



International
Labour
Office
Geneva

Report V (2A)

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

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Report V(2A)

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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LIST OF ABBREVIATIONS

Employers' and workers' organizations

	IOE	International Organisation of Employers
	ITUC	International Trade Union Confederation
Algeria	CGATA	General and Autonomous Confederation of Workers of Algeria
Argentina	CGT-RA	General Labour Confederation of the Argentine Republic
	CTM	Municipal Workers' Confederation of the Argentine Republic
Austria	BAK	Federal Chamber of Labour
Belgium	CSC	Confederation of Christian Trade Unions
Brazil	CNI	National Confederation of Industry
	CNTSS/CUT	National Confederation of Social Security Workers of the Single Confederation of Workers
Bulgaria	CITUB	Confederation of Independent Trade Unions of Bulgaria
Burkina Faso	USTB	Trade Union of Workers of Burkina Faso
Canada	CLC	Canadian Labour Congress
Chad	CNPT	National Council of Chadian Employers
Colombia	CGT (Colombia)	General Confederation of Labour
	CTC (Colombia)	Confederation of Workers of Colombia
	CUT (Colombia)	Single Confederation of Workers of Colombia
Comoros	MODEC	Movement of Comoros Companies
	CTC (Comoros)	Workers' Confederation of Comoros
Costa Rica	SITUN	Union of Workers of the National University
Côte d'Ivoire	CSH-CI	Centrale Syndicale Humanisme de Côte d'Ivoire
Cyprus	OEB	Cyprus Employers' and Industrialists' Federation
Denmark	LO/FTF Council	Danish Trade Union Council for International Development Cooperation

Dominican Republic	COPARDOM	Employers' Confederation of the Dominican Republic
	CASC	Autonomous Confederation of Class Unions
	CNTD	National Confederation of Dominican Workers
	CNUS	National Confederation of Trade Union Unity
Ethiopia	CETU	Confederation of Ethiopian Trade Unions
Finland	Akava	Confederation of Unions for Professional and Managerial Staff in Finland
	SAK	Central Organization of Finnish Trade Unions
	STTK	Finnish Confederation of Professionals
France	CGT-FO	General Confederation of Labour – Workers' Force
Gabon	COSYGA	Gabonese Trade Union Confederation
Germany	DGB	German Trade Union Confederation
Ghana	GRNMA	Ghana Registered Nurses' and Midwives' Association
	TUC	Ghana Trades Union Congress
Guatemala	CUSG	Confederation of Trade Union Unity of Guatemala
Iceland	ASI (Iceland)	Icelandic Confederation of Labour
Italy	CGIL	Italian General Confederation of Labour
	CISL	Italian Confederation of Workers' Trade Unions
	UIL	Italian Labour Union
Japan	JTUC-RENGO	Japanese Trade Union Confederation
Kenya	UKCS	Union of Kenya Civil Servants
Korea, Republic of	KEF	Korea Employers' Federation
Mexico	CONCAMIN	Confederation of Chambers of Industry of the United States of Mexico
	SUTGCDMX	Single Union of Government Workers of Mexico City
Moldova, Republic of	CNSM	National Trade Union Confederation of Moldova
Montenegro	CTUM	Confederation of Trade Unions of Montenegro
Morocco	UMT	Moroccan Workers' Union
New Zealand	BusinessNZ	Business New Zealand
	NZCTU	New Zealand Council of Trade Unions
Nigeria	NASU	Non-Academic Staff Union of Educational and Associated Institutions
	NULGE	Nigerian Union of Local Government Employees
	NLC	Nigeria Labour Congress

Norway	LO (Norway)	Norwegian Confederation of Trade Unions
Peru	CATP	Autonomous Workers' Confederation of Peru
Portugal	CIP	Confederation of Portuguese Industry
	CCP	Confederation of Trade and Services of Portugal
	CGTP-IN	General Confederation of Portuguese Workers
Romania	BNS	National Trade Union Bloc
	CNS–Cartel Alfa	National Trade Union Confederation – Cartel Alfa
Sao Tome and Principe	ONTSTP–CS	National Organization of the Workers of Sao Tome and Principe – Central Union
Senegal	CNTS	National Confederation of Workers of Senegal
	UNSAS	National Union of Autonomous Trade Unions of Senegal
Sierra Leone	SLLC	Sierra Leone Labour Congress
Singapore	SNTUC	Singapore National Trades Union Congress
Somalia	FESTU	Federation of Somali Trade Unions
Spain	CCOO	Trade Union Confederation of Workers' Committees
Sweden	SN	Confederation of Swedish Enterprise
	LO (Sweden)	Swedish Trade Union Confederation
	SACO	Swedish Confederation of Professional Associations
	TCO	Swedish Confederation of Professional Employees
Switzerland	SGB	Swiss Federation of Trade Unions
Turkey	DISK	Confederation of Progressive Trade Unions of Turkey
United States	USCIB	United States Council for International Business
	SEIU	Service Employees' International Union
Venezuela, Bolivarian Republic of	ASI (Venezuela)	Independent Trade Union Alliance
Zimbabwe	ZCTU	Zimbabwe Congress of Trade Unions

Other abbreviations

g7+	group of fragile and conflict-affected countries
IDP	internally displaced person
OCHA	Office for the Coordination of Humanitarian Affairs
OEIWG	open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction
UN	United Nations

UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNISDR	United Nations Office for Disaster Risk Reduction
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

List of reports

white report	<p><i>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.</i></p> <p>Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_358383.pdf.</p>
yellow report	<p><i>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.</i></p> <p>Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_449893.pdf.</p>
brown report	<p><i>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, 106th Session, Geneva, 2017.</i></p> <p>Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_512513.pdf.</p>
blue report	<p>Report V(2A) – the present report.</p> <p><i>Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), Report V(2B), International Labour Conference, 106th Session, Geneva, 2017. The bilingual Report V(2B) contains the English and French versions of the proposed text of the Recommendation.</i></p> <p>Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_546549.pdf.</p>

INTRODUCTION

In accordance with the decision of the Governing Body of the International Labour Organization at its 320th Session (March 2014), the agenda of the 105th Session (May–June 2016) of the International Labour Conference included a standard-setting item on decent work for peace, security and disaster resilience, for a double discussion with a view to the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).¹

In preparation for the first discussion in 2016, the Office produced two reports: Report V(1),² the “law and practice report” or “white report”, that also included a questionnaire, and Report V(2),³ the “yellow report”, that reflected the replies to the questionnaire. The Committee on Employment and Decent Work for the Transition to Peace, appointed by the Conference to consider this item, examined these reports and adopted the reports of its discussions, which in turn were submitted to and adopted by the plenary of the Conference on 10 June 2016.⁴ On the same occasion, the Conference also adopted the following resolution:⁵

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 International Labour Conference, the Office prepared Report V(1),⁶ the “brown report”, containing the proposed Recommendation. The text was formulated on the basis of the first discussion by the Conference and took into account the replies received to the questionnaire, which

¹ ILO: *Minutes of the 320th Session of the Governing Body of the International Labour Office*, Governing Body, 320th Session, Geneva, Mar. 2014, [GB.320/PV](#), para. 42.

² 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.

³ 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.

⁴ 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.

⁵ *ibid.*

⁶ 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, 106th Session, Geneva, 2017.

were contained in the “yellow report”.⁷ In accordance with the Standing Orders, this text was communicated to governments so as to reach them not later than two months from the closing of the 105th Session of the Conference. In line with the practice established in 1988, the reports of the Committee on Employment and Decent Work for the Transition to Peace were made available to member States in their entirety, together with the record of the discussion held in the plenary sitting of the Conference.⁸

Following the publication of Report V(1),⁹ the “brown report”, and pursuant to article 39, paragraph 6, of the Standing Orders, governments were invited to send their suggested amendments or comments by 19 November 2016 at the latest, after consulting the most representative organizations of employers and workers. Governments were asked to indicate which organizations they had consulted and to reflect the results of such consultations in their replies. It should be noted that these consultations are obligatory for countries that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Finally, governments were also requested to communicate to the Office, by the same date, whether they considered that the proposed text provides a satisfactory basis for the second discussion by the Conference at its 106th Session (June 2017).

At the time the present report was prepared, the Office had received replies from constituents from 99 member States, including the governments of the following 86 member States: Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chad, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Guinea, India, Indonesia, Iraq, Islamic Republic of Iran, Italy, Japan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Lebanon, Liberia, Lithuania, Madagascar, Malta, Mauritius, Mexico, Republic of Moldova, Montenegro, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Somalia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, United Republic of Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United States, Uruguay, Yemen and Zimbabwe.

Most governments indicated that their replies had been drawn up after consultations with organizations of employers and workers. Some of those governments incorporated in their replies the opinions expressed by these organizations on certain points, while 15 employers’ organizations and 62 workers’ organizations transmitted their observations separately. In some cases, replies were received directly from employers’ and workers’ organizations. The ITUC and the IOE also sent replies.

The group of fragile and conflict-affected countries (g7+) also submitted its comments. Their observations point to the importance and relevance of the instrument for dealing with situations of fragility.

⁷ 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), 105th Session, op. cit.

⁸ 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.)*, International Labour Conference, 105th Session, Geneva, 2016; and ILO: *Provisional Record No. 19*, International Labour Conference, 105th Session, Geneva, 2016.

⁹ 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), 106th Session, op. cit.

Replies were received from organizations of the United Nations (UN) system, namely the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for Disaster Risk Reduction (UNISDR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the World Bank. In their replies, these organizations welcomed and supported the process and offered specific suggestions. In preparation of this report, continuous and close consultations have been held, in particular with the UNHCR, the UNISDR and the OCHA, with respect to specific issues reflected in the draft instrument.

To ensure that both the English and French texts of the proposed Recommendation are received by governments within the time limit established in article 39, paragraph 7, of the Standing Orders, Report V(2), the “blue report”, has been published in two volumes. The present report (Report V(2A)) has been prepared on the basis of the replies received from governments and employers’ and workers’ organizations and contains the essential points of their observations. It is divided into two sections: the first section comprises comments of a general nature, while the second contains the observations of the constituents on specific provisions of the proposed Recommendation. Some observations provided interesting and useful information on specific national contexts; while this information is most useful for the work of the Office, it has not been reproduced in this report, but has inspired guidance contained in the proposed Recommendation.

In view of the restrictions on the length of Conference reports, replies have not been reproduced in full; similar suggestions have been grouped together and comments which simply supported the current text, without adding additional points, have not been reproduced. When none of the constituents, governments, employers’ and/or workers’ organizations had any comments on specific Paragraphs, none were reproduced. Many employers’ and workers’ organizations, including the IOE and the ITUC, have collaborated to provide the same or similar observations on many provisions of the proposed Recommendation; a summary of the observations is referenced as a consolidated reply. The workers’ organizations that have collaborated in this way are the following: ASI (Iceland), ASI (Bolivarian Republic of Venezuela), BNS, Brazilian workers’ organizations, CNS–Cartel Alfa, CATP, CCOO, CETU, CGATA, CGIL, CGT (Colombia), CGT–FO, CGT–RA, CISL, CLC, CNTS, CNSM, COSYGA, CSC, CSH–CI, CTC (Colombia), CTUM, CUSG, CUT (Colombia), DGB, DISK, FESTU, TUC, JTUC–RENGO, LO (Norway), LO (Sweden), LO/FTF Council, NLC, ONTSTP–CS, SACO, SLLC, TCO, UIL, UMT, UNSAS, USTB, ZCTU. The following employers’ organizations have collaborated on observations: CIP, COPARDOM and OEB. Most comments closely followed the structure of the text of the proposed Recommendation and specified the parts of the text to which they referred. In those instances where that was not the case, the Office has, to the best of its ability, referred observations to relevant sections of the report.

The bilingual Report V(2B) contains the English and French versions of the proposed text of the Recommendation, as amended in the light of the observations made by governments and by employers’ and workers’ organizations and for the reasons set out in the Office commentaries. Some minor drafting changes have also been made, in particular to ensure full concordance between the two language versions of the proposed instrument. If the Conference so decides, these texts will serve as a basis for the second discussion, at the 106th Session (June 2017), with a view to the revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71).

The Office recalls that the double standard-setting discussion entails a cumulative process including the preparation by the Office of four reports over a two-and-half-year period, the so-called “white”, “yellow”, “brown” and “blue” reports. In view of the strict limitations in the size of Conference reports, it has not been possible to repeat in this final “blue report” the explanations provided in each of the previous reports. However, all these reports, together with the record of the 2016 discussion, represent a whole and contain useful material for understanding the progression

in the construction and the rationale behind the proposed Recommendation. They can be accessed at any time on the Conference website. Governments and employers' and workers' organizations are encouraged to make full use of all reports in preparing for the second and final round of discussions.

It should be noted that the large majority of governments and employers' and workers' organizations that have replied welcomed the changes in the proposed Recommendation and expressed their satisfaction with the efforts made by the Office to submit an improved, shorter and more coherent text that integrates the issues raised during the substantive discussion of June 2016. They consider that the revised text provides the foundation for broad consensus and a satisfactory basis for further discussion at the 106th Session of the Conference.

REPLIES RECEIVED AND COMMENTARIES

1. GENERAL OBSERVATIONS

Governments

Afghanistan. The entire content of the proposed Recommendation is supported. It is a solid, comprehensive instrument that covers all areas of interest to Afghanistan.

Algeria, Belgium, Canada, Comoros, Cyprus, Denmark, Japan, Kuwait, Liberia, Madagascar, Malta, Mexico, Montenegro, Norway, Portugal, Sri Lanka, Suriname, Sweden, Tajikistan, United Republic of Tanzania, Togo, Uruguay, Zimbabwe. The proposed text provides a satisfactory basis for the second discussion by the Conference. In the post-crisis context, decent job creation and income generation play a key role in the transition to peace, exit from crisis and building resilience.

Australia. Supports in principle the revised draft, which is an improvement on the version discussed in June 2016, and makes some suggestions to revise the text further.

Austria. The proposed Recommendation should be aligned with the 2030 Agenda for Sustainable Development (2030 Agenda) and the Sustainable Development Goals (SDGs) contained in it, in particular SDG 8, SDG 10 and SDG 16.

Brazil, Denmark. The proposed Recommendation should only cover issues within the ILO's mandate and in keeping with its expertise in the field of employment and decent work, and should be compatible with the priorities of other UN institutions regarding crisis response, preparedness, recovery and reconstruction. Consistency should be ensured with relevant international documents on international humanitarian law, humanitarian assistance and disaster risk reduction.

