humanitarian assistance in the field of natural disasters, from relief to development; and resolution 68/102 of 13 December 2013, Strengthening of the coordination of emergency humanitarian assistance of the United Nations.

Finally, the current Paragraph 6(j) is a slightly reworded version of point 9(j) of the Conclusions. Following a suggestion made during the first discussion to align the language with that used in the UN General Assembly resolutions, the Office has deleted the words “relief efforts” and retained the expression “humanitarian and development assistance”. This expression is employed throughout the text of the proposed Recommendation.

### III. STRATEGIC APPROACHES

#### *Paragraph 7*

*(Points 10(a)–(d) and 12(a), (c), (d), (f)–(j) of the Conclusions)*

In Paragraph 7, the Office has combined, rearranged and harmonized the provisions of points 10 and 12 of the Conclusions with a view to enhancing the substantive coherence of the text on crisis response approaches. Paragraph 7 has been modified in the following manner:

- The chapeau reproduces the wording of point 12 of the Conclusions, which reflects better the content of this Paragraph. However, the Office wishes to point out that the term “phased approach”, added through an amendment during the first discussion, does not adequately convey the idea of “concurrent tracks”, with multifaceted and interlinked interventions, that any comprehensive strategy for post-crisis employment and reintegration should comprise. For example, each of the three programmatic tracks described in the United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration<sup>18</sup> has a specific objective and addresses specific challenges: (a) consolidating security and stability with short-term programmes targeting specific groups; (b) promoting employment opportunities at the local level and rebuilding communities; and (c) promoting long-term sustainable employment creation at the national level. While the tracks vary in intensity, they should be implemented simultaneously. Members may therefore consider replacing the term “phased approach” by “multi-track approach”.
- In Paragraph 7(a), before “employment”, the Office has reintroduced the word “emergency”, which was deleted during the first discussion as a result of the amendment process. The Office draws the attention of Members to the fact that “emergency employment” is a standard term in use in the UN system to indicate emergency temporary jobs, such as cash- or food-for-work projects and public employment programmes and services. The term places emphasis on short-term responses, often of a temporary nature, that provide tangible benefits to specific crisis-affected groups, contributing to stabilizing incomes and to consolidating security in the immediate aftermath of a crisis. When properly implemented with decent working conditions, social protection and appropriate quality assurances as advocated by the ILO, these initiatives also serve as entry points to establish longer-term employment programmes and to initiate socio-economic recovery and restore livelihoods.
- In Paragraph 7(c), the Office has brought forward the term “decent work” and placed it directly after “employment”, as it introduces and encompasses all the concepts that follow. In addition, for the sake of clarity, the Office has added the words “towards

<sup>18</sup> UN: United Nations Policy for Post-Conflict Employment Creation, Income Generation and Reintegration, 2009.



an environmentally sustainable economy” after “just transition”, but wishes to point out that, following the amendments during the first discussion, this point is a repetition of Paragraph 6(g) under Guiding principles.

- Paragraph 7(d) corresponds to point 12(a) of the Conclusions.
- Paragraph 7(e) corresponds to point 12(d) of the Conclusions, slightly reworded to improve clarity.
- Paragraph 7(f) is a reworded version of the second half of point 12(j) of the Conclusions to emphasize the necessity of applying a gender lens in the various phases of crisis response. The Office wishes to clarify that the formulation in the Conclusions, which was added through an amendment during the first discussion, involuntarily modified the purpose of the provision, the intent of which was to carry out a needs assessment in the immediate aftermath of the crisis. The Office has therefore addressed each issue in separate clauses, with the rationale that using a gender perspective in all crisis response activities is a general strategic approach, and should therefore appear in Paragraph 7(c), while undertaking a gender-sensitive needs assessment is a concrete activity to be taken in the immediate aftermath of a crisis, and should therefore be included in Paragraph 8(a).
- Paragraph 7(g) corresponds to point 12(h) of the Conclusions.
- Paragraph 7(h) draws on point 10(d) of the Conclusions, which combined labour market institutions with social dialogue. The Office suggests that social dialogue – a strategic objective of the Decent Work Agenda and a crucial approach in crisis response – should be emphasized through a separate clause in the Part on strategic approaches.
- Paragraph 7(i) is a rewording of point 10(d) of the Conclusions, with the addition of the reference to employment services from point 12(c) to provide a concrete example of labour market institutions that should be built or restored.
- Paragraph 7(j) corresponds to point 12(f) of the Conclusions.
- Paragraph 7(k) corresponds to point 12(g) of the Conclusions.
- Paragraph 7(l) corresponds to point 12(i) of the Conclusions. The Office believes that the words “as appropriate” and the addition of the new Paragraph 5 respond to the issues raised during the first discussion.

*Paragraph 8  
(Points 11(a)–(d) and 12(j) of the Conclusions)*

Paragraph 8 is a lightly edited version of point 11 of the Conclusions.

In addition, as explained above, the Office has created a new clause (a) of Paragraph 8 by reproducing selected language from point 12(j) of the Conclusions to reintroduce the need for coordinated, inclusive and gender-sensitive needs assessments among the urgent actions to be taken in the immediate aftermath of a crisis when preparing and planning the response. Post-Conflict Needs Assessments (PCNAs) and Post-Disaster Needs Assessments (PDNAs) are inter-agency assessment frameworks that were created by the UN as part of the effort to coordinate the different steps of international responses. PCNAs are multilateral exercises that map the key needs and serve as entry points for designing, negotiating and financing a shared strategy for recovery and development in



fragile, post-conflict situations.<sup>19</sup> PCNAs lay the foundation for a common UN strategy to support peacebuilding based on national priorities. PDNAs are similar exercises run by national stakeholders and multilateral agencies in the aftermath of a disaster, with the aim of estimating damages and losses across all sectors of the economy and evaluating the recovery, relief, reconstruction, and risk-management needs.<sup>20</sup> PDNAs also provide guidance to the government and the international donor community on a country's short-, medium- and long-term recovery priorities. The ILO participates in both exercises to ensure that the impacts of a crisis on employment, livelihoods and social protection are duly estimated and that the needs related to employment and decent work are adequately reflected in the response plans.

Clauses (b), (c), (d) and (e) of Paragraph 8 correspond to clauses (a), (b), (c) and (d) of point 11 of the Conclusions.

The content of point 12 of the Conclusions has now been incorporated in Paragraphs 7, 8 and 10.

#### IV. EMPLOYMENT GENERATION

As explained above, since some of the provisions under this Part were previously under the Part on strategic approaches, the Office has brought employment generation forward to reduce duplication and maintain the logical flow moving from strategic approaches to operational interventions.

##### *Paragraph 9 (Point 16 of the Conclusions)*

Paragraph 9 reproduces point 16 of the Conclusions.

##### *Paragraph 10 (Points 12(b), (c), (e) and 17(a)–(k) of the Conclusions)*

In Paragraph 10, the Office has combined selected text from point 12 with the content of point 17 of the Conclusions in order to avoid duplications and improve the proposed text. Minor drafting changes have been made to the clauses in order to harmonize the structure and enhance clarity, where needed.

Clauses (a) and (b) of Paragraph 10 are based on points 17(a) and 17(b) of the Conclusions, respectively, and both contain additional wording from point 12(c).

With a view to improving the logical flow between clauses, the Office has inverted the order of points 17(c) and 17(d) of the Conclusions, which have become Paragraph 10(d) and 10(c), respectively. In addition, considering that small and medium-sized enterprises, cooperatives and social economy initiatives can all benefit from the promotion of a sustainable approach to enterprise development, the Office has merged the text of points 17(d) and 17(f) into Paragraph 10(c).

<sup>19</sup> PCNAs are undertaken by the United Nations Development Group, the World Bank, the European Commission and regional development banks using the methodology contained in the PCNA Guidelines, in collaboration with the national government and with the cooperation of donor countries. The UN Working Group on Transitions, of which the ILO is a member, is tasked with the revision of the current intervention practice.

<sup>20</sup> PDNAs are launched at the request of the national government and are carried out with support of the United Nations Development Group, the World Bank and the European Union.



In Paragraph 10(e), the Office has expanded the text of point 17(e) of the Conclusions by reproducing the wording of point 12(b).

In Paragraph 10(f), the Office has slightly reworded and merged the text of points 12(e) and 17(g) of the Conclusions. In the second part of the sentence, the word “enterprises” has been deleted, since the term “economic units” includes enterprises of all forms, in accordance with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

In Paragraph 10(g), the Office has deleted the wording “in consultation with the most representative workers’ and employers’ organizations” which was in point 17(h) of the Conclusions, because it is already included in the chapeau.

In Paragraph 10(i), the Office has replaced “re-employment” by “employment” to take into account the fact that the persons concerned by this provision may not have had a job before taking up arms.

#### *Paragraph 11 (Points 12(c) and 18 of the Conclusions)*

In Paragraph 11, the Office has inserted “and programmes” after “active labour market policies” to add the term used in point 12(c) to that of point 18 of the Conclusions. As mentioned above, clauses (a)–(j) of point 12 of the Conclusions have been included in Paragraphs 7, 8 and 10.

#### *Paragraph 12 (Point 19(a)–(b) of the Conclusions)*

Paragraph 12(a)–(b) has the same wording as point 19(a)–(b) of the Conclusions.

In response to the question posed during the first discussion, the Office wishes to clarify that the term “disarmament, demobilization and reintegration” (DDR) is standard terminology in use in the UN system and refers to the process that supports the transition of ex-combatants from military to civilian life by providing them with opportunities to gain employment, earn a decent livelihood and find their place back in society. DDR contributes to the return of security and stability in post-conflict environments to pave the ground for recovery and development.<sup>21</sup> Consequently, it has become an integral part of peace consolidation processes. In particular, reintegration programmes promote the generation of job and livelihood opportunities, allowing former combatants to reacquire civilian status and gain sustainable employment and income. In this context, the ILO has a wealth of knowledge and expertise to share. Effective economic, social and psychological reintegration calls for early planning, requires a context-specific approach and must be tailored to the gender, age, educational qualifications and physical ability of the recipient. The Office has been involved in the development of the Integrated Disarmament, Demobilization and Reintegration Standards,<sup>22</sup> which provide a UN system-wide, integrated approach to planning and implementing DDR processes, and has actively collaborated in the creation of the “Reintegration” and “Youth and DDR”

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<sup>21</sup> UN: Disarmament, demobilization and reintegration: Report of the Secretary-General, 2 March 2006 (A/60/705).

<sup>22</sup> The Integrated Disarmament, Demobilization and Reintegration Standards are a set of policies, guidelines and procedures for UN-supported DDR programmes in a peacekeeping context. The Inter-Agency Working Group on DDR, which coordinated the development of the Standards, was formally established by the Executive Committee on Peace and Security in March 2005 with a mandate to improve the UN performance in DDR, and now comprises 20 UN member entities, including the ILO.



modules,<sup>23</sup> among others. Young persons represent a high percentage of combatants, and require assistance to meet both their immediate needs and long-term goals. Skills upgrading and psychological support are both needed to help them change their mindsets, improve their ability to earn an independent livelihood, develop their capacity to contribute to society and restore their hope in a better future. For example, ILO support resulted in many successful cases of reintegration of young combatants in Burundi and the Democratic Republic of the Congo.

As mentioned earlier, the Office suggests moving the provisions on internally displaced persons, previously included in Part X on refugees, internally displaced persons and returnees (bracketed text), to the end of Part IV on employment generation. This is in recognition of the fact that internal displacement is one of the most significant consequences of conflicts and disasters. According to the most recent estimate,<sup>24</sup> at the end of 2015, the number of people forced to flee their homes to escape war and persecution reached its highest level since the aftermath of the Second World War, amounting to 65.3 million people. This figure includes 40.8 million internally displaced persons (8.6 million of whom newly displaced). Since they are nationals of the same country and are not governed by the international refugee regime, the Office proposes incorporating the provisions on internally displaced persons in this Part of the Recommendation by adding a new Paragraph 13 which would read:

*In the event of a crisis resulting in large numbers of internally displaced persons, Members should:*

- (a) *support the livelihoods, training, employment and integration into labour markets of internally displaced persons;*
- (b) *build resilience and strengthen the capacity of host communities to promote decent employment opportunities for all, to ensure that the livelihoods and employment of local populations are maintained and their ability to host internally displaced persons is strengthened; and*
- (c) *facilitate the voluntary return of internally displaced persons to their places of origin and their reintegration into labour markets when the situation allows it.*

The suggested text addresses both the specific situation of internally displaced persons (Paragraph 13(a)), who are either nationals of a country or habitual residents who enjoy most of the rights and responsibilities of nationals, and of host communities (Paragraph 13(b)), which may need to take ad hoc measures to cope with the arrival of large numbers of internally displaced persons. In addition, the proposed formulation takes into account the needs of internally displaced persons returning to their place of origin (Paragraph 13(c)).

<sup>23</sup> Integrated Disarmament, Demobilization and Reintegration Standards, Modules 4.30 and 5.20, respectively. See <http://unddr.org/iddrs-framework.aspx>.

<sup>24</sup> UNHCR: *Global Trends: Forced displacement in 2015*, 20 June 2016. See: <http://www.unhcr.org/576408cd7.pdf>.



## V. RIGHTS, EQUALITY AND NON-DISCRIMINATION

### *Paragraph 13 (Point 13(a)–(h) of the Conclusions)*

In Paragraph 13(f), in line with the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Office has deleted the word “own” before “representative institutions” because it is redundant.

In Paragraph 13(h), the Office has maintained the word “lawfully”, which was added through the amendment process during the first discussion. However, the Office draws attention to the fact that the intent of the original formulation was to ensure that all migrant workers who are caught in a crisis situation, including those who may not have a regular work permit, as well as their families, are given humanitarian assistance on an equal basis with the national population. Article 1 of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), obliges ratifying member States to respect the basic human rights of “all migrant workers”, including those in irregular situations.<sup>25</sup> On this basis, limiting assistance to prevent loss of life only to those who are lawfully staying in the territory of a State goes against international law, including the right to life, which is a *jus cogens*.<sup>26</sup> In the light of the above, the Office suggests deleting the term “lawfully”. In the same clause, the Office has replaced the words “in the territory of a host country when a crisis situation arises” by “in a country affected by crisis” to eliminate redundancy. In fact, it is clearly understood that migrant workers are living in a country other than their own. In addition, there is no global consensus on the use of the term “host country” with regard to migrant workers, and no ILO instrument uses it. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151), use the words “country of employment”, while the Migration for Employment Convention (Revised), 1949 (No. 97), and Recommendation, 1949 (No. 86), use the words “country of immigration”.

In Paragraph 13(e), the Office invites Members to consider introducing in the current text, which is partially bracketed, the term “including but not limited to”. The paragraph would read as follows:

- (e) *pay particular attention to establishing or restoring conditions of stability and socio-economic development for population groups that have been particularly affected, including but not limited to minorities, indigenous and tribal peoples, migrants, refugees and internally displaced persons, taking into account the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation, (No. 111), 1958, as well as other relevant international labour standards and other international instruments and documents listed in the Annex;*

The Office believes that adding the term “including but not limited to”, which has already been used in previous ILO instruments,<sup>27</sup> responds to the concerns raised during the first discussion that the groups that become vulnerable as a result of a crisis vary according to the specific circumstances of the crisis. This formulation mentions those who are typically most affected by crises but does not preclude others.

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<sup>25</sup> ILO: *Promoting fair migration*, General Survey concerning the migrant workers instruments (ILC105/III/1B), 2016, para. 91. See: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_453898.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_453898.pdf).

<sup>26</sup> The right to life is found in the International Covenant on Civil and Political Rights, and in the International Covenant on Economic, Social and Cultural Rights, UN General Assembly resolution 2200A (XXI), 16 December 1966. Both instruments have been ratified by over 160 countries.

<sup>27</sup> Such as the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).