Chad. The proposed Recommendation fully integrates aspects of post-conflict reconstruction with an emphasis on employment and decent work. The resilience dimension will enable each country that has experienced a conflict to reorganize itself.

Cyprus. In particular, Cyprus is satisfied with the way the issues of the private sector, the public sector, social services and gender equality are addressed.

Ecuador. The proposed revision is entirely consistent with the way the global situation has evolved in the last few years with respect to the capacity of societies to recover from conflicts and disasters. The changes to the text of the Recommendation presented in the report reflect today's reality and will be of great support to ILO member States.

Finland. Different parts of the text of the proposed Recommendation are now more articulate and more logical. The Office should consider organizing intersessional consultations to deal with the most difficult questions in the text.

India. There must be a clear-cut distinction between emergency response and medium-term/long-term policy intervention in crisis. The inherent limitations of emergency responses must be accepted.

Kenya. Supports the proposed revision of Recommendation No. 71 as it gives special recognition to the vital role of employment generation and livelihood support in crisis contexts. Kenya appreciates the integrated and comprehensive approach recommended to address the challenges posed by conflicts and disasters, which transcend the divide between humanitarian and development concerns.

Lithuania. As the topic is closely related to humanitarian issues, it is important to invite other relevant international organizations to participate in the discussion.

Netherlands. Commends the ILO for restructuring the proposed Recommendation according to the suggestions received.

New Zealand, Switzerland. Overall, the proposals represent a useful basis for the second Conference discussion. The text should be more concise and short.

Saudi Arabia. Places importance on the role of employment in promoting peace in crisis settings, whether as a result of inter-state conflict, natural disasters or otherwise. The ILO's work in this area is extremely important and supported.

Senegal. Notes that the concerns raised by member States at the Conference in June 2016 have been largely integrated in the proposal. Senegal reiterates the need for the ILO to concentrate on its mission and mandate.

South Africa. Welcomes streamlining and the improved logical sequence of the text as well as the explanations provided by the Office with regard to the complementary mandate of the ILO in crisis response and its role in humanitarian/development assistance.

Spain. The proposed revision can be supported as it promotes the establishment of an institutional framework and a response capacity in the face of crisis situations based on essential principles of human rights and basic elements of the rule of law.

Sweden. Welcomes the revision of the Recommendation and, overall, supports the suggested changes. Employment and decent work should permeate all phases of the crisis response cycle, from prevention for building resilience, to preparedness to respond, to recovery and reconstruction.

Thailand. Generally agrees on the rearrangement of the provisions, which improves the logical sequence of the text and avoids redundancies.

Uganda. Supports 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. The focus should be expanded further to cater for the protection of workers who provide emergency assistance. The revision should include protection of the rights of working refugees, returnees and volunteers.

United States. Welcomes many of the suggested modifications, including the reorganization of various sections and the attempt to reduce some duplicated text. Suggests additional changes to make the proposed Recommendation stronger and shorter.

Yemen. Welcomes the proposed Recommendation and emphasizes the role of the ILO in the generation of job and livelihood opportunities and in the development of capacities of social partners and local institutions.

Employers

Consolidated reply. Employment and income generation are fundamental elements of the post-conflict and disaster solution. For communities and individuals, job creation and regular income can provide the means for survival and recovery. The private sector is the creator of jobs and wealth and thus the ILO's response should be focused on creating an enabling environment for enterprise creation and development.

CNPT (Chad), MODEC (Comoros). The proposed text constitutes a satisfactory basis for the second discussion.

USCIB (United States). The numerous in-text references to ILO instruments are redundant and clutter the text and should be removed, as they are already listed in the Annex.

Workers

Consolidated reply. The first discussion underscored the need for the clarification of several issues, such as the specific role of the ILO and its constituents in crisis responses and the coherence of labour approaches with humanitarian, human rights and development responses to crises. Although multiple international legal regimes (including humanitarian, human rights and refugee laws) may address, to some degree, the rights of workers in responding to crises arising from conflicts and disasters, it is the mandate of the ILO's constituents to formulate instruments regulating the entire spectrum of work-related issues, including during and after crisis situations, and covering all workers without discrimination. The concept of "crisis" must be broadly defined. The new standard must not limit its guidance to short-term responses but focus on those interventions that lead to long-term, sustainable results to promote peace, prevent future crises, enable recovery and build resilience.

Akava, SAK, STTK (Finland). The proposal provides a sufficient basis for discussion, but there should be more emphasis on the role of tripartite negotiations relating to employment, education and social security.

CGT (Colombia). The mandate of the ILO regarding decent work as a way to overcome and avoid crises should be explicit in the text of the Recommendation.

CGT-RA (Argentina). Decent work and employment constitute the engine necessary to respond to the crisis situations provoked by conflicts and disasters. The ILO is the natural entity in the UN system to provide affected countries with the necessary tools for an immediate and effective response to recover from crisis and pave the way to social peace.

CIP (Portugal). Appreciates the importance attached to the role of the social partners as actors in the processes regarding labour-market dynamics and job creation, which is reflected throughout the proposed text.

CLC (Canada). The intersectionality of social justice and internationally recognized human and labour rights is undeniable in the revision of Recommendation No. 71, and by extension the ILO is compelled into a broader role in the prevention of, recovery from and resilience to crisis situations in conflicts and disasters.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), TUC (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States). Public services are essential in emergency and disaster prevention, response and reconstruction. They particularly welcome the focus on local and regional authorities, which are often left out of international standards and Recommendations, and which must provide the most urgent responses for everyone. In crisis contexts, public services need to remain in public hands, public-sector jobs and remuneration need to be protected, and public revenue mobilization and management need to be effective to promote crisis prevention, response and management.

USTB (Burkina Faso). The revision of Recommendation No. 71 is extremely urgent. After a war, a natural disaster or a deep crisis, peace alone is not enough to have decent jobs. Examples from several African countries prove this. The ILO has a major role to play.

OFFICE COMMENTARY

All governments and employers' and workers' organizations considered that the proposed text of the Recommendation provides a satisfactory basis for the second discussion, while offering comments or proposing changes on specific issues and sections. The Office acknowledges that the great majority of the replies appreciated and welcomed the revised text, observing that the logical sequence and structure of the draft instrument have been improved and several repetitions have been deleted. The Office has recorded wide agreement on the modified titles of Part I and Part IX and on the proposed inclusion of three new Paragraphs.¹⁰ Many replies contained specific proposals

¹⁰ Paragraphs 2(c) and 5 in Part I, and paragraph 42 in Part XII.

for improving the draft further, which are reflected below under the relevant Paragraphs of the proposed Recommendation.

Governments and employers' and workers' organizations emphasized the vital role of employment and decent work in responding to crisis situations arising from conflicts and disasters. They underscored the lead role to be played by the ILO – the Organization, its tripartite constituents and the Office – in addressing the world of work issues in crisis response, in cooperation with other international organizations and respecting specific mandates. The replies also showed broad agreement that crisis response for building peace and resilience with a focus on employment and decent work requires coherent short-term and long-term measures that span humanitarian and development assistance.

Employers' organizations highlighted the need for a sharper focus on business-enabling environment conditions, while workers' organizations affirmed that the rebuilding and strengthening of public services should be part of all crisis responses.

The majority of the comments appreciated the Office's efforts in proposing an alternative for the texts that had remained bracketed after the first discussion, including for Part X on Refugees and returnees. Taking into account comments received on the Office's proposals, the Office has made further revisions to these provisions integrated in the proposed Recommendation. For Part X, in addition, the Office has taken into account the decision taken by the Governing Body at its 328th Session with respect to the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market,¹¹ as well as the discussions at the UN High-level Meeting on Addressing Large Movements of Refugees and Migrants, held in September 2016 in New York, as explained in further detail below. There was overwhelming support for the Office's proposal to move the provisions regarding internally displaced persons (IDPs) to Part IV on Employment generation. The Office also points out that a new Memorandum of Understanding with the UNHCR has been concluded regarding cooperation in a number of areas, including for the promotion of comprehensive durable solutions enabling refugees to obtain decent work, while protecting their rights and supporting hosting countries and communities.

Aside from the general considerations above, several replies regarding various Paragraphs stressed the need to add "in accordance with national circumstances" or similar wording. The Office notes that the need to take into account national circumstances is explicitly addressed in Part II on Guiding principles as well as in several other sections, notably Part X on Refugees and returnees.

In their replies, some governments expressed concern with regard to the obligations arising from international labour standards that they have not ratified, cited in the provisions and listed in the Annex of the proposed Recommendation. The Office recalls that only ratifying countries commit themselves to applying a Convention in national law and practice, and the addition of phrases such as "where appropriate" is not required. However, Members are reminded that they have an obligation to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of the fundamental Conventions. This obligation arises from the very fact of their membership of the Organization, even if they have not ratified the Conventions in question.¹²

¹¹ ILO: *Third Supplementary Report: Outcome of the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market*, Governing Body, 328th Session, Geneva, Oct./Nov. 2016, [GB.328/INS/17/3\(Rev.\)](#).

¹² ILO: [Declaration on Fundamental Principles and Rights at Work and its Follow-up](#), International Labour Conference, 86th Session, Geneva, 1998.

With the introduction of these widely accepted changes, the Office has renumbered some of the Paragraphs in the text contained in Report V(2B). Consequently, the numbering of the Paragraphs of the proposed text has changed, compared to the text contained in Report V(1), the “brown report”. Replies received and Office commentaries are therefore presented below according to the new structure and Paragraph numbers of the text contained in Report V(2B).

2. OBSERVATIONS ON THE PROPOSED RECOMMENDATION CONCERNING EMPLOYMENT AND DECENT WORK FOR PEACE AND RESILIENCE¹³

Preamble

Governments

Nepal. Insert a new preambular paragraph to read “the importance of identifying vulnerable groups and helping to sustain or recreate their employment”.

New Zealand. Preambular paragraphs 8–14 could be deleted for brevity as they are already included in the substantive sections.

Peru. Add a new preambular paragraph “emphasizing the importance and continued relevance of international humanitarian law to regulate the conduct of parties to armed conflicts, whether international or non-international, and to provide protection and assistance to victims of armed conflict”.

Trinidad and Tobago. Paragraph 6(g) of Part II could be moved here because consideration of vulnerable groups is critical.

Workers

Consolidated reply. The changes made to the Preamble are supported.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States). The Preamble should recognize that public services are also essential to preventing crises and reducing the risk of disasters.

SITUN (Costa Rica). Include the issue of refugees and forcibly displaced persons as well as the recognition of the role of workers’ organizations.

OFFICE COMMENTARY

The large majority of the replies expressed satisfaction with the preambular text established by the Office on the basis of the first discussion, both in terms of length and content. Several governments and workers’ organizations suggested adding new preambular paragraphs, or moving Paragraphs that are contained in the body of the proposed Recommendation to the Preamble. A few replies suggested shortening the Preamble. Noting the broad agreement on the current length of the Preamble, the Office has not included any new paragraphs.

There have been very few comments on specific paragraphs in the Preamble, showing broad acceptance. The few replies reproduced here are for illustration only. The few modifications made to the text by the Office are therefore mostly of an editorial or grammatical nature. Explanation is provided in the Office commentary on specific changes in the preambular paragraphs only when deemed necessary.

¹³ As contained in 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), 106th Session, op. cit.

Preambular paragraph 5

Governments

United States. Delete everything after “guidance” as it is a repetition of the seventh preambular paragraph.

OFFICE COMMENTARY

The text remains unchanged since this preambular paragraph encapsulates the main purpose of the Recommendation and clarifies the subject of the guidance.

Preambular paragraph 6

Governments

Cuba. Insert “the enjoyment of all” before “human rights and dignity”.

Dominican Republic. Insert “worsening of” before “poverty”, and “under” before “development”.

Finland. Include a reference to inequality in addition to poverty and development.

Peru. Insert “and on peace and security” after “human rights and dignity”, in accordance with the principles contained in the Charter of the United Nations, also reiterated in UN Security Council Resolution 2281 (2016).

OFFICE COMMENTARY

The Office has added the word “consequences” to “impact” for greater clarity, to encompass the implications of conflicts and disasters in the short and long term, but has refrained from adding additional considerations proposed in single replies.

Preambular paragraph 8

Governments

Cuba. Insert “all” before “human rights”.

Peru. Insert “such as international humanitarian law” after “human rights”.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text to read “all human rights” as this is an established expression encompassing civil, political, economic, social and cultural rights. The last part of the sentence, which refers to “human rights and the rule of law”, has been edited for greater clarity.

Preambular paragraph 9

Governments

Colombia. Reword as follows: “Recognizing that crises have a different impact on populations with particular characteristics due to gender and other specific needs, as well as the critical importance of gender equality and the empowerment of these populations to ensure the full exercise of their rights in order to promote peace, prevent crises, enable recovery and enhance resilience,”.

New Zealand. Delete for brevity. If retained, consider replacing “impact” with “affect”.

Trinidad and Tobago. After “women and men”, add “children” as a general category of persons, as they too are impacted by crises. After “the empowerment of women and girls”, add “, men and boys” in order to be gender-inclusive.

OFFICE COMMENTARY

The Office has retained the focus on gender equality. The suggestion to replace “impact” by “affect” has been taken up as the latter is the term commonly used in the field.

Preambular paragraph 10

Governments

Brazil. The consultation should be tripartite and could be extended to other social partner organizations, when appropriate.

Germany. Delete “in consultation with” but maintain the expression “the most representative”. In this context the wording is particularly appropriate as it can be understood as a prioritization by relevance rather than a restriction by size.

South Africa. Delete “the most representative”, as in crisis situations governments should welcome all possible support from employers’ and workers’ organizations, irrespective of their size.

United Republic of Tanzania. Replace “civil society organizations” with “public and private stakeholders” to encompass a larger number of stakeholders, including civil society organizations.

Trinidad and Tobago. For greater clarity, move “through social dialogue” to after “recognizing the importance of developing responses”.

United States. Delete “as appropriate”. “Relevant” is already limiting the number of civil society organizations, and consultative processes should be as inclusive as possible.

Employers

SN (Sweden). Retain current wording.

Workers

Consolidated reply. Keep the reference to the most representative organizations of employers and workers, as this was the consensus achieved during the discussion in June 2016.

OFFICE COMMENTARY

In the light of the replies, the Office has maintained the qualifier “the most representative”.

Preambular paragraph 12

Governments

Costa Rica. Mention explicitly that the strengthening of social security systems, in addition to social protection systems aimed at universal coverage of comprehensive health services, is a resilience factor for populations before, during and after a conflict or a disaster. This should be emphasized also in Paragraphs 8, 10 and 15.

Switzerland. After “social protection”, add “as a means of preventing crises, enabling recovery and building resilience” to situate social protection within the context of the Recommendation.

OFFICE COMMENTARY

In the light of the replies, the Office has slightly amended the text to contextualize the role of social protection in the proposed Recommendation for the purpose of crisis response.

Preambular paragraph 16

Governments

Afghanistan. The title adequately reflects the 2030 Agenda. The inclusion of the term “stability” could also be considered (“Employment and Decent Work for Peace, Stability and Resilience”), so as to add a focus on long-term stability and durable solutions, in line with the increasing shift in discussions on conflict.

New Zealand. Reword the title as follows: “Employment and Decent Work for Peace, Resilience and Recovery from Conflicts and Disasters Recommendation, 2017”.

OFFICE COMMENTARY

The proposed title remains unchanged.

I. OBJECTIVES AND SCOPE

Paragraph 1

Governments

Afghanistan. The expansion of the scope to also cover disaster is supported, as recognized in the 2030 Agenda.

Australia. Reformulate as follows: “international and non-international armed conflict or other situations of violence that destabilize societies and economies” to preserve the distinction between armed conflict and other forms of violence.

Belgium. The concept of “crisis” should be given the broadest possible definition to cover all existing and future situations.

Finland. The narrow definition of “crisis” provided seems to exclude health-related ones.

New Zealand. Change “measures to be taken” to “on measures that can be taken” or “on measures to generate” as the current wording is too directive.

Russian Federation. Replace “for the purposes of prevention, recovery, peace and resilience with respect to” with “for the purposes of restoring and securing peace and resilience to avert”. Also add a new Paragraph under this Part to read “create conditions promoting career guidance for young people and facilitating their professional self-determination”.

Switzerland. Refer only to the term “conflict” as the international community has so far not come to an agreement on the term “non-international conflict”.

Uganda. The proposed broadening of the scope and purpose to include crisis situations arising from both international and non-international conflicts and from disasters is supported.

United States. Cover crisis situations more broadly, including conflicts that rise to the level of an armed conflict as defined by international humanitarian law, and periods of violence and unrest that do not rise to that level. Alternatively, consider “violent conflict”.

Employers

BusinessNZ (New Zealand). The current wording is too directive and measures that can be taken will depend on the particular circumstances.

Workers

CLC (Canada). Delete the word “armed” for consistency with the rest of the instrument and to broaden the scope.

CGTP-IN (Portugal). We have doubts regarding the extension of the scope to cover disaster situations in view of the ambiguity of the definition of “disaster” in Paragraph 2(a).

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States). Ensure that the definition of “crises” includes those resulting from both man-made and natural disasters, as well as from conflicts.

UMT (Morocco). The expansion of the scope to crisis situations arising from both international and non-international conflicts and from disasters is supported.

Other

UNHCR. Include the concept of “generalized violence” not amounting to a non-international armed conflict.

OFFICE COMMENTARY

There is an overwhelming convergence towards broadening the notion of “crisis” to cover international and non-international armed conflict and disasters. A few replies suggested a broader notion of “generalized conflict”, even if not armed, or proposed alternative formulations. The Office recalls the Committee discussion at the 105th Session of the Conference¹⁴ where the consensus reached was to avoid referring to other types of violence. It was also agreed that in view of the fact that there is no internationally agreed definition of “conflict”, the current wording is explicit enough for the purpose of this Recommendation. In the light of the replies, the text remains unchanged, except for the deletion of the reference to the destabilization of societies and economies. This phrase at the end of the Paragraph is not necessary since this would have qualified the other types of violence that are now excluded.

With respect to some other issues raised in the comments, the Office notes that health-related crises fall into the category of “disasters” arising from biological hazards. The addition of a specific clause for young people is not required as the issue is included in the expression “generate employment and decent work”, as shown in the detailed guidance in the following sections.

Paragraph 2

Governments

Bahrain. Reintroduce the definition of “conflict” that was removed during the first discussion. It should include international and national armed conflict.

Burundi. Add a new clause with the definition of “crisis situations”.

¹⁴ 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.)*, 105th Session, op. cit., paras 304–322.

Canada. Add a definition of the term “national”, which should refer to the competent authorities (whether federal, provincial or territorial).

Denmark. Definitions should not deviate from those already recognized by other relevant international organizations. The ILO should refrain from elaborating definitions outside its mandate.

United Republic of Tanzania. To avoid misinterpretation, provide a definition of “conflict”.

Trinidad and Tobago. For consistency, add a definition of “conflict” and its subsets “international and non-international armed conflict”, as well as of “crisis” and its subset “crisis situations arising from conflicts or disasters”.

Employers

CIP (Portugal). The concepts borrowed from the humanitarian world (“disaster”, “risk” and “resilience”) lack clear definition.

OFFICE COMMENTARY

With respect to the definitions of the terms “disaster” and “resilience”, the Office recalls that during the discussion at the 105th Session of the Conference, as noted in several replies, the Committee deferred the decision on the exact wording awaiting the completion of the work of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction (OEIWG)¹⁵ in November 2016.¹⁶

The expert working group completed its review on time and, as anticipated in the “brown report”, the Office has replaced clauses 2(a) and 2(b) on the characterization of the terms “disaster” and “resilience” with the most up-to-date definitions developed by the OEIWG.¹⁷

Paragraph 2(a)

Governments

Argentina. Add “and warlike phenomena caused by human action”.

Austria, Belgium, Trinidad and Tobago. The proposed definition is acceptable.

France. Replace the text with the definition in UNISDR Terminology on Disaster Risk Reduction, 2009 (UNISDR Terminology 2009) and the Sendai Framework for Disaster Risk Reduction 2015–30, paragraph 15.

Mexico. Keep the definition and maintain consistency with the terminology used in other international instruments, particularly ILO instruments.

¹⁵ The OEIWG was established by the UN General Assembly in Resolution 69/284 of 3 June 2015 as recommended by the World Conference on Disaster Risk Reduction. The OEIWG, comprised of experts nominated by States and supported by the UNISDR, with involvement of relevant stakeholders, was tasked with the development of a set of indicators and the review of the terminology related to disaster risk reduction and to the Sendai Framework for Disaster Risk Reduction 2015–30, in coherence with the work on sustainable development indicators. See: <http://www.preventionweb.net/drr-framework/open-ended-working-group>.

¹⁶ 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.), 105th Session, op. cit., paras 323–360.

¹⁷ UN: *Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction*, *General Assembly doc. A/71/644*, 1 Dec. 2016, pp. 12 and 21.

Norway. The text should be in line with the international legal definition provided in the International Law Commission’s draft articles on the protection of persons in the event of disaster: “a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society”.

Russian Federation. It would be more appropriate to use “emergency” as a key term throughout the Recommendation, instead of “disaster”.

Senegal, United States. We agree to wait for the definition elaborated by the ad hoc OEIWG.

Tunisia. Add “social,” before “economic or environmental losses”.

Employers

CNI (Brazil). Delete “or man-made causes” in line with the definition provided in the ILO’s “Multi-hazard Business Continuity Management”.

Workers

Consolidated reply. The bracketed text proposed by the Office is strongly supported.

CSC (Belgium). Insert “current and future” before “climate change and technological and biological phenomena”.

BAK (Austria). The inclusion of a definition of “disaster” is desirable and a further discussion at the Conference is appropriate.

CGT–RA (Argentina). Wait for the outcome of the OEIWG.

CTC (Colombia). Include “disasters ... arising from armed conflict”.

DGB (Germany). The wording “biological phenomena” is too vague and should be replaced/specified.

OFFICE COMMENTARY

In line with the commentary above, the Office has replaced and unbracketed the clause with the new definition of “disaster” agreed by the OEIWG at the completion of the intergovernmental process, in November 2016. The decision by the OEIWG was made available just before the production of this report and the proposed Recommendation.¹⁸

The Office recalls that the definition of the term “disaster” has been under development for several years and embedded in various consecutive international instruments. The Office wishes to point out that the latest negotiated text by the OEIWG expands upon or clarifies concepts used previously and is compatible with the definition used by the International Law Commission as well as the UNISDR Terminology 2009, as noted in several replies.

From the Office perspective, this definition provides an adequate description of disasters in the context of the present Recommendation. In line with the calls made to align, to the extent possible, with agreed terminology in related international instruments and intergovernmental processes, clause (a) reproduces the exact wording emanating from the OEIWG.

¹⁸ 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.), 105th Session, op. cit., paras 304–322.

Disasters are described as the result of the interaction among hazardous events and the conditions of exposure, vulnerability and capacity of a community or a society. For additional clarity and ease of reference, further explanations of key concepts are reproduced below, as agreed by the OEIWG:

- ❑ hazardous event: the manifestation of a hazard in a particular place during a particular period of time;
- ❑ exposure: the situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas;
- ❑ vulnerability: the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards;
- ❑ capacity: the combination of all the strengths, attributes and resources available within an organization, community or society to manage and reduce disaster risks and strengthen resilience.

According to the same source, a hazard is “a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation”. Hazards may be natural, anthropogenic (human-induced) or socio-natural in origin. As mentioned in the Sendai Framework for Disaster Risk Reduction 2015–30, hazards can be biological, environmental, geological, hydrometeorological and technological processes and phenomena. Severe hazardous events can lead to a disaster as a result of the combination of hazard occurrence and other risk factors.

More detailed explanations can be found in the report of the OEIWG.¹⁹

Paragraph 2(b)

Governments

Colombia. Clarify the definition of “resilience”.

Dominican Republic. After the word “system”, insert “or person”.

France. Replace with UNISDR Terminology 2009.

Senegal, United States. Wait for the outcome of the ongoing discussions on terminology.

Workers

CGT–RA (Argentina). Wait for the outcome of the OEIWG.

OFFICE COMMENTARY

In line with the Office commentary above, the Office has replaced this clause with the most recent definition of “resilience” developed by the OEIWG.²⁰ The Office notes that this definition

¹⁹ UN: *Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction*, General Assembly doc. A/71/644, op. cit., pp. 12 and 21.

²⁰ As contained in 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), 106th Session, op. cit.

is the most up to date and is fully compatible with that of the 2013 UN Plan of Action on Disaster Risk Reduction for Resilience, adopted at the end of the first discussion.

Paragraph 2(c)

Governments

Belgium, Brazil, Colombia, United States. The definition is supported.

Finland. The added value provided by the ILO concerning employment issues is relevant in all the stages of a crisis. The definition responds to the need for closer interaction between humanitarian and development actors.

Russian Federation. Reword as follows: “the term ‘crisis response’ refers to all measures arising in respect of employment and decent work”.

Switzerland. Delete because it is a superfluous reference to the mandate of the ILO.

Tunisia. After “decent work”, add “and human capacities”.

Uganda. The term “crisis response” as used in the ILO context should relate to Members’ national circumstances.

Workers

Consolidated reply, CGT–RA (Argentina). The inclusion of the new clause defining “crisis response” is supported.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 3

Governments

Burundi. After “affected by”, insert “any kind of”, and after “disasters” add “and massive displacement caused by other events”.

Denmark, Norway. We assume that the Recommendation applies only to people who are residing legally in the country concerned.

France. At the beginning, add “subject to what is stated in Paragraph 14(h)”.

Tunisia. Replace “all the sectors of the economy” with “all the industries”.

United States. Before “all workers” insert “governments, and to” since they are a crucial stakeholder in the transition to peace and resilience.

Workers

CNTS, UNSAS (Senegal). It must apply to all workers without any discrimination.

CNUS, CASC, CNTD (Dominican Republic). After “jobseekers” insert “or to those employed in activities that can be affected by crisis situations”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 4

Governments

Algeria, Singapore. Clarify “fair conditions”.

Argentina. Volunteers may not be “workers”, but they are persons and should be treated in accordance with their human rights and not just “under fair conditions”.

Uganda. Expand further to cater for the protection of workers who provide emergency assistance. Also include protection of the rights of working refugees, returnees and volunteers.

United States. Delete “including equality of treatment” as the sentence could be misinterpreted. Also add “decent” to qualify the working conditions that should be applicable to all workers. Propose alternative language for the sentence on volunteers.

Employers

BusinessNZ (New Zealand). Should also recognize the possibility that health and safety could at times be compromised by the need to engage in crisis response.

Workers

CSC (Belgium). Clarify “fair conditions”.

OFFICE COMMENTARY

Taking into account the replies received and the issues raised during the first discussion,²¹ the Office has reformulated the provision as explained below.

In the first sentence, “equality of treatment” has been deleted to avoid redundancy, as this is one of the “fundamental principles and rights at work”. In addition, the Office recalls that the main purpose of this Paragraph is to emphasize the coverage of workers engaged in crisis response since the broad coverage of all workers is clearly stated under Paragraph 3. The text has been amended to avoid confusion with Paragraph 3 and to focus attention on workers engaged in crisis response, particularly in the emergency phase.

Several replies pointed to the lack of clarity of the second sentence and the notions of “volunteers” and of “fair conditions”, while emphasizing the need for the protection of volunteers engaged in crisis response. The second sentence has been reworded to reflect the importance of protecting the human rights and the safety and health of these volunteers. The term “volunteers” has been replaced with “persons in volunteer work”, in line with the operational definition included in the resolution concerning statistics of work, employment and labour underutilization adopted in October 2013 by the 19th International Conference of Labour Statisticians (ICLS).²² The reference to “fair conditions” has been deleted as it was considered too vague and did not provide concrete guidance.

Paragraph 5

Governments

²¹ 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.), 105th Session, op. cit., paras 404–452.

²² ILO: [ICLS Resolution I](#), Oct. 2013, paras 37–39.

Belgium, Canada, Norway. Supported.

Finland. Consider also including certain key agreements concerning refugees and human rights in the body of the Recommendation.

Singapore. At the end, add “where relevant and applicable” as ILO member States would only be bound by the international instruments and treaties that they have ratified.

South Africa. Delete, as States’ obligations under international law have been emphasized throughout the text.

Switzerland. Delete, as in any case a Recommendation cannot affect rights and obligations under public international law.

Trinidad and Tobago. After “international human rights law”, add “international migration law”.