*Paragraph 14*  
*(Point 14(a)–(d) of the Conclusions)*

With respect to Paragraph 14, references to the worst forms of child labour were introduced both in 14(a) and 14(b) as a result of the amendment process during the first discussion. In order to improve clarity and coherence, the Office has reformulated the text in the two clauses as follows:

- Paragraph 14(a) concerns the necessary measures for preventing, identifying and eliminating child labour, and refers to the Minimum Age Convention, 1973 (No. 138), and Recommendation, 1973 (No. 146);
- Paragraph 14(b) deals with urgent action to prevent, identify and eliminate the worst forms of child labour, gives prominence to two specific types of worst forms of child labour, and makes reference to the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation, 1999 (No. 190).

In addition, in Paragraph 14(a) the Office has deleted the words “into relevant national policies and programmes”, which seemed redundant.

In Paragraph 14(b), with a view to better reflecting the language used in Convention No. 182 and Recommendation No. 190, the Office has replaced the term “child trafficking” by “trafficking of children”, and has included an explicit reference to the “forced or compulsory recruitment of children for use in armed conflict”. These two types of the worst forms of child labour are particularly relevant to the subject of the proposed Recommendation.

*Paragraph 15*  
*(Point 15 of the Conclusions)*

Paragraph 15 reproduces point 15 of the Conclusions.

VI. EDUCATION, VOCATIONAL TRAINING AND GUIDANCE

*Paragraph 16*  
*(Point 20(a)–(c) of the Conclusions)*

In Paragraph 16, the Office has made some light editorial adjustments to improve readability.

In addition, in Paragraph 16(a), the Office has reformulated point 20(a) of the Conclusions to address the concerns that emerged during the first discussion regarding States’ obligations under international law to provide education.

As affirmed in 2008 by the Committee on the Rights of the Child, education is an inalienable right that is inextricably linked to other fundamental rights and must be guaranteed to all children both in and outside of emergency situations. In crisis situations, children’s right to education is reinforced by the fact that education is at the same time a protection, relief and life-saving measure that provides physical, psychosocial and cognitive protection.<sup>28</sup>

International humanitarian law establishes a regulatory framework protecting the right to education during armed conflicts. Under the Fourth Geneva Convention, 1949, action must be taken to ensure that children who are orphaned or separated from their

<sup>28</sup> Committee on the Rights of the Child, general discussion on “the right of the child to education in emergency situations”, Recommendations, 2008.



families as a result of a war have access to education.<sup>29</sup> Additional Protocol II to the Geneva Conventions, 1977, which applies to non-international conflicts, establishes the obligation to provide children with the care and aid they require, and reaffirms their right to receive an education.<sup>30</sup>

As for the obligations and responsibilities of States with respect to the provision of education in other crisis contexts, UN General Assembly resolution 64/290 on the right to education in emergency situations recommends that member States “ensure access to education in emergency situations to all affected populations, in accordance with their obligations under international law and without discrimination of any kind”.<sup>31</sup>

With regard to the key characteristics that education should have, the same resolution urges member States to provide “quality education in emergency situations that is gender-sensitive, centred on learners, rights-based, protective, adaptable, inclusive, participatory and reflective of the specific living conditions of children and youth, and that pays due regard, as appropriate, to their linguistic and cultural identity, mindful that quality education can foster tolerance and mutual understanding and respect for the human rights of others”; and reaffirms the commitment of the General Assembly to supporting developing countries in their efforts to guarantee “free and compulsory primary education of good quality” for all children.<sup>32</sup> Resolution 64/290 recalls the Universal Declaration of Human Rights, 1948, which establishes the right to free compulsory elementary education for everyone,<sup>33</sup> and the United Nations Convention on the Rights of the Child, 1989,

obliges States to ensure access to education for all children living in their territories, without discrimination of any kind, and to “[m]ake primary education compulsory and available free to all”.<sup>34</sup> Moreover, with specific regard to children who are seeking refugee status, the Convention requires States to ensure that they receive appropriate protection and humanitarian assistance in the enjoyment of all the rights set forth in the Convention.<sup>35</sup> This includes the obligation to provide prompt and full access to education and rapid integration into the regular education system. These provisions are consistent with the Convention relating to the Status of Refugees, 1951, which stipulates that refugees must be accorded “the same treatment as is accorded to nationals with respect to elementary education”,<sup>36</sup> and are reiterated in the Guiding Principles on Internal Displacement, 1998, which reassert the right of internally displaced persons to education and state that the

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<sup>29</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 24. See: <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=EF34C9694E5DC085C12563CD0051BB98>.

<sup>30</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Article 4(3)(a). See <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=F9CBD575D47CA6C8C12563CD0051E783>.

<sup>31</sup> A/RES/64/290, para. 9. The resolution was adopted by the United Nations General Assembly on 9 July 2010. See: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/64/290](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/290).

<sup>32</sup> *ibid.*, paras 15 and 18.

<sup>33</sup> Universal Declaration of Human Rights, 1948, Article 26(1). The scope of this right is defined more precisely in Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966, which also establishes that fundamental education should be encouraged or intensified for persons who have not received or completed primary education.

<sup>34</sup> Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989, Article 2(1) and Article 28(1)(a). See: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>35</sup> *ibid.*, Article 22.

<sup>36</sup> Convention relating to the Status of Refugees, 28 July 1951, Article 22(1). See: <http://www.ohchr.org/Documents/ProfessionalInterest/refugees.pdf>.



authorities concerned should ensure free and compulsory education at the primary level for such persons, in particular for displaced children.<sup>37</sup>

In the light of the above, the adjectives referring to education (“free quality public” and “compulsory primary”) in point 20(a) of the Conclusions seem unnecessary, and the Office has deleted them. Furthermore, the Office has added later in the sentence the expression “in accordance with international law and without discrimination of any kind”. Besides streamlining the text, these changes reaffirm the principle that, “[a]s parties to human rights treaties, States have an obligation to respect, protect and fulfil the right to education, whether or not an emergency situation prevails. In addition, the right to education inheres in each person regardless of legal status, whether refugee, child soldier or internally displaced person.”<sup>38</sup>

In addition, as a logical consequence of the proposed changes, the Office suggests deleting Paragraph 16(b), currently in brackets after the first discussion. This provision was bracketed as concerns were raised about the capacity of member States to grant refugees and internally displaced children the same rights as are available to children who are nationals of that State. This concern is now resolved through the new wording of Paragraph 16(a).

With regard to the provision of secondary and higher education, the Convention on the Rights of the Child calls on signatories to encourage the development of different forms of secondary education, including general and vocational education, and make them available and accessible to every child, and to make higher education accessible to all, on the basis of capacity.<sup>39</sup> The Convention relating to the Status of Refugees requires States to accord to refugees “treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education”.<sup>40</sup> The Guiding Principles on Internal Displacement establish that “[e]ducation and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit”.<sup>41</sup>

#### *Paragraph 17 (Point 21(a)–(e) of the Conclusions)*

Paragraph 17(a)–(e) reproduces point 21(a)–(e) of the Conclusions.

<sup>37</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA): Guiding Principles on Internal Displacement, Principle 23(2). The growing number of displaced persons and the lack of specific legal protection prompted the development of the Guiding Principles on Internal Displacement, on the basis of international humanitarian law and international human rights law. Although they are not legally binding, the Guiding Principles have been disseminated widely among States and international agencies and are increasingly being used to guide protection and assistance strategies. See: <http://www.unhcr.org/protection/idsps/43ce1cff2/guiding-principles-internal-displacement.html>.

<sup>38</sup> *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Right to education in emergency situations: Report of the Special Rapporteur on the right to education, Vernor Muñoz*, A/HRC/8/10, 20 May 2008. See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/135/33/PDF/G0813533.pdf?OpenElement>.

<sup>39</sup> Convention on the Rights of the Child, op. cit., Article 28(b)–(d).

<sup>40</sup> Convention relating to the Status of Refugees, op. cit., Article 22(2).

<sup>41</sup> Guiding Principles on Internal Displacement, op. cit., Principle 23(4).



*Paragraph 18*  
(Point 22 of the Conclusions)

Paragraph 18 reproduces point 22 of the Conclusions.

VII. SOCIAL PROTECTION

*Paragraph 19*  
(Point 23(a)–(c) of the Conclusions)

In Paragraph 19(b), the Office has replaced the word “systems” by “mechanisms”. This change is to avoid confusion between the terms “schemes” and “systems”. ILO Conventions and Recommendations refer to “social security schemes” to describe contributory or non-contributory schemes, and to “social security systems” to describe all the schemes and programmes in a country. According to the Social Protection Floors Recommendation, 2012 (No. 202), social security systems should include nationally defined social protection floors as a fundamental element. The reference in the proposed Recommendation to “other social protection mechanisms” recognizes that in some countries other forms of support, such as protection provided between members of a family or community, are also considered forms of social protection. In the same clause, the Office has deleted the words “and, if possible, extend them”. This change takes account of the fact that in the event of a crisis, immediate action is called for to deal with the sudden surge of new demands and avoid disruptions, and therefore existing systems are typically overstretched. In this context, efforts should focus on ensuring additional capacity to meet the needs of the crisis-affected population, and it may be difficult to achieve any further objectives in the short term. Consequently, extensions of the coverage are usually part of mid-term crisis response measures.

In Paragraph 19(c), the Office has replaced “provide” by “ensure effective” in order to align the language with that of the Social Protection Floors Recommendation, 2012 (No. 202). The use of the term “ensure” reflects the overall and primary responsibility of the State, expressed in Paragraph 3 of Recommendation No. 202, while being more inclusive with respect to other service providers. In the same clause, the Office has reformulated the last part of the sentence to read “for persons made vulnerable by the crisis”. This is in line with the wording used in Paragraph 11, and consistent with the idea that there are no “vulnerable groups of the population” as such, but rather population groups who may at times find themselves in situations of vulnerability.

*Paragraph 20*  
(Point 24 of the Conclusions)

Paragraph 20 reproduces point 24 of the Conclusions.

VIII. LABOUR LAW, LABOUR ADMINISTRATION  
AND LABOUR MARKET INFORMATION

*Paragraph 21*  
(Point 25(a)–(e) of the Conclusions)

In Paragraph 21, the Office has reordered the phrase “employers’ and workers’ organizations” to apply the standard drafting style.

In response to the concerns expressed during the first discussion with respect to the phrase “other institutions competent for the administration of justice”, which was amended



and included in point 25(c) of the Conclusions as “other competent institutions”, the Office wishes to reiterate that this language refers to the institutions with competence in the resolution of labour disputes, which have a specific role to play particularly in the prevention of conflicts. The Office invites Members to consider replacing the current wording “as well as other competent institutions,” in Paragraph 21(c) with “*as well as other institutions competent for the resolution of labour disputes,*”. In the proposed formulation, the word “other” takes account of the fact that some of these institutions may not be part of the national labour administration system.

The Office has divided point 25(e) of the Conclusions into three clauses (Paragraph 21(e), (f) and (g)) to give more prominence to the issues they address.

#### IX. SOCIAL DIALOGUE AND ROLE OF EMPLOYERS’ AND WORKERS’ ORGANIZATIONS

In order to better reflect the substance of this Part, the Office has added “and role of employers’ and workers’ organizations” to the title.

##### *Paragraph 22* *(Point 26(a)–(c) of the Conclusions)*

Paragraph 22(a)–(c) reproduces point 26(a)–(c) of the Conclusions.

##### *Paragraph 23* *(Point 27(a)–(c) of the Conclusions)*

Paragraph 23(a)–(c) reproduces point 27(a)–(c) of the Conclusions.

#### X. REFUGEES AND RETURNEES

During the first discussion, the Committee decided to bracket and defer the decision on Part X in view of the complex debate and the diversity of views expressed and most importantly to await the outcome of the planned discussions on the subject matter within the UN system, in particular the ILO tripartite technical meeting on the access of refugees and other forcibly displaced persons in Geneva from 5 to 7 July, a month after the first discussion.

The Committee called on the Office to take account of the outcome of the tripartite technical meeting and propose a way forward for Part X that will facilitate consensus in preparation for the second and final discussion. The Office has responded to this call under the strict and short timeline available for the preparation of the present report.

First, the Office draws Members’ attention to the fact that it would be inconceivable for an instrument dealing with employment and decent work in response to crisis situations arising from conflicts not to address the situation of refugees. In fact, according to the most recent data published in June 2016 immediately after the first discussion, forced displacement has been rising since at least the mid-1990s in most regions, and has increased more than 50 per cent over the past five years. As noted above, at the end of 2015, the number of people forced to flee their homes to escape war and persecution was at its highest level since the aftermath of the Second World War, amounting to 65.3 million people, including 21.3 million refugees (of whom 1.8 million newly displaced in 2015), 40.8 million internally displaced persons (of whom 8.6 million newly displaced) and 3.2 million asylum seekers. More than half of refugees worldwide came from just three countries affected by protracted conflicts (the Syrian Arab Republic, Afghanistan and



Somalia), and many more caused by new or reignited conflicts (Burundi, Iraq, Libya, Niger and Nigeria) or older or unresolved crises (Central African Republic, Democratic Republic of the Congo, South Sudan and Yemen). The vast majority (13.9 million) were hosted by developing countries. In addition, the UNHCR states that finding durable solutions to refugees and forcibly displaced people remains a challenge.<sup>42</sup>

Second, as explained earlier, the Office suggests moving the matters relating to internally displaced persons from Part X to Part IV of the proposed Recommendation, in view of the fact that a different international regime applies to refugees that does not cover internally displaced persons, who are nationals of the crisis-affected countries.

Third, the Office proposes replacing Part X of the proposed Recommendation (title and points 28 to 33 of the Conclusions) with the following, which draws on the outcome of the tripartite technical meeting, subject to the adjustments and caveats that are explained at the end of the proposed new text:

X. REFUGEES AND RETURNEES  
X.1. REFUGEE ACCESS TO LABOUR MARKETS

24. *Members should, in accordance with international instruments on refugees, listed in the Annex, aim at the provision of decent work opportunities for all, including nationals and refugees, in countries of origin, host countries and third countries, while:*

- (a) *acknowledging the vital importance for Members to share more equitably the responsibility with Members hosting large numbers of refugees; and*
- (b) *taking account of the differing national and regional circumstances, with due regard to applicable international law and national legislation, and the challenges, capacities and burden on resources constraining Members to respond effectively.*

25. *Members should make a further commitment, where possible and appropriate, to develop or strengthen labour market institutions and programmes that support local integration, resettlement, voluntary repatriation and reintegration, and pathways for labour mobility, while respecting the principle of non-refoulement.*

26. *Members should:*

- (a) *guide employers' and workers' organizations and other stakeholders, including employment agencies, on the access of refugees to labour markets;*
- (b) *examine work opportunities available for refugees, based on reliable information concerning the impact of refugees on labour markets, and the needs of the existing labour force and employers;*
- (c) *make easily available information regarding laws and regulations applicable to entrepreneurship, such as procedures for registering a business, relevant labour and employment laws and regulations and tax requirements;*
- (d) *where possible, undertake a national impact assessment on access to the labour market for refugees on their economies, with the involvement of the social partners;*
- (e) *strengthen the capacity of national labour market governance systems, including in respect of information and data collection concerning the impact of refugees on host communities, labour markets and economies more generally.*

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<sup>42</sup> UNHCR: *Global Trends: Forced displacement in 2015*, op. cit.