Workers

Consolidated reply. Direct references to non-ILO instruments in the body of the Recommendation should be discouraged as they may require a periodical revision of the text.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged. While it is understood that Members are only bound by obligations emanating from international instruments that they have ratified, the addition of this Paragraph provides further emphasis with respect to concerns expressed during the first discussion regarding coherence with different sets of international instruments relevant to this Recommendation.

II. GUIDING PRINCIPLES

Paragraph 6

Governments

Cuba. Add a new clause to read: “responses to crises should be provided in accordance with the principles of humanity, neutrality and impartiality, with full respect for the sovereignty, territorial integrity and national unity of States, with the consent of the affected country and, in principle, on the basis of a request from the country concerned. The affected State is responsible for initiating, organizing, coordinating and providing assistance within its territory”.

Dominican Republic. To avoid interpreting these as objectives rather than guiding principles, delete the verb at the beginning of each clause and leave the rest as is.

Nepal. Include a new clause to read: “all measures taken for recovery and resilience should be based on local knowledge and resources respecting cultural patterns” in order to reduce costs and increase sustainability of efforts.

Philippines. Add a new clause as follows: “promote national and local security to protect the well-being of all while ensuring effective application of law and order through mitigation of hostilities in crisis-torn areas”.

Trinidad and Tobago. Move 6(e) to the chapeau.

United States. In the chapeau, delete “under this Recommendation”.

OFFICE COMMENTARY

In the light of the comments, the Office has reformulated the chapeau to clarify that these Guiding principles apply to crisis response with respect to employment and decent work as defined in Paragraph 2(c). In addition, the beginning of each clause has been edited and verbs replaced to distinguish these principles, which should be respected in all the actions taken, from the operative provisions of the instrument from Part III onwards, which describe the actions themselves. These changes are in line with the general structure and style of guiding principles adopted in other instruments.²³

The Office has also added a new clause (d) on the respect of local knowledge, capacity and resources, underscored in several replies, and reorganized the Paragraph by moving up the clause regarding gender equality. Furthermore, two clauses that contained multiple and unrelated concepts have been split into four distinct clauses – (h), (i), (j) and (k).

Paragraph 6(a)

Governments

Argentina. Delete “decent” as it is redundant. Employment that is not “freely chosen” is not decent.

OFFICE COMMENTARY

The Office wishes to recall that the phrase “full, productive, freely chosen and decent employment” is in line with the formulation included in the Guiding principles for employment-centred sustainable recovery and development, in the Conclusions concerning the second recurrent discussion on employment.²⁴

Paragraph 6(b)

Governments

Peru. Delete “labour” so as to read “other human rights and other relevant international standards”, since other provisions of international humanitarian law and international refugee law are also applicable.

United Republic of Tanzania. Place “other relevant international labour standards” before “other human rights” to ensure consistency and logical sequence.

United States. Retain “documents” since the Annex lists at least one resolution, a UN policy document, and a framework, which are not considered instruments.

Workers

CLC (Canada). Reintroduce the word “protect” before “other human rights”.

²³ See, for example, the [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#).

²⁴ ILO: *Resolution concerning the second recurrent discussion on employment*, International Labour Conference, 103rd Session, Geneva, 2014, para. 6.

OFFICE COMMENTARY

In the light of the replies, the Office has only made a minor editing change to align the text with the revised chapeau.

Paragraph 6(c)**Governments**

Azerbaijan. Add “crime”.

Philippines. Emphasize good governance at all levels of the government.

Russian Federation. This provision goes beyond the scope of the instrument.

Trinidad and Tobago. Delete “combat corruption and clientelism”, or define “corruption” and “clientelism” as pertaining to the ILO.

OFFICE COMMENTARY

The Office notes that promoting employment and decent work in crisis response justifies a guiding principle on combating corruption and clientelism in the world of work. Consequently, the Office has only made an editing change to align the text with the revised chapeau.

Paragraph 6(d)

OFFICE COMMENTARY

As mentioned above, in the Office commentary under Paragraph 6, in the light of the several comments emphasizing the need to respect local knowledge, capacity and resources in crisis response, the Office has included a new guiding principle covering this issue.

Paragraph 6(e)**Governments**

Algeria, Argentina. Clarify “other institutions”.

Switzerland. Delete the phrase “take into account the nature of the crisis and the extent of its impact and” because it adds no meaning.

Trinidad and Tobago. Move to the chapeau of Paragraph 6.

g7+. Add “veterans/ex-combatants” to the list of vulnerable groups.

OFFICE COMMENTARY

In response to the call for greater clarity, the Office has deleted the term “other institutions” and replaced it with “employers’ and workers’ organizations”, which conveys the main intent of the provision.

Paragraph 6(f)

Governments

Netherlands. After “discrimination”, add “optimizing the potential of women” to avoid singling women out as being “just” vulnerable.

Peru. Expand by inserting “exclusion, restriction, prejudice or hatred” before “of any kind”.

OFFICE COMMENTARY

The Office has moved up this provision in view of its more general relevance, and has adjusted the text to align with the revised chapeau.

Paragraph 6(g)

Governments

Algeria. Delete “women”, who are not vulnerable as such but only under certain conditions. Use “including, but not limited to” as proposed by the Office to indicate that the list is not exhaustive. Delete “minorities and indigenous and tribal peoples”, and replace “internally displaced persons” with “migrants” to be consistent with the New York Declaration for Refugees and Migrants.

Australia, Austria, Belgium, New Zealand, South Africa, United States. The Office proposal to use the phrase “including, but not limited to” is supported.

Canada. Include a reference to lesbian, gay, bisexual, and transgender (LGBT) persons in this clause, as these persons can face elevated forms of discrimination, violence and abuse in conflict settings.

Cuba. Replace “the vulnerability of certain groups of the population in crisis situations, including” with “the number of people in situations of vulnerability in response to crisis situations, such as”. At the end, insert “migrants” before “and refugees”.

Denmark, Finland, Sweden. Remove “women” from the list of vulnerable groups as the current formulation implies that vulnerability is a characteristic of women.

France. Replace “minorities” with “persons belonging to minorities”, and “indigenous and tribal peoples” with “indigenous and local communities”.

Germany. After “children”, insert “persons (discriminated) on the basis of their sexual orientation and gender identity”.

Mexico. Replace “certain groups of the population” with “population groups that have been particularly affected”.

Peru. Replace “certain groups of the population in crisis situations” with “people requiring special protection in armed conflict and disaster situations”.

Singapore. For clarity, insert “where relevant” before “but not limited to” to reflect that specific measures for all the vulnerable groups cited may not be required in all situations.

Trinidad and Tobago. Move the text to the Preamble because consideration of these vulnerable groups is critical.

Employers

BusinessNZ (New Zealand). The term “including” by itself already indicates that the named categories are only some of those intended to be covered.

USCIB (United States). The proposed use of “including, but not limited to” improves the text by effectively addressing the concerns raised during the first discussion.

Workers

BAK (Austria). Insert “particularly” before “women”.

CLC (Canada). Insert the phrase “including, but not limited to”, as proposed. At the end of the clause, add “and LGBT (lesbian, gay, bisexual, transgender) persons”.

Other

UNHCR. The use of “including, but not limited to” is supported. It is in line with the “no one left behind” principle of the 2030 Agenda.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text in the following manner:

- ❑ the term “including, but not limited to”, used in previous ILO instruments,²⁵ has been added in line with the explanation provided in the “brown report”, and in view of the large number of replies supporting this formulation;
- ❑ the expression “vulnerability of certain population groups” has been replaced by “population groups and individuals who have been made particularly vulnerable by the crisis”;
- ❑ the term “persons belonging to minorities” is used in line with the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992;²⁶
- ❑ “women” has been removed from this list as the issue is covered under clause (f), and “migrants” added, in line with the New York Declaration for Refugees and Migrants.

The Office notes that in the light of converging comments received, the amended and unbracketed text reflects a good synthesis of the emerging consensus, mentioning those who are typically most affected by crises without precluding others.

Paragraph 6(h)

Governments

Bahrain. Delete as it is too vague.

New Zealand. After “consequences” insert “of crises responses”, and end the clause after “economy”. The text after “economy” could form a separate clause or be deleted.

OFFICE COMMENTARY

As noted in the Office commentary under Paragraph 6, the Office has reproduced in this clause the wording relating to the “do no harm” principle only. The concept of “just transition” is reproduced in clause (i).

²⁵ See, for example, Recommendation No. 204, *op. cit.*

²⁶ The Declaration was adopted by the United Nations General Assembly on 18 December 1992, [doc. A/RES/47/135](#).

Paragraph 6(i)

Governments

Bahrain. This is repeated in clause 10(e). Remove one of the two clauses.

OFFICE COMMENTARY

See Office commentary under Paragraph 6(h).

Paragraph 6(j)

OFFICE COMMENTARY

As noted in the Office commentary under Paragraph 6, the Office has reproduced in this clause the principle of “dialogue”, separating it from the principle of “combating discrimination” which is now reproduced in clause (k).

Paragraph 6(k)

Governments

Germany. Delete “of race”, and replace “combat discrimination” with “combat discrimination and racist discrimination”. After “sex”, insert the phrase “sexual orientation and gender identity”, and delete “or on any other grounds”.

Peru. Amend as follows: “be based on dialogue and the need to combat discrimination, exclusion, restriction, prejudice and hatred on grounds of nationality, age, sex, sexual orientation, gender identity and expression, language, religion, cultural identity, political opinions or of any other nature, social origin, socio-economic status, educational level, migratory status, refugee status, status as a repatriated, stateless or internally displaced person, disability, genetic trait, mental or physical health condition including contagious infectious condition, incapacitating psychic condition or any other, where appropriate following procedures deemed necessary to allow national reconciliation”.

Poland. Add “age and disability” to the list of grounds of discrimination.

United States. Clarify what exactly is meant by “where appropriate following procedures deemed necessary to allow national reconciliation”.

OFFICE COMMENTARY

Reference is made to the Office commentary under Paragraph 6. The Office noted the suggestions made for adding or modifying the grounds for discrimination, however it has retained the text which is in line with the ILO core Convention, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 1. The formulation is broad enough to accommodate other grounds of discrimination, where appropriate.

The word “or” before “social origin” has been deleted for additional clarity and to provide for the possibility that multiple grounds of discrimination may combine.

Paragraph 6(l)

Governments

Argentina, Mexico, Trinidad and Tobago. Clarify “national ownership”.

Austria. The alternative text proposed by the Office seems reasonable, as international assistance is based on humanity, neutrality and impartiality.

Azerbaijan. After “principles”, add the words “sovereignty and territorial integrity”.

Brazil. Keep the term “national ownership”.

Colombia, Switzerland, Uganda, United States. The Office proposal is supported.

Russian Federation. Delete the reference to the principle of shared responsibility. International humanitarian law, international human rights law and international refugee law do not contain any legally binding rules concerning this principle, and it should not appear in the proposed Recommendation.

g7+. Emphasize the importance of working in support of national ownership.

Workers

Consolidated reply, NZCTU (New Zealand), LO, TCO and SACO (Sweden). Keep the original text of the bracketed clause. The proposed alternative text fails to reflect more recent developments in international cooperation on humanitarian assistance and in the doctrine of sovereignty, including the recognition by the international community of a collective responsibility of States to protect populations from crimes against humanity. Furthermore, the proposed Recommendation goes beyond emergency humanitarian assistance, referring equally to short-term and long-term responses, and extends to issues such as socio-economic development and labour market regulation. There is no basis to extend the guiding principles of emergency humanitarian assistance to these fields.

CGTP-IN (Portugal). The bracketed text is supported based on the consideration that all responses must have the consent of the country concerned, and be provided on the basis of the State’s request, with respect for its sovereignty and territorial integrity, as defined by international law and the UN Charter.

Dutch labour organizations. Retain the first sentence.

SGB (Switzerland). Delete.

OFFICE COMMENTARY

The replies received did not show a converging approach with respect to the alternative formulation proposed by the Office. Some argued that the full range of agreed principles for humanitarian assistance as recorded in various UN resolutions should be listed, others that these principles only applied to humanitarian assistance and as such are not relevant for this Recommendation that goes further and addresses long-term sustainable development. On the other hand, all replies concurred with the importance of national ownership in crisis response, and many underscored the importance of international solidarity and cooperation as contained in the original bracketed text. The Office further clarifies that “national ownership” refers to the effective exercise of a government’s authority over policies, strategies and activities, including those that rely – entirely or partially – on external resources, and respect for it is important, including in crisis circumstances when government capacity may have been weakened.

Taking into account all the views expressed, the Office has amended and unbracketed the text, retaining the concepts of national ownership, international solidarity, shared responsibility and cooperation without implying that these refer to an agreed list of principles.

Paragraph 6(m)

Governments

Azerbaijan. After the word “employment”, insert the phrase “(except in the case of labour mobilization provided in national legislation)”.

Employers

CCP (Portugal). Urgent response mechanisms, in the initial phase, should focus on humanitarian assistance/livelihoods.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged with minor editing to align the text with the revised chapeau.

III. STRATEGIC APPROACHES

Paragraph 7

Governments

Algeria. Reword as follows: “Members should adopt a phased approach based on multi-track, coherent and comprehensive strategies ...” to reflect the idea of consolidating one step before moving to the next one.

Belgium, Brazil, Germany, South Africa, Switzerland. The Office proposal to replace “phased” with “multi-track” is supported.

Belgium. Add a reference to the transition to formality to also reflect this dimension under Strategic approaches and not only under Employment generation.

Finland. Not in favour of leaving out “phased approach” because the concept brings forth all stages of a crisis, including recovery, reconstruction and prevention.

India. While the rationale behind the Office proposal to use “multi-track” to indicate the concurrent status of various interventions is clear, the inherent limitations of emergency responses must be accepted.

Indonesia. Taking into consideration the post-conflict/post-disaster capacity of each member State.

New Zealand. “Phased approach and coherent and comprehensive ...” already includes the idea of multi-track.

Spain. Add vocational training as this is a fundamental strategy for the improvement of employability and for the social inclusion of persons, as well as for the economic development of any region.

Sweden. Reflect in this Paragraph non-discrimination and a human rights perspective.

United States. The current wording is supported, but in reality the approach will be both phased and multi-track.

Employers

BusinessNZ (New Zealand). Amend as “Members should adopt coherent and comprehensive strategies ...”.

USCIB (United States). The Office proposal improves the text, promoting a more dynamic/flexible crisis response.

Workers

Consolidated reply, CNSM (Republic of Moldova). Restore under the Strategic approaches the notion of the transition from the informal to the formal economy, as adopted at the end of the first discussion, instead of covering this in a merged Paragraph under Part IV on Employment generation. These are key conditions for building resilience in society and in the economy, as well as for preventing future disruptions. As such, these measures should be developed throughout all operational interventions – those related to employment

generation, but also education and training, social dialogue, social protection and labour market administration – which are covered under the subsequent Parts of the Recommendation.

Consolidated reply, NZCTU (New Zealand). The Office proposal to replace “phased approach” with “multi-track approach” is accepted.

Other

World Bank. The wording “parallel tracks” reflects better what is known about how to support jobs in recovery.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text retaining both “phased” and “multi-track” to describe the approach that needs to be adopted in crisis situations, which suggests the need for simultaneous actions over consecutive periods. In addition, the chapeau has slightly been amended for clarity.

With respect to transition from the informal to the formal economy, the Office draws attention to the fact that two similar points adopted at the end of the first discussion, respectively under Part III on Strategic approaches and Part IV on Employment generation, were merged only in order to reduce the length of the Recommendation. The merged text of Paragraph 10(f) in Part IV reflects the broad spectrum of application, employment, social protection and rights as in its original wording. However, in the light of several comments to mention transition from the informal to the formal economy under the Strategic approaches as well, the Office has added the phrase in Paragraph 7(c).

Paragraph 7(a)

Governments

Singapore. Before “employment”, delete the word “emergency” to be consistent with the “phased approach” in the chapeau.

South Africa. The reintroduction of the term “emergency” is accepted.

Employers

CCP (Portugal). The provision seems too ambitious. In the initial phase, as a matter of urgency, adequate livelihoods and social protection should be ensured.

Workers

CGT–RA (Argentina). The reintroduction of the word “emergency” is accepted.

CGTP–IN (Portugal). Full employment should be promoted.

CLC (Canada). Delete “emergency” as it narrows the overarching character of Paragraph 7.

OFFICE COMMENTARY

The majority of the respondents supported the reintroduction of the term “emergency” before “employment”. However, the Office has replaced it with “immediate”, which expresses the same concept without the negative connotations and is the term that is increasingly used in the field.

Paragraph 7(c)

Governments

Australia. This is a repetition of Paragraph 6(i). Examine potential overlap between Part II. Guiding principles and Part III. Strategic approaches.

Cuba. After “social protection”, insert “and social security”. At the end, add “accessible and quality” before “public services”.

Finland. The formulation “towards an environmentally sustainable economy” is restrictive since this clause should concern sustainable development in general. The environment should be specifically addressed in other contexts.

Switzerland. Delete as it is a repetition of various points included in Paragraph 6.

Tunisia. After “the creation of sustainable enterprises”, add “and the social responsibility of enterprises”.

United States. This language should replace Paragraph 6(h) and (i) in Part II as it is broader and more accurately reflects what should be applicable to all crisis responses.

Workers

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States), SITUN (Costa Rica). Before “access to public services”, insert “universal”.

CGTP-IN (Portugal). Jobs to be created must not be precarious.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 7(e)

Governments

Switzerland. This Paragraph needs to be contextualized in the Recommendation or deleted.

United States. Amend to be in line with the language in Paragraph 6(b): labour rights are human rights.

Employers

BusinessNZ (New Zealand). Amend to read “prevent or mitigate” since it will be either one or the other.

OFFICE COMMENTARY

In the light of the replies and for the sake of accuracy, the Office has made a minor editing change in the text. The chapeau of Paragraph 7 provides the crisis response context for this clause.

Paragraph 7(f)

Governments

Colombia. After “perspective”, insert “and a differentiated approach”.

Tunisia. After “all crisis response design”, add “and of decision-making”.

Workers

CUT (Colombia). Consider in more detail the scope of the term “gender perspective” and adopt the widest possible form. Wording such as “a differential and gender approach” might perhaps be broader in the sense of giving special attention to specific groups.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 7(i)

Governments

Colombia. Employment services are very important for improving people’s employment opportunities. Specify the promotion and implementation of employability routes that include differentiated services.

OFFICE COMMENTARY

To improve clarity, the Office has made a minor change in the text.

Paragraph 7(j)

Governments

Switzerland. Delete as it is a repetition of Paragraphs 6(e) and 7(k).

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 7(k)

Governments

Germany. The State can only invite or encourage employers’ and workers’ organizations.

New Zealand. Stakeholder inclusion and buy-in is important to sustainable recovery measures, while recognizing that the primary responsibility rests with governments.

Sweden. Replace “encouraging” with “ensuring”.

United States. Delete “as appropriate”, as the word “relevant” is already limiting the number of civil society organizations. Consultative processes should be as inclusive as possible.

Employers

SN (Sweden). Keep the current formulation.

Workers

Consolidated reply, NZCTU (New Zealand), SNTUC (Singapore). Replace “encouraging” with “ensuring”, which reflects better the spirit of the original formulation in point 12(g) of the Conclusions.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text, adding the phrase “ensuring consultation” at the beginning of the clause.

Paragraph 7(l)

Governments

Canada. There should be a balance between supporting the “reintegration of persons formerly associated with armed forces and groups” and (female) workers “who have been employed during the crisis and have assumed expanded responsibilities ...” as mentioned in Paragraph 14(c). Clarify how Paragraphs 7(l) and 14(c) interplay with each other.

Finland. This provision is strongly supported.

India. This provision, as well as that of Paragraph 10(i), requires careful consideration and must never override the national legislative process that such situations may attract.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 8

Governments

Russian Federation. Add a new clause: “provide for vocational guidance services for young people by employment agencies”.

Other

World Bank. Reflect the fact that involving local businesses in the immediate response matters for the survival of private-sector entities and their ability to generate jobs.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 8(a)

Governments

New Zealand. This clause should come after 8(b) as emergency responses to satisfy immediate needs should be the primary concern.

United States. Change “with” to “taking into account”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 8(b)

Governments

Cuba. After “social protection”, insert “and social security”. Replace “the particular vulnerability of certain segments of the population” with “the people in situations of vulnerability”.

Finland. Reword to reflect that vulnerability is not a characteristic of certain populations but rather a condition due to special situations caused by crises.

New Zealand. This clause should appear before clause 8(a).

United Republic of Tanzania. Replace “certain segments” with “certain groups”.

United States. Delete “support to livelihoods” as it is already captured in “social protection” and “employment and income-generation opportunities”.

OFFICE COMMENTARY

In the light of the replies, the Office has rephrased the clause in line with Paragraph 6(g) under Part II, using the term “population groups and individuals who have been made particularly vulnerable by the crisis”.

Paragraph 8(c)

Governments

Cuba. After “with the support of the international community” insert “at the request of the State concerned”.

OFFICE COMMENTARY

In the light of the replies, the Office has only made a minor grammatical change in the text.

The Office notes that the expression “with the support of” is a formula used to mean that the support of the international community may be needed or not, recognizing that the decision rests with the Member concerned.

Paragraph 8(d)

Governments

Spain. After “decent working conditions”, insert “that promote the adoption of preventive measures in order to avoid or reduce the risks arising from work”.

Employers

BusinessNZ (New Zealand). It should be recognized that there could be situations where compliance might not be immediately possible should supplies not be available.

CCP (Portugal). The level of requirements in this area should take account of the size of the conflict/disaster and not render unfeasible the implementation of urgent interventions.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 8(e)

Governments

Germany. While public authorities should not impede the restoration of workers' and employers' organizations, such restoration cannot be performed by the State.

Russian Federation. Move "whenever necessary" to after "the re-establishment".

Trinidad and Tobago. Rephrase to reflect support for the continued operation of all tripartite stakeholders in their respective roles during crisis situations.

United States. Delete "whenever necessary" since civil society organizations are already limited to "relevant" ones. Members should engage in consultative processes that are as inclusive as possible.

Employers

CNI (Brazil). Delete "of relevant civil society organizations" here and also throughout the whole Recommendation as this reference violates the ILO's classic tripartism, as expressed in particular in Convention No. 144.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

IV. EMPLOYMENT GENERATION

Paragraph 9

Governments

Colombia. Mention the need to reinforce public employment policy at all levels of public administration (federal, regional, municipal, and so on) in collaboration with public-private actors, enterprises and workers.

Singapore. For clarity, after "Employment Policy Convention, 1964 (No. 122)," insert "where applicable", as ILO member States would only be bound by the international instruments and treaties which they had ratified.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged. Reference is made to the Office commentary under General observations with respect to the applicability of Conventions.

Paragraph 10

Governments

Nepal. Add a new clause to read: "focus to sustain and engage local human resources in local sustainable economic generation activities".

United States. In the chapeau, delete "the most representative" as consultations should be more inclusive. For consistency, change "ensure" to "promote". Insert a new clause after 10(c) reproducing language from Paragraph 26(c) in the alternative text in the "brown report", Part X.1 on Refugees and returnees, as it seems applicable far beyond the refugee population.

Workers

CGTP-IN (Portugal). Insert a new clause on support for the public sector and business to ensure provision of public services, and employment maintenance and creation.

Other

UNESCO. Other relevant factors to the enabling environments for employment generation, such as macroeconomic stability, investment climate and business regulations, should be mentioned.

World Bank. The link between livelihood support and business development could be stressed by emphasizing the importance of assisting the self-employed in raising their productivity and transitioning to market-linked activities.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 10(a)

Governments

Russian Federation. Add a new clause to read: “promote temporary and seasonal employment for young people”.

Employers

BusinessNZ (New Zealand). Emphasis should be primarily on sustainable private-sector job creation, not on public employment programmes.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 10(c)

Governments

g7+. It would be good to underscore that it is the domestic private sector that is the engine of sustainable job creation.

Employers

KEF (Republic of Korea). Delete the reference to cooperatives and other social economy initiatives.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 10(d)

Governments

Netherlands. After “new jobs”, insert “and income-generation opportunities”.

Workers

CGTP-IN (Portugal). Add the obligation to create employment with stable employment contracts and respecting the fundamental principles and rights at work, decent work, the payment of taxes and the obligations to social security systems.

OFFICE COMMENTARY

In the light of the replies on this and other Paragraphs with respect to adding the term “income-generation opportunities”, the Office has added this term at the end of the clause. It should be understood, however, that the terms “livelihoods”, “employment” and “entrepreneurship and enterprise development” all encapsulate income-generation opportunities.

Paragraph 10(e)

Governments

Bahrain, New Zealand, United States. Delete as this is sufficiently covered under Part II, in Paragraph 6(i).

Employers

BusinessNZ (New Zealand). This is better placed as a guiding principle.

OFFICE COMMENTARY

In the light of the replies, noting that this clause repeats Paragraph 6(i) under Part II, the Office has slightly amended the text to contextualize it in Part IV on Employment generation and to emphasize the importance of a just transition for job and income generation.

Paragraph 10(f)

Governments

Cuba. Add “social security” to “social protection”.

Indonesia. The transition from the informal to the formal economy should be gradual and adapted to the post-conflict/post-disaster capacity of member States.

Employers

CCP (Portugal). The focus should be on promoting the transition from the informal economy to the formal economy, rather than on measures that contribute to maintaining informal employment.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged. The Office notes that “social security” is already included in the concept of “social protection”.

Paragraph 10(g)

Governments

Peru. Insert “or capacity” after “skills”.

Workers

CGTP–IN (Portugal). The action of public–private partnerships and other mechanisms to boost the development of labour skills and the creation of employment must be subject to the guidance of the public employment and training services.

Other

World Bank. Recognize the need to find a sustainable balance between public and private activities, with due respect to avoiding any adverse effects reforms might have on stability.

OFFICE COMMENTARY

In the light of the replies, the Office has edited the text to improve clarity.

Paragraph 10(h)

Governments

Argentina. Replace “human and labour rights” with “human rights”.

Republic of Korea. Reformulate as follows: “facilitating cooperation between multinational enterprises and national enterprises in order to create decent employment and to ensure respect for human and labour rights, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and”.

United States. Replace “in order to” with “with a view to” to make the language more accurate.

Workers

CGTP–IN (Portugal). The cooperation of multinational enterprises should be linked to compliance with the fundamental principles and rights at work.

ZCTU (Zimbabwe). Define or simplify the phrase “due diligence”.

OFFICE COMMENTARY

In the light of the replies, the Office has slightly edited the text.

Paragraph 10(i)

Governments

Algeria, India. This clause is similar to Paragraph 7(1). Delete one of the two.

Bahrain. Add “as appropriate” in line with Paragraph 7(1).

Netherlands. Add “or income generation opportunities for”.

Russian Federation. Delete as it is worded too broadly and could be applied to persons who participated in unlawful armed groups, including terrorist organizations. Alternatively, replace “and groups” with “and law enforcement bodies”, or supplement it with a reference to applicable rules of international or domestic law.

Trinidad and Tobago. Consider inserting the word “involuntarily” between the words “formerly” and “associated”.

Tunisia. After “facilitating the”, insert “social reintegration and”.

Employers

KEF (Republic of Korea). Replace “armed forces and groups” with “military service or peacekeeping forces”.

OFFICE COMMENTARY

In the light of the replies, and recalling the discussions on this point at the 105th Session of the Conference,²⁷ the text remains unchanged.

Paragraph 11

Governments

Algeria. Replace “internally displaced persons” with “migrants”, in line with the New York Declaration for Refugees and Migrants.

Burundi. After “develop”, insert “in collaboration with workers’ and employers’ organizations, civil society and other most representative associations in the country including faith-based organizations”. Among the most vulnerable groups requiring particular attention, include “youth and children heads of households”.

Canada. Amend to reflect the need for competent authorities to integrate these labour-market policies and programmes with income security and other social services.

Germany. For a successful integration strategy, creation of equal access for all groups is crucial, while existing migration-specific needs and difficulties should be considered in the context of the integration process.

India. While recognizing the need for interventions to provide refugees, including both jobseekers and their families, with stability and sustainable life in situations of crisis, it is also necessary to understand that while policy interventions for national citizens are both short term as well as medium/long term, the response for refugees would be essentially short term. Hence, merging groups which may require different set-ups must be done with extreme caution.

Indonesia. At the end, add “in accordance with prevailing national laws and regulations of member States”.

Russian Federation. Delete “including refugees and internally displaced persons” as the Paragraph already refers to vulnerable groups.