27. *Consistent with the provisions in Part IV on employment generation, Members should develop and implement, where possible, together with representative employers' and workers' organizations, national employment policies that include refugees.*

28. *Consistent with the provisions in Part IV on employment generation, employment strategies should include measures to:*

- (a) enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies, to support the access of refugees to the labour market, particularly as regards job placements and career counselling;*
- (b) strengthen specific efforts to support the inclusion in labour markets of refugee youth and women, including through access to education;*
- (c) support recognition and accreditation of acquired skills and competencies of refugees through appropriate skills determination tests, if required.*

29. *Consistent with the provisions in Parts VI and VII, Members should take steps to facilitate the portability of work-related entitlements (such as social security benefits, including pensions), skills accreditation and skills recognition of refugees between countries of origin, transit and destination.*

30. *Consistent with the provisions in Parts V, VII, VIII and IX of this instrument, Members should:*

- (a) adopt or reinforce national policies to promote equality of opportunity and treatment for all, in particular gender equality, recognizing the specific needs of women, youth and persons with disabilities, with regard to fundamental principles and rights at work, working conditions, access to public services, wages and the right to social security benefits for refugees, and to educate refugees about their labour rights and protections;*
- (b) combat and prevent all forms of discrimination in law and in practice, and forced labour and child labour, as they affect refugee men, women and children;*
- (c) facilitate the participation of all workers, including refugees, in representative organizations, including in relation to their right to form and join trade unions, participate in collective bargaining mechanisms and access justice and judicial remedies against abusive working conditions;*
- (d) adopt legislative measures and facilitate information, advocacy and awareness campaigns that combat xenophobic behaviour in the workplace and highlight the positive contributions of refugees, with meaningful engagement of employers' and workers' organizations, civil society and other relevant stakeholders;*
- (e) ensure that refugees in the workplace are covered under relevant labour laws and regulations, including on minimum wages, maternity protection, working time, occupational safety and health, and provide information on the rights and obligations of workers, and the means of redress for violations, in a language they understand; and*
- (f) provide necessary education and training for labour inspectorates, public servants and judicial bodies on refugee law and labour rights, and ensure that information and training for workers is provided in a language that workers understand.*



31. *Members should apply the principle of non-discrimination and equality for all. Access to specific occupations can be restricted as prescribed by national laws, in accordance with relevant international labour standards and international law.*

32. *Members should cooperate, including with respect to measures to:*

- (a) strengthen the role of local government, regional bodies, and particularly regional economic commissions and regional initiatives, to foster consistent regional responses, including with the support of relevant international organizations;*
- (b) encourage development assistance and private sector investment for the creation of decent and productive jobs, business development and self-employment to benefit all workers, including refugees;*
- (c) enhance the roles and capacities of the social partners and civil society to promote and protect the fundamental principles and rights at work of refugees.*

33. *Members should provide predictable, sustainable and adequate development assistance to support least-developed and developing countries that continue to host a large number of refugees and to ensure the continuation of their development.*

34. *Members should acknowledge the important role of employers' and workers' organizations in the public and private sectors to promote and support refugees' inclusion into work and society.*

## X.2. VOLUNTARY REPATRIATION AND REINTEGRATION OF RETURNEES

35. *Members that are countries of origin should ensure that refugees returning voluntarily are reintegrated into their labour market, including with the support of other Members and the assistance of international organizations.*

36. *Members should collaborate, including with the assistance of relevant international organizations, to facilitate voluntary repatriation and socio-economic integration of returnees in their areas of origin, through measures such as:*

- (a) emergency employment and employment-intensive investment projects;*
- (b) support to sustainable livelihoods, self-reliance, micro- and small-enterprise development, entrepreneurship development, microfinance (savings and loans), business development services, local procurement of goods and services; and*
- (c) promotion of local economic recovery, provision of technical and vocational training and strengthening of public employment services.*

This new formulation draws on the outcome of the tripartite technical meeting, with the following adjustments:

- Not all provisions in the guiding principles adopted by the meeting fit the purpose of the revision of Recommendation No. 71. The outcome document is a rather long, self-contained text with introductory and contextual descriptions that are not required for the purposes of Recommendation No. 71.
- The focus of this Part is only on refugees and returnees. The issue of “other forcibly displaced persons”, although discussed in the technical meeting, has not been included, because it was not originally in the questionnaire regarding Recommendation No. 71 or the Office text. Furthermore, as the technical meeting highlighted, there is no agreed definition of this category of population, and therefore



it was deemed premature to include it in a normative instrument such as a Recommendation.

- Only provisions where there was a broad support or consensus have been retained.<sup>43</sup>
- Emphasis is maintained on the situation of developing countries hosting large numbers of refugees, and the need for shared solidarity and funding support. It should be recalled that this issue gave rise to serious concerns expressed by a number of governments during the first discussion and was one reason why the Part on refugees was bracketed pending the outcome of the tripartite technical meeting.
- Additional proposals made by some governments with respect to the labour market integration of returnees that could not be fully examined by the technical meeting for lack of time have been added after a technical review and some editing by the Office.

The Office points to the fact that at the time of writing – one day after the conclusion of the tripartite technical meeting in order to meet the tight timeline for the present report – the outcome of that meeting had not been yet communicated to and considered by the ILO Governing Body. The three-day discussions in the tripartite technical meeting – in which eight representatives of each of the tripartite constituents participated – were intense and complex. Furthermore, the Office notes that the status of Guiding Principles is different from a normative instrument such as a Recommendation.

The Office also draws Members' attention to the length of this section, even in this much shortened version of the Guiding Principles, compared with the length of the original bracketed text in Part X and compared with the length of other parts of the proposed Recommendation. The Office would welcome comments on further shortening or reordering the text, by focusing on the most important provisions.

The Office will take into account the feedback from Members on the content and length of this Part that would fit the purpose of a Recommendation in its preparation of the final report for the discussion at the 106th Session of the International Labour Conference. In the final report, it will also take account of the dialogue and outcome on migrants and refugees of the September 2016 session of the UN General Assembly, and the discussions of the Governing Body with respect to the outcome of the tripartite technical meeting, as deemed appropriate. The Office is available for further consultations and briefings at any time.

## XI. PREVENTION, MITIGATION AND PREPAREDNESS

### *Paragraph 30 (Point 34(a)–(d) of the Conclusions)*

The Office has slightly reworded and merged clauses (b) and (c) of point 34 of the Conclusions into Paragraph 30(b) so as to bring together the main elements of risk management.

In addition, in Paragraph 30(c), the Office has deleted the word “impact” to avoid redundancy, and has moved the reference to the Declaration on Fundamental Principles and Rights at Work to the end of the sentence for improved readability.

<sup>43</sup> Several provisions that were adopted by the technical meeting but subject to reservations from at least half of the participating governments have not been retained.



As a result, Paragraph 30 consists of three clauses, each dealing with different aspects of prevention, mitigation and preparedness for resilience:

- Paragraph 30(a) addresses the evaluation of threats and vulnerabilities as part of the risk assessment methodology;
- Paragraph 30(b) focuses on risk management, which includes preventive action, risk reduction and response preparedness;
- Paragraph 30(c) concerns the mitigation of adverse effects, including through business continuity in all sectors.

## XII. INTERNATIONAL COOPERATION

### *Paragraph 31 (Point 35 of the Conclusions)*

In Paragraph 31, the Office has reproduced point 35 of the Conclusions. A minor drafting change has been made to align the wording of this Paragraph with that used in the rest of the text.

### *Paragraph 32 (Point 36 of the Conclusions)*

Paragraph 32 reproduces point 36 of the Conclusions.

### *Paragraph 33 (Point 37 of the Conclusions)*

Paragraph 33 reproduces point 37 of the Conclusions.

### *Paragraph 34 (Point 38 of the Conclusions)*

Paragraph 34 reproduces point 38 of the Conclusions.

### *Paragraph 35 (Point 39 of the Conclusions)*

Paragraph 35 reproduces point 39 of the Conclusions.

### *Paragraph 36 (Point 40 of the Conclusions)*

In Paragraph 36, the Office has replaced the words “humanitarian assistance and development response” by “humanitarian and development assistance” to streamline the text.

## XIII. OTHER PROVISIONS

At the end of the proposed text, the Office has added a new Part (Part XIII) entitled “Other provisions”. It contains two standard paragraphs that are not strictly concerned with the substance of the proposed Recommendation.



*Paragraph 37  
(New Paragraph)*

In line with the usual practice, the Office has inserted a new Paragraph (Paragraph 37) indicating that the proposed Recommendation replaces the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).

*Paragraph 38  
(Point 41 of the Conclusions)*

Paragraph 38 reproduces point 41 of the Conclusions.