Senegal. As requested by the Africa group, migrants should be included among the groups affected by human and natural disasters to be covered by the instrument.

Singapore. Insert “as appropriate” after “apply”, and replace “including” with “which may include”.

Switzerland. Merge with Paragraph 10(a).

Trinidad and Tobago. Replace the word “should” with “may/should consider” to avoid making it a binding obligation of member States.

²⁷ 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.), 105th Session, op. cit., paras 1080–1130 and 1521–1526.

Employers

BusinessNZ (New Zealand). Focus should be on fostering private-sector job creation and promoting a stable economy that allows for this.

OFFICE COMMENTARY

With reference to the Office commentaries above and for the sake of consistency with Paragraphs 6(g) under Part II and 8(b) under Part III, the Office has amended the text to apply to “population groups and individuals” who have been made particularly vulnerable by the crisis.

In the light of the replies, the Office has added “migrants” to the sentence, and has made the list non-exhaustive by including the expression “but not limited to”.

Paragraph 12

Governments

Indonesia. In accordance with the post-conflict/post-disaster capacity of each member State.

United Republic of Tanzania. In the chapeau, replace “stable employment and decent work” with “decent and productive employment”.

United States. Before “stable employment” insert “access to”. This would cover scenarios in which the government establishes labour-intensive job programmes, and situations in which the jobs are in the private sector.

OFFICE COMMENTARY

In the light of the replies and to improve clarity, the Office has reordered the elements of the clause.

Paragraph 12(a)

OFFICE COMMENTARY

The Office has replaced “youth” with “young persons” to improve consistency within the proposed instrument.

Paragraph 12(b)

Governments

France. At the end, add “taking care not to interfere with the work of justice in the matter, in particular in the case of allegations of war crimes or violations of international law”.

OFFICE COMMENTARY

In the light of the replies received, the text remains unchanged.

Paragraph 13

Governments

Australia. Consider whether the new Paragraph is worded broadly enough to address forms of support and assistance that should be available for IDPs in addition to employment opportunities, for example access to social services.

Austria, Burundi, Brazil, Canada, Colombia, Finland, Mexico, Morocco, New Zealand, South Africa, Switzerland, Turkey. The Office proposal to move and slightly amend the bracketed Paragraph 28(a)–(c) on IDPs from Part X to Part IV is accepted.

Burundi. Add a clause to reflect the need to “facilitate social integration of displaced population”, which is a necessary step before integration into the labour market.

Morocco. Although the Office proposal does not take into account the position of the Africa group, which consisted in grouping in one Part of the instrument all the provisions relating to the categories of the population made vulnerable by crisis situations, given the different international regimes applying to refugees and the fact that the suggested change is supported by the UNHCR, the proposal is deemed acceptable.

Singapore. We would like to reserve our position on this, pending discussions at the 106th Session of the Conference.

Spain. Expressly indicate the need for vocational training.

United States. In clause (b), replace “ensure” by “with a view to ensuring”. In clause (c), insert “and safe” after “voluntary” to note that the voluntary return should be conducted in a safe manner.

Employers

Consolidated reply. The view of the Office that IDPs are nationals and hence should be covered under national programmes is supported.

USCIB (United States). The proposal to specifically address IDPs in this section is a logical solution.

Workers

Consolidated reply. The issue of IDPs, who face all negative consequences of forced displacement, requires tailor-made measures.

Akava, SAK, STTK (Finland), CTC (Colombia). The Office proposal to separate provisions on refugees and returnees from those on IDPs is accepted.

CGT–RA (Argentina). While it is appropriate and timely to include the provisions on IDPs within the chapter on employment policies, this should be done with the broadest possible tripartite consensus. The proposed text should be strengthened on the basis of the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market.

Other

UNHCR. The proposal to include IDPs in this section of the document and to give separate space to returnees, along with refugees, is strongly supported.

OFFICE COMMENTARY

In the light of the replies supporting the Office’s proposal and rationale in the “brown report” to move the provisions regarding IDPs from Part X to Part IV on Employment generation, the Office has introduced these provisions in Paragraph 13.

In the light of the replies, the Office has reordered and slightly amended the texts of clauses (a)–(c).

V. RIGHTS, EQUALITY AND NON-DISCRIMINATION

Paragraph 14 (chapeau)

Governments

Burundi. Consider adding a clause addressing the different needs of women, young people, persons with disabilities, persons with chronic diseases and other persons considered vulnerable, such as single- and child-headed households.

Finland. After “discrimination”, add “and inequality” in line with the 2030 Agenda.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 14(b)

Governments

Poland. Replace with the following: “pay special attention to single-headed households irrespective of the sex of the householder, in particular if they are headed by children, people with disabilities or older persons, as well as by single parents”.

Workers

Akava, SAK, STTK (Finland). Include text about facilitating women’s access to the labour market through family leave and childcare support.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text, expanding the categories of single-headed households requiring special attention.

Paragraph 14(c)

Governments

Canada. Consideration should also be given to protecting workers who temporarily leave their employment to assist in the response to the crisis, as well as the employers who need to temporarily fill their positions. Clarify how Paragraphs 7(l) and 14(c) interplay with each other.

Employers

CCP (Portugal). All specific questions should be covered by a general provision, such as that set out in Paragraph 14(a).

KEF (Republic of Korea). Delete, as the volume of employment should be determined by a company in accordance with its capability.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 14(d)

Governments

Canada, Germany. Expand the text to include measures to strengthen the protection and support of victims of gender-based violence.

Finland. Insert “all” before “gender-based violence”.

Peru. At the end, add “or any other form of sexual violence”.

United States. Delete “and” before “sexual exploitation” as this is not always necessarily linked to harassment.

Employers

BusinessNZ (New Zealand). Replace “prevent and punish” with “prevent or punish”.

OFFICE COMMENTARY

In the light of the comments, the Office has reformulated the text.

Paragraph 14(e)

Governments

Afghanistan. It is important that the Paragraph is comprehensive and inclusive and provides for groups that might not fall under the listed categories. Include “disabled”.

Belgium. The Office proposal is accepted.

France. Replace “minorities” with “persons belonging to minorities”, “indigenous and tribal peoples” with “indigenous and local communities”, and delete “migrants”.

India. See Paragraph 11.

Mexico. Include the bracketed text in the final text of the proposed Recommendation.

Russian Federation. Remove any reference to refugees, migrants and IDPs.

Singapore. Delete the words “migrants, refugees” from the list. At the end, add “where applicable”.

Employers

USCIB (United States). The addition of “including, but not limited to” improves the text.

Workers

Consolidated reply, BAK (Austria), CGTP-IN (Portugal), NZCTU (New Zealand). The Office proposal is supported.

CNUS, CASC, CNTD (Dominican Republic). Add “the Indigenous and Tribal Peoples Convention, 1989 (No. 169)”.

Other

UNHCR. The use of “including, but not limited to” is supported. It is in line with the “no one left behind” principle of the 2030 Agenda.

OFFICE COMMENTARY

In the light of a large number of replies supporting the Office proposal made in the “brown report”, the Office has unbracketed and reformulated this clause in the following manner:

- ❑ for consistency with other similar clauses, and in the light of the comments, the term “including, but not limited to” has been added;
- ❑ the term “minorities” has been replaced with “persons belonging to minorities”, in line with the changes made in Paragraph 6(g);
- ❑ the reference to “population groups” has been moved to the beginning of the sentence and amended in line with Paragraphs 6(g), 8(b) and 11.

Paragraph 14(f)**Governments**

France. Replace “minorities” with “persons belonging to minorities” and “indigenous and tribal peoples” with “indigenous and local communities”.

Malta. Before “minorities concerned”, insert “women and men in” to add a gender perspective to the text.

United States. Reword the beginning as “ensure that members of minority groups concerned, and of indigenous and tribal peoples” to reflect that it is individuals who have rights, not groups per se.

OFFICE COMMENTARY

In the light of the replies, and for consistency with clause (e), the Office has changed “minorities concerned” to “persons belonging to minorities”, and “crises” to “crisis”. With regard to the term “indigenous and tribal peoples”, the Office notes that this is aligned with Convention No. 169.

Paragraph 14(g)**Governments**

Colombia, Finland. Amend the text to also take into account those persons who were born with disabilities and whose initial condition can be aggravated by the situation of conflict or disaster.

Netherlands. After “employment” insert “and income generation”.

Singapore. Delete “full” to recognize that it may not be possible to provide “full” opportunities in the aftermath of a crisis.

United Republic of Tanzania. In the first line, insert “most representative” to be consistent with Convention No. 144.

OFFICE COMMENTARY

In the light of the replies, the Office has proposed a slight rewording of the text to ensure that all persons with disabilities, whatever the origin of their disability, are covered by the provision.

The language has been aligned with that of the UN Convention on the Rights of Persons with Disabilities.²⁸

Paragraph 14(h)

Governments

Algeria. After “migrant workers and”, add “the members of”, and delete “lawfully” in conformity with Convention No. 111 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Australia, Austria, Cyprus, Singapore, South Africa, Spain, Thailand, United States. Maintain the word “lawfully”.

Brazil, Colombia, Dominican Republic, Sweden. Delete “lawfully”.

France. Reword as follows: “who are lawfully resident in the territory of a host country”.

Germany. At the end, add: “, provided that they are accepted in the member State. Questions concerning the rights and status of migrant workers remain untouched”.

Russian Federation. This provision goes beyond the scope of Russian legislation.

Sweden. Replace “treated” with “respected”.

Employers

SN (Sweden). Delete “lawfully”, and replace “treated” with “respected”.

Workers

Consolidated reply, NZCTU (New Zealand). Delete “lawfully” to ensure that the rights of all migrant workers who are caught in crisis situations, irrespective of their migration status, and members of their families, are protected in line with the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

CGT-RA (Argentina). Include an explicit reference to Convention No. 143 to ensure that migrant workers are treated equally. In amending the text, take into consideration the outcome of the Meeting of Experts on Fair Recruitment (Geneva, 5–7 September 2016).

OFFICE COMMENTARY

Governments’ comments regarding the Office proposal suggesting the deletion of the word “lawfully” were divided. Employers’ and workers’ organizations that commented on this point agreed with the deletion. In the light of the replies, and taking into account the discussion at the 105th Session of the Conference,²⁹ the word “lawfully” is retained, and it is left to the 106th Session of the Conference to reconsider this issue. For clarity, the Office has made a minor amendment, changing “their families” to “members of their families”.

²⁸ Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopted on 13 Dec. 2006, [UN General Assembly doc. A/RES/61/106](#).

²⁹ 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.), 105th Session, op. cit., paras 1323–1358.

Paragraph 15 (chapeau)

Governments

Afghanistan. Child labour and its worst forms are particularly common in low-income or crisis-affected countries. It is therefore important to recognize the need for States and their international partners to focus on improving the livelihood conditions of vulnerable families, so these families do not see the need to force their children into labour. Any approach to tackle child labour must be multipronged.

Malta. After “child labour” insert “for both girls and boys” to add a gender perspective to the text.

Yemen. Add a Paragraph on the role of the ILO in developing the capacities of local institutions and social partners to document work-related violations, including using children in dangerous work, especially as child soldiers, as well as bonded labour and human trafficking.

Employers

BusinessNZ (New Zealand). This would depend on whether member States have ratified Convention No. 138.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 15(b)

Governments

Malta. After “children”, insert “among girls and boys” to add a gender perspective.

Nepal. Reword as follows: “child trafficking and girl trafficking”, as in crisis situations girls may be the victims of trafficking for sexual abuse.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 15(c)

Governments

Russian Federation. Add text about the provision of psychosocial support.

Trinidad and Tobago. Consider inserting the word “involuntarily” between “children and youth” and “formerly associated”.

OFFICE COMMENTARY

In the light of the replies and in line with the language used in Convention No. 182, the Office has changed “special reintegration” to “rehabilitation, social integration”. This expression covers psychosocial support. In addition, for consistency within the proposed instrument, the Office has replaced “youth” with “young persons”.

Paragraph 16

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

VI. EDUCATION, VOCATIONAL TRAINING AND GUIDANCE

Paragraph 17 (chapeau)

Governments

Bahrain. Adapt the text of these Paragraphs in line with the ILO's mandate. The right of children to education is covered in other international instruments.

Colombia. In the case of special communities, such as indigenous ones, the right to education should include respect for their beliefs and peculiarities, and respect and protection of their identity.

Mexico. Replace "should ensure that" with "will grant the same treatment as for its nationals", in line with the provisions of Article 22 of the 1951 UN Convention Relating to the Status of Refugees.

Tunisia. Replace "the principle of equal opportunity" with "the principle of social equality and of equal opportunity and treatment".

OFFICE COMMENTARY

In the light of the replies and for the sake of consistency, the Office has amended the text in line with Convention No. 111, to read "equality of opportunity and treatment", and has reordered it to read "girls and boys".

Paragraph 17(a)

Governments

Argentina. Delete "elementary" in the bracketed clause, as there should not be a limit.

Australia. The rewording and the consequent deletion of the bracketed clause are supported. However, there may be practical obstacles to achieving uninterrupted education "at all stages of crisis and recovery" as, in a state of emergency, countries are able to derogate from certain international obligations.

Austria. Delete the bracketed clause. If retained, replace "persons" with "children".

Belgium. Reintroduce in the text "free and quality public education". The insertion of a safeguard clause in Paragraph 5 makes it unnecessary to add "in accordance with international law".

Brazil. Add "and youth" after "children".

Burundi. This is challenging to implement in practice for many countries, also considering the lack of trainers and teachers. Reformulate the bracketed clause as follows: "refugee or internally displaced children have access to mandatory free, quality elementary education".

Colombia. Retain the bracketed clause, as this is a call to member States and the international community to generate actions to guarantee refugee and displaced children's access to basic education.

Indonesia. Add "in accordance with the capacity of the State affected by the crisis".

Italy. The proposed deletion of the bracketed clause is supported only if both free elementary education and the right to access secondary education (at least until completion of compulsory schooling) are granted, with no preclusions for the most vulnerable groups.

Mexico. Retain the bracketed clause if the chapeau of Paragraph 17 is amended as suggested.

New Zealand. Insert the word “relevant” before “international law”.

Peru. In the bracketed clause, after “primary”, insert “and secondary”, in line with SDG 4.

Russian Federation. After “children”, add “including children who are internally displaced”. Delete “and internally displaced persons are provided with compulsory primary education”. This provision goes beyond the scope of Russian legislation.

Singapore. Delete the bracketed clause as proposed. If retained, add “as applicable” at the end.

South Africa, Switzerland, United Republic of Tanzania. Delete the bracketed clause.

Trinidad and Tobago. In the bracketed clause, replace “are provided with” with “are considered for”.

United States. Delete the bracketed clause as the changes in Paragraph 17(a) cover all children. If retained, revise for consistency with the language in Paragraphs 6(f) and 14(a) to reflect that refugee and internally displaced children should be provided with equal access. Also, if retained, clarify why education is compulsory for IDPs, but not refugees.

Employers

KEF (Republic of Korea). Reformulate the bracketed clause as follows: “in consideration of the financial conditions and other national circumstances of each Member, children who are refugees or who are internally displaced should not be discriminated against in terms of quality elementary education, and internally displaced persons should also not be discriminated against in terms of compulsory primary education, in principle”.

Workers

Consolidated reply. Rephrase the second part of Paragraph 17(a) to read “and that all children have access to free, quality public education and without discrimination of any kind, in accordance with international law, at all stages of crisis and recovery”. As this does not explicitly cover the categories of children addressed in the bracketed clause, the latter could be deleted if Paragraph 17(a) is reworded as follows: “the provision of education is not disrupted, or is restored as quickly as possible, and that all children, including those who are refugees or who are internally displaced, have access to free, quality public education in accordance with international law and without discrimination of any kind at all stages of crisis and recovery”.

BAK (Austria). Delete only if access to free primary education for children who are refugees or who are internally displaced is ensured. Additionally, a completed vocational secondary education qualification is the basis to enter the labour market and build a professional career.

CGTP-IN (Portugal). Amend to allow access of children to “free and quality” education.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States), SITUN (Costa Rica). Maintain “free quality elementary education”.

CUT (Colombia). Education should be gender-sensitive.

OFFICE COMMENTARY

The comments presented above refer to the right to education in crisis situations as covered in Paragraphs 16(a) and 16(b) of the “brown report”. The Office recalls that clause (b) on the education of children who are refugees or internally displaced was bracketed during the first discussion, and that its deletion was suggested in the “brown report” following the reformulation of clause (a). In

the light of the replies received, the Office has merged the two clauses in the amended text of clause (a). This slight reformulation underscores the importance of education for all children, while acknowledging that obligations may differ in accordance with the relevant international law.

Paragraph 17(b)

Governments

New Zealand. This depends on resources available and priorities post crisis.

Sweden. The mental and physical condition of children should also be taken into account in all educational programmes at all levels.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 18

Governments

Indonesia. Add “and in accordance with the capacity of the State affected by the crisis”.

Bahrain. Adapt the text of Paragraph 18(b)(i)–(ii) to be more in line with the ILO’s mandate on the prevention of the worst forms of child labour, minimum working age, and so on.

Other

UNESCO. Emphasize on-the-job training, workplace learning and any other types of training/education opportunities provided by employers, industry associations and trade unions.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 18(a)

Governments

Afghanistan. Allow for the recognition of the skills training received by citizens or returnees through informal or traditional methods.

Employers

CIP (Portugal). Introduce a reference to education and training geared to the needs of the labour market and of enterprises.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 18(b)(ii)

Governments

Peru. Insert “and armed conflict” before “risk”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged. The Office points out that clause (b)(i) deals with conflict, while clause (b)(ii) deals with disaster.

Paragraph 18(d)

Governments

Burundi. Retraining should support crisis-affected adults in finding new occupations while waiting to return to work in their own country or community of origin.

Colombia. Skills training programmes should respond to market demand.

Netherlands. After “employment”, insert “or livelihood”.

Switzerland. Delete as it is a repetition of Paragraph 18(c).

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 18(e)

Governments

Dominican Republic. After “affected populations”, insert “including, although not exclusively, minorities”.

United States. Amend as follows: “give special attention to the training of and economic opportunities for affected populations”.

Employers

CCP (Portugal). The focus should be on promoting the transition from the informal economy to the formal economy, rather than on measures that contribute to maintaining informal employment.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 19

Governments

Trinidad and Tobago. After “women and girls”, add “men and boys”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

VII. SOCIAL PROTECTION

Paragraph 20

Governments

New Zealand. After “possible”, add “as circumstances permit”.

Employers

KEF (Republic of Korea). At the end of the chapeau, add “in consideration of financial conditions”.

Workers

Akava, SAK, STTK (Finland). The Paragraph should also cover mental health, including psychological rehabilitation after the crisis.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 20(a)

Governments

Burundi. Amend to emphasize the need for basic social protection also in rural areas and in the informal economy.

Cuba. Replace “disadvantaged and marginalized groups” with “people in situations of vulnerability”.

United Republic of Tanzania. Replace “for disadvantaged and marginalized groups” with “for certain population groups”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 20(b)

Governments

Afghanistan. This might be hard to achieve in the short term in fragile situations, and difficult security and political contexts. This would be better achieved as a medium- to long-term goal, although the immediate protection of the most vulnerable population groups must be a top priority.

Philippines. Replace “create or restore” by “mobilize”.

Employers

USCIB (United States). The deletion of “and, if possible, extend them” improves the text by directing focus to the most critical and urgent aspects of crisis response.

Workers

CSC (Belgium). At the end, reintroduce the sentence “and, if possible, extend them”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 20(c)**Governments**

Belgium. Replace “in particular for persons made vulnerable by the crisis” with “in particular for persons in situations of vulnerability”.

Burundi. Include those affected by chronic and communicable diseases, such as HIV/AIDS and tuberculosis.

United States. Insert “seek to” before “ensure” to align with Paragraph 20(a). Alternatively, amend the chapeau by inserting “in accordance with national circumstances” after “Members should”.

Workers

Consolidated reply. The current wording is not supported as the reference to “persons made vulnerable by the crisis” undermines collective responses. Change to read “in particular for the population groups in vulnerable situations”.

CSC (Belgium). The original wording “vulnerable groups of the population” is preferred.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States), SITUN (Costa Rica). Replace “effective” with “universal”.

OFFICE COMMENTARY

In the light of the replies and to ensure consistency, the Office has replaced the term “persons made vulnerable by the crisis” with the formulation used in Paragraphs 6(g), 8(b), 11 and 14(e).

VIII. LABOUR LAW, LABOUR ADMINISTRATION
AND LABOUR MARKET INFORMATION**Paragraph 22 (chapeau)****Governments**

Burundi. After “employers’ and workers’ organizations” add “civil society organizations”.

United States. Delete “the most representative” to make this more inclusive.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 22(c)**Governments**

Germany, New Zealand, Singapore. The alternative formulation proposed by the Office is not supported. Retain current wording.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 22(d)

Governments

Colombia. Add the following: “conduct studies of characterization on the territories and populations subject to priority attention, with the purpose of putting in place policies, plans and programmes of employment, social protection, and education, vocational training and guidance”.

Islamic Republic of Iran. Systems for the collection and analysis of labour market information also serve the purposes of prevention, mitigation and preparedness covered in Part XI. In view of their relevance, consider including a reference to labour market information under Part III on Strategic approaches.

OFFICE COMMENTARY

In the light of the replies, the text remains largely the same. The Office has changed the expression “if necessary” to “as necessary”, in line with its use in clause (c), and “groups of population” into “population groups” for consistency within the proposed instrument.

Paragraph 22(f)

Governments

Afghanistan. Emphasize the need to make funding allocations to employment service centres/institutions conditional on specific outcomes (job placements produced, and the sustainability of placements).

Republic of Korea. Replace with the following: “enhance supervision over private employment agencies; and”. Private employment agencies can complement the role of public employment agencies in times of emergency, so it would be desirable to monitor them through enhanced supervision and guidance.

United States. Insert “take measures to” to reflect that governments should be working towards the goal of ensuring regulation.

Employers

CCP (Portugal). Replace with the following: “ensure close collaboration between public and private employment agencies in these efforts, and the regulation of private employment agencies, taking into account the Private Employment Agencies Convention, 1997 (No. 181), and Recommendation, 1997 (No. 188)”. This formulation, taken from point 23(c) of the questionnaire included in the “white report”, is considered more appropriate.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 22(g)

Governments

New Zealand. The text is vague and could be deleted.

Employers

BusinessNZ (New Zealand). The clause, open to wide interpretation, could be deleted.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged except for a minor grammatical change.

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

Paragraph 23 (chapeau)

Governments

Sweden. After “Members should” insert “in consultation with the most representative workers’ and employers’ organizations”.

Employers

SN (Sweden). Include the phrase “in consultation with the most representative workers’ and employers’ organizations”.

Workers

Consolidated reply. Reword as follows: “in responding to crisis situations, Members should, in consultation with the most representative workers’ and employers’ organizations”.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the chapeau by introducing a reference to consultation with the most representative workers’ and employers’ organizations.

Paragraph 23(a)

Governments

Sweden. Replace “promote” with “ensure”.

United Republic of Tanzania. Reword to read “through inclusive social dialogue”, and delete “and support women’s influence and meaningful participation in social dialogue”.

Workers

Consolidated reply. Reword the beginning of the clause as follows: “ensure that reconciliation, social and economic stability, recovery and resilience are promoted”. This language is consistent with the obligations of ILO member States to implement fundamental principles and rights at work.

CSC (Belgium). Replace “promote” with “ensure”.

OFFICE COMMENTARY

In the light of the replies, the Office has reformulated the clause in a way that shortens the text and responds to the concerns expressed by a large number of respondents.

Paragraph 23(c)

Governments

Brazil. Replace “in addition” with “as appropriate”.

Germany. Reformulate as follows: “in addition, encourage associations (organizations) to cooperate closely with civil society organizations”.

Employers

CNI (Brazil), KEF (Republic of Korea). Delete the whole clause in line with the classical tripartism established in Convention No. 144.

OFFICE COMMENTARY

In the light of the replies and for the sake of consistency, the Office has replaced “in addition” with “where appropriate”.

Paragraph 24 (chapeau)

Governments

Mexico. The mention of Conventions Nos 87 and 98 in this Paragraph is an acknowledgement of fundamental rights, based on the proactive participation of workers’ and employers’ organizations, considering social dialogue as a key element to respond to crises.

Singapore. For clarity, insert “where applicable” after “taking into account”, as ILO member States would only be bound by the international instruments and treaties that they have ratified.

Employers

CONCAMIN (Mexico). Paragraph 24(a)–(c) is not accepted since it mentions ILO Conventions Nos 87 and 98.

Workers

SITUN (Costa Rica). Add a new clause to read “encouraging collective bargaining processes, which improve the working and living conditions of workers in both the public and the private sector”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

Paragraph 24(c)

Governments

Germany. Replace “taking measures” with “by calling on the social partners to take measures”.

Employers

KEF (Republic of Korea). Reformulate as follows: “taking measures for these purposes through social dialogue”.

OFFICE COMMENTARY

In the light of the replies, the text remains unchanged.

X. REFUGEES AND RETURNEES

Explanatory note by the Office

It is recalled that at the 105th Session of the Conference the Committee did not consider in detail the proposed provisions in Part X but bracketed the section and called on the Office to take into account, in making new proposals, the outcome of the ILO Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market, held in Geneva in July 2016, as well as the UN High-level Meeting on Addressing Large Movements of Refugees and Migrants, held in New York in September 2016.

The Office received a great number of comments on this complex issue in general and on the proposals included in the “brown report”.³⁰ In that report, prepared in July immediately after the completion of the Tripartite Technical Meeting, the Office proposed a possible alternative text, drawing on the outcome of the Tripartite Meeting, while maintaining the bracketed text. In their replies, a large number of respondents focused on either the bracketed text or the alternative Office proposal and a small number commented on both. Overall, most comments supported elements in one of the two texts, or in fact their combination, and included specific suggestions to improve them. Based on these comments, the Office has proposed a new text in the proposed Recommendation as explained below.

A comprehensive reflection of the comments received on this issue, subject of complex discussions at the 105th Session of the Conference and subsequent ILO and international meetings, is presented below. The Office commentary on the new text and the suggested way forward are provided at the end of this section.

Governments

Afghanistan. Emphasize the need for market responsiveness and quality of the skills provision. Addressing the supply and demand mismatch is also essential to improving broader labour market outcomes. The return of refugees to their countries of origin should be “under conditions of safety and dignity”. Returnees are a national asset and their integration into the local economy must be a top priority.

Algeria. The proposal to separate the Paragraphs on refugees from those on returnees is supported. Expand the text on returnees to provide guidance on their protection and social and professional reintegration, as they are among the primary actors of economic recovery for peace and resilience through decent work in their countries of origin when the crisis is over. The accreditation and recognition of skills of refugees between countries of origin, transit and destination should be in application of Conventions and bilateral agreements. Emphasize the principle of “shared responsibility”. It is of primary importance to support the return to normal of countries of origin before facilitating the voluntary return of refugees.

Australia. The inclusion of refugees and returnees in the proposed Recommendation is supported. The proposal to replace the bracketed text with one based on the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market is welcome. It will be crucial to give particular attention to the concerns of countries hosting large numbers of refugees. Replace “development assistance” with “assistance” to encourage the provision of a whole range of assistance including humanitarian, economic and trade-related assistance.

Austria, Denmark, Norway. It should be clarified that the provisions contained under this Part refer to persons who have officially been granted refugee status.

³⁰ 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), 106th Session, op. cit.

Austria. The changes proposed by the Office on Part X are generally supported. However, a definition of “refugee” could be added to clarify who is actually covered by these provisions.

Belgium. The guidelines contained in the new Recommendation should include all those who are forcibly displaced and not merely be limited to refugees as defined in the 1951 UN Convention Relating to the Status of Refugees.

Brazil. This section is important but could be more concise. The role of the ILO in this area should not conflict with those of the UNHCR and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Part X should reflect the general principle of equality of opportunity and treatment in relation to refugee workers and focus only on issues that are specific to them. It is assumed that all the actions indicated throughout the Recommendation apply also to refugee workers. It is important to include a reference to the elimination of legal and administrative obstacles to the access of refugees to local labour markets. In view of the difficulties faced by refugees in countries with restrictive and discriminatory rules of access to work, refugees are forced to provide for their livelihood in informality. It is equally important to work to guarantee the portability of social security contributions and the recognition of professional qualifications of refugees. Measures suggested to combat discrimination and xenophobia should apply not only to labour market access but also to the work environment. Support for developing countries with large contingents of refugees is an essential measure to guarantee the opportunity of work for all.