ANNEX

The Annex remains unchanged from that of the Conclusions. However, the Office draws Members' attention to the fact that references to "instruments and documents listed in the Annex" are found throughout the text of the proposed Recommendation. As all of the documents included in the Annex are instruments, albeit of different legal value, the Office invites Members to consider simplifying the text by deleting the words "and documents".





## PROPOSED RECOMMENDATION CONCERNING EMPLOYMENT AND DECENT WORK FOR PEACE AND RESILIENCE

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 106th Session on ... June 2017, and  
Reaffirming the principle in the Constitution of the International Labour Organisation (ILO) that universal and lasting peace can be established only if it is based upon social justice, and  
Recalling the Declaration of Philadelphia (1944), the Universal Declaration of Human Rights (1948), the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) and the ILO Declaration on Social Justice for a Fair Globalization (2008), and  
Taking into account the need to revise the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), with a view to broadening the scope and providing up-to-date guidance on the role of employment and decent work in prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters, and  
Considering the impact of conflicts and disasters on poverty and development, human rights and dignity, decent work and sustainable enterprises, and  
Recognizing the importance of employment and decent work for promoting peace, preventing crisis situations arising from conflicts and disasters, enabling recovery and building resilience, and  
Emphasizing the need to ensure respect for human rights and the rule of law, including respect for fundamental principles and rights at work and for international labour standards, in particular those that are relevant to employment and decent work, and  
Considering the need to recognize that crises impact women and men differently, and the critical importance of gender equality and the empowerment of women and girls in promoting peace, preventing crises, enabling recovery and building resilience, and  
Recognizing the importance of developing responses to crisis situations arising from conflicts and disasters through social dialogue, in consultation with the most representative employers' and workers' organizations and, as appropriate, with relevant civil society organizations, and  
Noting the importance of creating or restoring an enabling environment for sustainable enterprises, taking into account the resolution and Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007), and in particular



for small and medium-sized enterprises, to stimulate employment generation, economic recovery and development, and

Affirming the need to develop and strengthen measures of social protection, and

Recognizing the role of accessible and quality public services in economic recovery, development and reconstruction efforts, and

Stressing the need for international cooperation and partnerships among regional and international organizations to ensure joint and coordinated efforts, and

Having decided upon the adoption of certain proposals with regard to employment and decent work for peace and resilience, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this ... day of June of the year two thousand and seventeen the following Recommendation, which may be cited as the Employment and Decent Work for Peace and Resilience Recommendation, 2017:

#### I. OBJECTIVES AND SCOPE

1. This Recommendation provides guidance to Members on the measures to be taken to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from international and non-international armed conflicts and disasters that destabilize societies and economies.
2. For the purposes of this Recommendation:
  - [(a) *the term “disaster” means serious disruptions of the functioning of a community or a society, involving widespread human, material, economic or environmental losses or impact, arising from natural or man-made causes, including those arising from climate change and technological and biological phenomena;*]
  - (b) the term “resilience” means the ability of a system to reduce, prevent, anticipate, absorb and adapt to or recover from the effects of a hazardous event in a timely and efficient manner, including through ensuring the preservation, restoration or improvement of its essential basic structures and functions;
  - (c) the term “crisis response” refers to all measures on employment and decent work taken in response to crisis situations arising from conflicts and disasters.
3. This Recommendation applies to all workers and jobseekers, and to all employers, in all sectors of the economy affected by crisis situations arising from conflicts and disasters.
4. The references in this Recommendation to fundamental principles and rights at work, including equality of treatment, to safety and health and to working conditions apply to all workers, including those engaged in crisis response and, in particular, in the immediate response. Volunteers should be treated under fair conditions.
5. The provisions of this Recommendation are without prejudice to the rights and obligations of Members under international law, in particular international humanitarian law, international refugee law and international human rights law.



## II. GUIDING PRINCIPLES

6. All crisis responses under this Recommendation should:

- (a) promote full, productive, freely chosen and decent employment as vital to promoting peace, preventing crises, enabling recovery and building resilience;
- (b) respect, promote and realize the fundamental principles and rights at work, other human rights and other relevant international labour standards, and take into account other international instruments and documents listed in the Annex, as appropriate;
- (c) promote good governance and combat corruption and clientelism;
- (d) take into account the nature of the crisis and the extent of its impact and build the capacity of governments, including regional and local government, and other institutions to provide effective responses, with the necessary international cooperation and assistance, as required;
- [(e) include specific measures to reduce the vulnerability of certain groups of the population in crisis situations, including women, young persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons and refugees;]*
- (f) respect and promote equality of opportunity and treatment for women and men without discrimination of any kind;
- (g) identify and monitor any negative and unintended consequences and avoid harmful spillover effects on individuals, communities, the environment and the economy, and facilitate a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress;
- (h) be based on dialogue and the need to combat discrimination, prejudice and hatred on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, or any other grounds, where appropriate following procedures deemed necessary to allow national reconciliation;
- [(i) be based on the principle of national ownership, including in cases in which international assistance is provided, as well as on the principles of international solidarity, shared responsibility and cooperation];* and
- (j) promote close coordination and synergies between humanitarian and development assistance, including for the promotion of full, productive, freely chosen employment and decent work and income-generation opportunities, avoiding the duplication of efforts and mandates.

## III. STRATEGIC APPROACHES

7. Members should adopt a phased approach and coherent and comprehensive strategies for promoting peace, preventing crises, enabling recovery and building resilience that include:

- (a) stabilizing livelihoods and income through emergency employment and social protection measures;
- (b) promoting local economic recovery for employment and decent work opportunities and socio-economic reintegration;



- (c) promoting sustainable employment and decent work, social protection, sustainable development, the creation of sustainable enterprises, a just transition towards an environmentally sustainable economy and access to public services;
- (d) conducting employment impact assessments of national recovery programmes implemented through public and private investment in order to facilitate the rapid attainment of full, productive, freely chosen and decent employment for all women and men, in particular for young persons and persons with disabilities;
- (e) providing guidance and support to employers and businesses to enable them to take effective measures to identify, prevent, mitigate and account for how they address the risks of adverse impacts on human and labour rights that are linked to their operations, products or services;
- (f) applying a gender perspective in all crisis response design, implementation, monitoring and evaluation activities;
- (g) creating economic, social and legal frameworks at the national level to encourage lasting and sustainable peace and development, while respecting rights at work;
- (h) promoting social dialogue;
- (i) building or restoring labour market institutions, including employment services for stabilization and recovery;
- (j) developing the capacity of governments, including regional and local authorities, and of employers' and workers' organizations;
- (k) encouraging the active participation of employers' and workers' organizations in planning, implementing and monitoring measures for recovery and resilience, taking into account, as appropriate, the views of the relevant civil society organizations; and
- (l) taking measures, as appropriate, for the socio-economic reintegration of persons formerly associated with armed forces and groups who have been affected by the crisis.

8. Crisis response in the immediate aftermath of a conflict or disaster should include, as appropriate:

- (a) a coordinated and inclusive needs assessment with a clear gender perspective;
- (b) an urgent response to satisfy basic needs and provide services, including social protection, support to livelihoods, employment and income-generation opportunities, taking into account the particular vulnerability of certain segments of the population;
- (c) assistance provided, to the extent possible, by public authorities, with the support of the international community, engaging social partners and, where appropriate, the relevant civil society and community-based organizations;
- (d) safe and decent working conditions, including the provision of personal protective equipment and medical assistance for all workers, including those engaged in rescue and rehabilitation activities; and
- (e) the re-establishment of government institutions and of employers' and workers' organizations as well as, whenever necessary, of relevant civil society organizations.



#### IV. EMPLOYMENT GENERATION

9. In enabling recovery and building resilience, Members should adopt and implement a comprehensive and sustainable employment strategy to promote full, productive, freely chosen and decent employment for women and men, taking into account the Employment Policy Convention, 1964 (No. 122), and guidance provided in relevant resolutions of the International Labour Conference.

10. Members should, in consultation with the most representative employers' and workers' organizations, adopt inclusive measures in order to ensure decent employment and income-generation opportunities through, as appropriate:

- (a) employment-intensive investment strategies and programmes, including public employment programmes;
- (b) local economic recovery and development initiatives, with a special focus on livelihoods in both rural and urban areas;
- (c) the creation or restoration of an enabling environment for sustainable enterprises, including the promotion of small and medium-sized enterprises as well as of cooperatives and other social economy initiatives;
- (d) supporting sustainable enterprises to ensure business continuity in order to maintain the level of employment and enable the creation of new jobs;
- (e) facilitating a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress;
- (f) supporting employment and social protection and protecting the fundamental principles and rights at work of those in the informal economy and encouraging the transition of workers and economic units to the formal economy, taking into account the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- (g) supporting the public sector and promoting public–private partnerships and other mechanisms for skills development and employment generation;
- (h) creating incentives for multinational enterprises to cooperate with national enterprises in order to create decent employment and undertake human rights due diligence in order to ensure respect for human and labour rights, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and
- (i) facilitating the employment of persons formerly associated with armed forces and groups.

11. Members should develop and apply active labour market policies and programmes with a particular focus on disadvantaged and marginalized groups and those who have been made particularly vulnerable by crisis, including refugees and internally displaced persons.

12. In responding to crisis situations, Members should seek to provide young women and men with stable employment and decent work and income-generation opportunities, including through:

- (a) integrated training, employment and labour market programmes that address the specific situations of youth entering the world of work; and



- (b) specific youth employment components in disarmament, demobilization and reintegration programmes that incorporate psychosocial counselling and other interventions to address anti-social behaviour and violence with a view to reintegration into civilian life.

#### V. RIGHTS, EQUALITY AND NON-DISCRIMINATION

13. In responding to discrimination associated with or exacerbated by crisis situations and when taking measures for promoting peace, preventing crises, enabling recovery and building resilience, Members should:

- (a) promote equality of opportunity and treatment for women and men without discrimination of any kind, taking into account the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958;
- (b) pay special attention to single-headed households, in particular when they are headed by women or children;
- (c) take measures to ensure that women who have been employed during the crisis and have assumed expanded responsibilities are not replaced against their will when the male workforce returns;
- (d) prevent and punish gender-based violence, including rape and sexual exploitation and harassment;
- (e) pay particular attention to establishing or restoring conditions of stability and socio-economic development for minorities, indigenous and tribal peoples, [*migrants, refugees, those internally displaced,*] and other population groups that have been particularly affected, taking into account the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, as well as other relevant international labour standards and other international instruments and documents listed in the Annex;
- (f) ensure that minorities concerned, and indigenous and tribal peoples are consulted in particular through their representative institutions where they exist, and participate directly in the decision-making process, in particular if the territories inhabited or used by indigenous and tribal peoples and their environment are affected by crises and related recovery and stability measures;
- (g) ensure, in consultation with employers' and workers' organizations, that persons who became disabled as a result of conflict or disaster are provided with full opportunities for rehabilitation, education, specialized vocational guidance, training and retraining, and employment, taking into account the relevant international labour standards and other international instruments and documents listed in the Annex; and
- (h) ensure that migrant workers and their families lawfully staying in a country affected by crisis are treated on a basis of equality with national populations, taking into account the relevant national provisions, as well as the relevant international labour standards and other international instruments and documents listed in the Annex.

14. In combating child labour arising from or exacerbated by conflicts or disasters, Members should:



- (a) take all necessary measures to prevent, identify and eliminate child labour in crisis responses, taking into account the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973;
- (b) take urgent action to prevent, identify and eliminate the worst forms of child labour, including the trafficking of children and the forced or compulsory recruitment of children for use in armed conflict, taking into account the Worst Forms of Child Labour Convention (No. 182) and Recommendation (No. 190), 1999;
- (c) provide special reintegration and training programmes for children and youth formerly associated with armed forces and groups to help them readjust to civilian life; and
- (d) provide social protection services to support the capacity of families to protect their children, for instance through cash or in-kind transfers.

15. In combating forced or compulsory labour arising from or exacerbated by conflicts or disasters, Members should take urgent action to prevent, identify and eliminate all forms of forced or compulsory labour, including trafficking in persons for purposes of forced or compulsory labour, taking into account the Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014, the Abolition of Forced Labour Convention, 1957 (No. 105), and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).

## VI. EDUCATION, VOCATIONAL TRAINING AND GUIDANCE

16. In responding to crisis situations, and on the basis of the principle of equal opportunity between women and men, boys and girls, Members should ensure that:

- (a) the provision of education is not disrupted, or is restored as quickly as possible, and that children have access to education in accordance with international law and without discrimination of any kind at all stages of crisis and recovery;
- [(b) children who are refugees or who are internally displaced are provided with free quality elementary education and internally displaced persons are provided with compulsory primary education;]* and
- (c) second chance programmes for children and young persons are available and address key needs arising from any interruption of their education and training.

17. In responding to crisis situations Members should, where appropriate:

- (a) formulate or adapt a national education, training, retraining and vocational guidance programme that assesses and responds to emerging skills needs for recovery and reconstruction, in consultation with education and training institutions and employers' and workers' organizations, engaging fully all relevant public and private stakeholders;
- (b) adapt curricula and train teachers and instructors to promote:
  - (i) peaceful coexistence and reconciliation for peacebuilding and resilience; and
  - (ii) disaster risk education, reduction, awareness and management for recovery, reconstruction and resilience;
- (c) coordinate education, training and retraining services at national, regional and local levels, including higher education, vocational training, entrepreneurship training and apprenticeship, and enable women and men whose education and training have been



prevented or interrupted to enter or resume and complete their education and training;

- (d) extend and adapt training and retraining programmes to meet the needs of all persons whose employment has been interrupted; and
- (e) give special attention to the training and economic empowerment of affected populations, including in rural areas and in the informal economy.

18. Members should ensure that women and girls have access, on the basis of equal opportunity and treatment, to all education and training programmes developed for recovery and resilience.

## VII. SOCIAL PROTECTION

19. In responding to crisis situations Members should, as quickly as possible:

- (a) seek to ensure basic income security for disadvantaged and marginalized groups whose jobs or livelihoods have been disrupted by the crisis;
- (b) create or restore social security schemes and other social protection mechanisms; and
- (c) ensure effective access to essential health care and other basic social services, in particular for persons made vulnerable by the crisis.

20. Members should establish or maintain social protection floors in order to prevent crises, enable recovery and build resilience, taking into account the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Social Protection Floors Recommendation, 2012 (No. 202), and other relevant international labour standards.

## VIII. LABOUR LAW, LABOUR ADMINISTRATION AND LABOUR MARKET INFORMATION

21. In recovering from crisis situations, Members should, in consultation with the most representative employers' and workers' organizations:

- (a) review, establish, re-establish or reinforce labour legislation, if necessary, consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) and applicable international labour standards;
- (b) ensure that labour laws also support the generation of decent and productive employment opportunities;
- (c) establish, re-establish or reinforce, as necessary, the system of labour administration, including labour inspection, as well as other competent institutions, taking into account the Labour Inspection Convention, 1947 (No. 81);
- (d) establish, restore or enhance, if necessary, systems for the collection and analysis of labour market information, focusing in particular on the groups of the population most affected by the crisis;
- (e) establish or restore and strengthen public employment services, including emergency employment services;
- (f) ensure the regulation of private employment agencies; and



- (g) promote synergy between all labour market actors to enable local populations to obtain the maximum benefit from employment opportunities generated by investments related to the promotion of peace and recovery.

IX. SOCIAL DIALOGUE AND ROLE OF EMPLOYERS'  
AND WORKERS' ORGANIZATIONS

22. In responding to crisis situations, Members should:

- (a) promote reconciliation, social and economic stability, recovery and resilience through social dialogue, and support women's influence and meaningful participation in social dialogue, taking into account the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
- (b) create an enabling environment for the establishment, restoration or strengthening of employers' and workers' organizations; and
- (c) encourage, in addition, close cooperation with civil society organizations.

23. Members should recognize the vital role of employers' and workers' organizations in crisis response, taking into account the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in particular by:

- (a) assisting sustainable enterprises, particularly small and medium-sized enterprises, to undertake business continuity planning, to recover from crises by means of training, advice and material assistance, and by facilitating access to finance;
- (b) assisting workers, especially the most vulnerable, to recover from crises through training, advice and material assistance; and
- (c) taking measures for these purposes through the collective bargaining process as well as by other methods of social dialogue.

[X. REFUGEES, INTERNALLY DISPLACED PERSONS AND RETURNEES

24. *In the event of refugee influx caused by conflict, violence and persecution, Members should, in accordance with international instruments on refugees, listed in the Annex:*

- (a) *ensure protection and respect for the basic human rights of refugees, including fundamental workers' rights;*
- (b) *provide assistance to the refugees, particularly with regard to their basic needs and livelihoods;*
- (c) *pay special attention to the training, employment and integration into the labour market of refugees, in countries of first refuge and of resettlement;*
- (d) *reinforce international cooperation, solidarity and assistance to countries receiving large numbers of refugees, including with respect to addressing implications for their labour markets.*

25. *With respect to employment, training and labour market integration of refugees, Members should adopt short-term and long-term strategies that:*



- (a) *facilitate recognition and use of skills of refugees through appropriate mechanisms, and provide training and retraining opportunities including language training;*
- (b) *promote their access to formal job opportunities and income-generation schemes, by providing vocational guidance, labour market and job placement assistance, and access to work permits, as appropriate; and*
- (c) *pay particular attention to the needs of refugee women, who are at a particular disadvantage.*

26. *Members should:*

- (a) *assess the labour market implications of refugee influx on host communities with a view to formulating evidence-based policies on employment and labour market integration, preventing informalization of labour markets and social dumping practices in host communities, and optimizing the use of skills and human capital that refugees represent; and*
- (b) *build the resilience and strengthen the capacity of host communities by investing in local economies and promoting opportunities for decent, full and freely chosen employment and training of the local population.*

27. *When the security situation in the country of origin of the refugees has improved sufficiently, Members should facilitate the voluntary repatriation of refugees and support their labour market reintegration.*

28. *In the event of a crisis resulting in large numbers of internally displaced persons, Members should:*

- (a) *build resilience and strengthen the capacity of host communities to protect the human rights and promote decent, full and freely chosen employment and training opportunities for local populations, to ensure that their livelihoods are maintained and their ability to cope with the arrival of internally displaced persons from outside their own communities is strengthened;*
- (b) *address the livelihoods, training, employment and integration into labour markets of internally displaced persons; and*
- (c) *facilitate their voluntary return to their places of origin and their reintegration into labour markets when the crisis has been resolved.*

29. *Members should provide mutual assistance and reinforce international cooperation to ensure that receiving and hosting refugees and internally displaced persons does not disproportionately affect host countries and communities and their economies.]*

## XI. PREVENTION, MITIGATION AND PREPAREDNESS

30. *Members should take measures, in particular in countries in which there are foreseeable risks of conflict or disaster, to build resilience, in consultation with employers' and workers' organizations and other concerned groups, to prevent, mitigate and prepare for crises in ways that support economic and social development and decent work, through actions such as:*

- (a) *evaluation of threats to and vulnerabilities of human, physical, economic, environmental, institutional and social capital at local, national and regional levels;*



- (b) risk management, including contingency planning, early warning, risk reduction and emergency response preparedness; and
- (c) mitigation of adverse effects, including through business continuity management in both public and private sectors, taking into account the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998).

## XII. INTERNATIONAL COOPERATION

31. In preparing for and responding to crisis situations, Members should take appropriate steps through bilateral or multilateral arrangements, including through the United Nations system, international financial institutions and other international or regional mechanisms of coordinated response. Members should make full use of existing arrangements and established institutions and mechanisms and strengthen them, as appropriate.

32. Crisis responses, including support by international and regional organizations, should provide for a central focus on employment, decent work and sustainable enterprises, and should be coherent with applicable international labour standards.

33. International organizations should reinforce their cooperation and the coherence of their crisis responses within their respective mandates, making full use of relevant international policy frameworks and arrangements.

34. The International Labour Organization has a lead role to play in assisting Members to provide crisis responses based on employment and decent work and focusing on employment promotion, labour market integration, capacity development of local constituents and institution building, in close cooperation with other international and regional institutions.

35. Members should systematically exchange information, knowledge, good practices and technology for promoting peace, preventing and mitigating crises, enabling recovery and building resilience.

36. There should be close coordination of and complementarity among crisis responses, as appropriate, in particular between humanitarian and development assistance, including through the generation of full, productive, freely chosen employment and decent work for peace and resilience.

## XIII. OTHER PROVISIONS

37. This Recommendation supersedes the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).

38. The Annex may be revised by the Governing Body of the International Labour Office. Any revised Annex so established, once approved by the Governing Body, shall replace the preceding annex and shall be communicated to the Members of the International Labour Organization. The Annex is intended only as a reference.



## ANNEX

### INSTRUMENTS AND DOCUMENTS OF THE INTERNATIONAL LABOUR ORGANIZATION AND THE UNITED NATIONS RELEVANT TO EMPLOYMENT AND DECENT WORK FOR PEACE AND RESILIENCE

#### INSTRUMENTS OF THE INTERNATIONAL LABOUR ORGANIZATION

##### *Fundamental Conventions*

- Forced Labour Convention, 1930 (No. 29), and Protocol of 2014 to the Forced Labour Convention, 1930
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

##### *Governance Conventions*

- Labour Inspection Convention, 1947 (No. 81)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

##### *Other instruments*

##### *Freedom of association, collective bargaining and industrial relations*

- Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)
- Rural Workers' Organisations Convention, 1975 (No. 141)
- Collective Bargaining Convention, 1981 (No. 154)

##### *Equality of opportunity and treatment*

- Workers with Family Responsibilities Convention, 1981 (No. 156)

##### *Employment policy and promotion*

- Employment Service Convention, 1948 (No. 88)
- Employment Policy Recommendation, 1964 (No. 122)
- Labour Administration Convention, 1978 (No. 150)
- Labour Relations (Public Service) Convention, 1978 (No. 151)



- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)
- Private Employment Agencies Convention, 1997 (No. 181)
- Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- Promotion of Cooperatives Recommendation, 2002 (No. 193)
- Employment Relationship Recommendation, 2006 (No. 198)

#### *Vocational guidance and training*

- Vocational Guidance Recommendation, 1949 (No. 87)
- Human Resources Development Convention, 1975 (No. 142)
- Human Resources Development Recommendation, 2004 (No. 195)

#### *Wages*

- Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and Recommendation, 1949 (No. 84)
- Minimum Wage Fixing Convention, 1970 (No. 131), and Recommendation, 1970 (No. 135)

#### *Occupational safety and health*

- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Safety and Health in Agriculture Convention, 2001 (No. 184), and Recommendation, 2001 (No. 192)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- HIV and AIDS Recommendation, 2010 (No. 200)

#### *Social security*

- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Social Protection Floors Recommendation, 2012 (No. 202)

#### *Maternity protection*

- Maternity Protection Convention, 2000 (No. 183)

#### *Migrant workers*

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

#### *Indigenous and tribal peoples*

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)



*Informal economy*

- Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

*Declarations and resolutions*

- Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998
- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977 as last amended in 2006
- Resolution and Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007)

*United Nations instruments and documents*

- Universal Declaration of Human Rights, 1948
- Convention relating to the Status of Refugees, 1951
- Protocol relating to the Status of Refugees, 1967
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention on the Rights of the Child, 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990
- Guiding Principles on Internal Displacement, 1998
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000
- UN Security Council Resolution 1325 on Women, Peace and Security, 2000
- United Nations Convention against Transnational Organized Crime, 2000
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000
- Convention on the Rights of Persons with Disabilities, 2006
- United Nations Policy for post-conflict employment creation, income generation and reintegration, 2008
- Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2011
- Sendai Framework for Disaster Risk Reduction 2015–2030, 2015



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