Canada. Besides referring to the elevated and specific risks faced by refugee women, language should reflect also the range of complex needs/barriers to social inclusion faced by many refugees regardless of their gender, including physical and mental disabilities as a result of their experiences, and the accessibility to support services.

Colombia, Mexico. It is important to mention the positive impact of the labour market integration of refugees and displaced persons (and migrants in general) on the economy of host communities.

Colombia. Internal and external displacement is not only caused by conflict, violence or persecution but also by natural disasters and climate change. Considering the reference in the proposed Recommendation to the shared responsibility concerning countries hosting refugees, it is important to reiterate (considering also the Preamble of the 1951 UN Convention Relating to the Status of Refugees and the New York Declaration for Refugees and Migrants) an appeal for international solidarity. International cooperation among States of origin, transit and destination is essential to ensure that conditions for repatriation, return, integration and resettlement are in place and to provide immediate and medium-term assistance and protection of human rights to the population.

Cyprus. Further discussion is required, bearing in mind the outcome of the Tripartite Technical Meeting, the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market adopted on that occasion, the New York Declaration for Refugees and Migrants and the overall objectives of the 2030 Agenda. Proper coordination with other UN agencies should be ensured in order to avoid duplications.

Finland. The Office proposal is not accepted, as it is based on the outcome of a meeting that was attended by a limited number of participants and during which consensus was not fully found. However, the alternative text contains some good elements that can support further discussion. Part X should be shorter, include more text about returnees and cover also “other forcibly displaced persons”. It is important that when constructing their social protection measures Members also take account of the refugees who have entered the country.

France. The reintroduction of this Part in the Recommendation is supported.

Germany. The implementation of the provisions contained in Part X must not violate the existing legislative framework of the European Union. Add a new clause on “respecting the guiding principles of the ILO concerning the access of refugees and other displaced persons to the labour market, so far as they are entitled to protection and residence”. The portability of work-related entitlements would lead to serious structural problems and substantial financial costs, especially for the countries of destination. In order for a refugee to be successfully integrated in the labour market of a host country it is vital and necessary to master

the language of that country. Therefore, focus needs to be on the teaching and learning of the necessary language skills. Insert a new Paragraph as follows: “Members should provide predictable and adequate humanitarian assistance to enable humanitarian programmes to strengthen the self-sufficiency and self-help of refugees to secure their livelihoods in humanitarian emergencies.”

India. The alternative wording is preferred while reserving the right to discuss it further at the 106th Session of the Conference.

Indonesia, Mexico, Russian Federation, Trinidad and Tobago. Add a reference to national circumstances in order to reflect the different development realities and respect national legislations, policies and priorities.

Indonesia. The commitment to provide assistance to refugees should take into consideration the different levels of national development capacities and realities of member States and respect their national policies and priorities, regardless of their ratification of the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

Islamic Republic of Iran. The challenge of refugees is a global phenomenon requiring a global investment. Immediate and concerted attention needs to be paid to helping countries hosting large numbers of refugees. The Office should explore possible actions to increase the capacity of States to address the labour market implications of this crisis in a holistic manner and increase its cooperation with the relevant international organizations and the countries concerned.

Kenya. The proposed changes do not take into account the prevailing diverse capacities and challenges faced by hosting member States in addressing this complex issue. In the revision of the text, the Office should be guided by the recent decision of the Governing Body at its 328th Session regarding the use of the non-binding Guiding principles on the access of refugees and other forcibly displaced persons to the labour market in drawing up proposals for future work. Take into account the different national and regional circumstances, international and national legislations, and the different challenges and burdens on resources and capacities of hosting countries. Acknowledge the vital importance for all member States to share more equitably the responsibility with those member States who host large numbers of refugees.

Lebanon. This title introduces confusion on different terms, especially between refugees and IDPs. The use of “refugees” for internally or externally displaced persons is not accepted. Include a reference to the need to take into consideration the views of hosting countries.

Mexico. With respect to the portability of skills, include a reference to the need to exchange knowledge and to cooperate for the design of an international system of certification of labour competencies. If the labour integration has been successful, the refugee may be authorized to stay permanently in the country (naturalization process) when the need for international protection ceases. The proposed commitment to reinforce international collaboration is welcome. Further discussions could focus on the identification of frameworks for addressing ex ante the eventual return of refugees and displaced persons through mechanisms of international cooperation, taking into consideration the national circumstances of the countries involved.

Netherlands, United States. Reflect that governments should take action towards providing predictable, sustainable and adequate development assistance to developing countries.

Netherlands. Highlight how the ILO responds in humanitarian/development situations when refugees are involved.

New Zealand. It is recognized that host communities experiencing a large influx of refugees face many challenges. Human rights law applies to all, including refugees. So does labour law.

Norway. Part X as a whole should be in line with the resolution on the work of the Office of the United Nations High Commissioner for Refugees, or omnibus resolution, which also reflects the wording of the New York Declaration for Refugees and Migrants. The reference to “international instruments on refugees, listed in the Annex” may be too narrow and could be replaced with a reference to Paragraph 5.

Pakistan. Refugees may not be included in the scope of the proposed Recommendation.

Russian Federation. Add “in accordance with the existing capabilities of the receiving countries and with regard to national legislation”. Add a new clause as follows: “engage in advocacy with the local host community to minimize conflict and tension, and to raise tolerance and understanding of the situation among the local population”.

Senegal. The integration of refugees in the new Recommendation is welcome. Migrants should be included in the instrument, in the same way as refugees. It would be appropriate not to treat refugees as nationals forcibly displaced.

South Africa. Though the matter was discussed at the Tripartite Technical Meeting, the position that hosting countries have their own internal communities to take care of and the fact that this is an additional layer of responsibility on them still stand. Further discussion is needed.

Sweden. The provisions on refugees and returnees should include the perspectives of gender, disability, child rights and non-discrimination more clearly.

Switzerland. Emphasize the importance of bilateral agreements with respect to the portability of work-related entitlements, skills accreditation and skills recognition of refugees.

United Republic of Tanzania. Efforts should be made by the international community to restore peace in countries (of refugees’ origins) facing crisis, conflicts and disasters.

Trinidad and Tobago. Some provisions in this Part would require appropriate enabling domestic legislation to be fully implemented.

Turkey. The alternative text proposed by the Office is found to be more acceptable. With a view to protecting work peace and social balance, include a reference to ensure that the local labour force is protected.

Uganda. The revision should include protection of the rights of working refugees, returnees and volunteers.

Employers

BusinessNZ (New Zealand). It should be recognized that a large influx of refugees does disproportionately affect host countries.

USCIB (United States). The topic of refugees must be addressed in this instrument as they are a product of conflict and disaster and benefit from expeditious access to the labour market. The proposed text is a credible basis for discussions at the 106th Session of the Conference because it is drawn from the consensus outcomes of the Tripartite Technical Meeting. The discussion of skills recognition/accreditation is important as such frameworks can mitigate underemployment. Employment systems that fail to recognize foreign skills/qualifications are a barrier to maximizing the contributions of refugees to the labour market and society of host countries. Efforts to counter xenophobia are vital. Public engagement on refugees is essential for securing support to welcome them into a society.

Workers

Consolidated reply. While the efforts made by the Office are appreciated, the alternative text is long and repetitive. Part X should refer consistently to “refugees and other forcibly displaced persons” and reflect better the structure of the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market as well as of the bracketed text. Include a reference to the formulation of national plans and policies to protect refugees and other forcibly displaced persons in the labour market and to promote equality of opportunity and treatment with regard to fundamental principles and rights at work and their coverage under relevant labour laws and regulations. Mention that voluntary repatriation and reintegration of returnees should be facilitated in compliance with the principle of non-refoulement for refugees and other forcibly displaced persons.

BAK (Austria). The alternative text for Part X proposed by the Office is generally accepted. Add a new clause about the need to prevent the informalization of labour markets and social dumping.

CITUB (Bulgaria). The obligation for host countries to provide training, employment and integration into the labour market for refugees may be difficult to realize as this will be based on the economic possibilities of the countries concerned.

CLC (Canada). Fortify strategic approaches and actions that recognize and address the specific vulnerability of women refugees, IDPs, returnees and asylum seekers.

CGTP-IN (Portugal). Include the provisions on migrants, refugees and displaced persons both throughout the text of the proposal and in Part X.

CIP (Portugal). In European countries, the socio-economic reintegration of refugees will contribute to counteracting the ageing of the population, which is a major demographic problem.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States). Cover refugees and forcibly displaced persons and better reflect conclusions from the ILO Tripartite Technical Meeting. The second discussion must also address the situation of IDPs.

SITUN (Costa Rica). Cover refugees and other forcibly displaced persons, including IDPs.

Other

UNHCR. The suggested simplification and language, as it relates to persons of concern to the UNHCR, are supported.

UNISDR. Insert “climate change induced displacement” among the causes of refugee influx.

OFFICE COMMENTARY

It should be underscored that all respondents except one considered that the issue of refugees should be covered in this Recommendation that deals with the consequences of crisis situations arising from conflict and disaster. All supported moving the provisions concerning IDPs to Part IV on Employment generation in view of the different status of IDPs, as commented upon already in this report. There was broad support on dividing Part X into two Parts, respectively on refugees and on returnees. The overwhelming majority also pointed to the need to shorten Part X and to avoid repeating provisions that are already present in other sections of the instrument.

Several replies requested the Office to provide examples of ILO action and support in crisis response, including with respect to refugee situations. In view of space limitations for this report, the Office refers Members to the examples provided in the previous reports prepared for the Conference on this item as well as to additional information that can be found on the ILO public website.³¹

From the analysis of the replies, a clear consensus pointed towards a merging of the bracketed and the alternative text, drawing on: (1) the discussions of the Tripartite Technical Meeting and its outcome – the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market;³² (2) the discussion at, and the decision of, the 328th Session of the ILO Governing Body,³³ which approved the publication and dissemination of these non-binding Guiding principles, while taking note of the concerns of States hosting large numbers of refugees; (3) the New York Declaration for Refugees and Migrants adopted by the UN General Assembly at its 71st session in September 2016.³⁴

³¹ See: <http://www.ilo.org/employment> and see, for example, “Employment through labour intensive infrastructure in Jordan”.

³² ILO: *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market*, Geneva, 2016.

³³ ILO: *Third Supplementary Report: Outcome of the Tripartite Technical Meeting on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market*, GB.328/INS/17/3(Rev.), op. cit.

³⁴ New York Declaration for Refugees and Migrants, [UN General Assembly doc. A/RES/71/1](#), 2016.

Based on the above, the Office has formulated in the proposed Recommendation a new text for Part X, entitled “Refugees and returnees”, which includes two sections: one on Refugee access to labour markets (Paragraphs 25–30) and the other on Voluntary repatriation and reintegration of returnees (Paragraphs 31–33). In proposing this new text for discussion at the 106th Session of the Conference, the Office has been guided by the considerations mentioned above as well as by the comments received referring to, and improving upon, specific provisions of the bracketed and/or the alternative text.

Additional explanations on some Paragraphs of the new text are provided below.

As called for in numerous replies, the Office has, to the best of its ability, proposed a new concise text for Part X, reflecting and reconciling views expressed by all parties, with a view to facilitating consensus during the second and final discussion. For this purpose, the Office will also avail itself of informal briefings and consultations on this and other Parts of the instrument, prior to the discussion at the 106th Session of the Conference.

Paragraph 25

This introductory Paragraph draws on the chapeau of Paragraph 24 of the bracketed text, Paragraphs 24 and 33 of the alternative text and the Governing Body decision. It addresses an important point, raised in all discussions on refugees, about differing regional and national circumstances and capacities to respond, in particular in developing countries hosting a large number of refugees. In this respect, the importance of shared responsibility and international solidarity has been clearly mentioned in all the above texts including, most recently, in the New York Declaration for Refugees and Migrants. It should be clarified that the term “refugees” is used here in accordance with the 1951 UN Convention Relating to the Status of Refugees, as specified in the majority of replies received. Some suggested also including asylum seekers and several others suggested broadening the scope to include “other forcibly displaced people”, as provided for in the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market. However, since this term was neither used in the bracketed text, nor considered during the first discussion, and there was no clear consensus on this point in the replies, and taking into account the lack of an agreed and clear definition of the term “other forcibly displaced people”, the matter is referred for the consideration of the 106th Session of the Conference.

Paragraph 26

This Paragraph is divided into two clauses. Clause (a) draws on the notion of self-reliance for refugees with respect to livelihoods and labour markets, as expressed in the New York Declaration for Refugees and Migrants (paragraph 13(b)). Clause (b) responds to comments drawing more deeply on the governance frameworks in the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market (paragraphs 12 and 13).

Paragraphs 28 and 29

In response to the majority view to shorten Part X and not to repeat the guidance provided in earlier sections of the instrument, the Office has included a reference to relevant Parts and has only emphasized specific points that more particularly concern refugees.

Paragraph 31

This Paragraph reproduces Paragraph 27 of the bracketed text, with an additional reference to the voluntary nature of the return of refugees in conditions of safety and dignity, emphasized in the New York Declaration for Refugees and Migrants.

Paragraphs 32 and 33

These Paragraphs respond to comments underscoring the need for increased collaboration among Members, the assistance of international organizations, and development assistance to support the labour market integration of returnees, the development of local communities and the establishment of the conditions necessary for the sustainable return and reintegration of returnees.

XI. PREVENTION, MITIGATION AND PREPAREDNESS

Paragraph 34

Governments

Colombia. The expression “risk management” in clause (b) includes what is described in clauses (a) and (c).

Islamic Republic of Iran. For the purpose of risk management, it is vital to consider the identification of risks as this is a prerequisite for the evaluation phase.

Employers

CIP (Portugal). Prevention is an effective way to avoid situations of crisis and conflict.

Workers

CTC (Comoros). Among the measures for prevention, mitigation and preparedness, include the establishment of an observatory for the prevention and management of post-conflict risks.

CTM (Argentina), CNTSS/CUT (Brazil), GRNMA (Ghana), UKCS (Kenya), SUTGCDMX (Mexico), NASU (Nigeria), NULGE (Nigeria), SEIU (United States), SITUN (Costa Rica). Recognize more explicitly the role of the public sector (national, regional, local) in this crucial area.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the Paragraph in the following manner:

- ❑ in the chapeau, the term “concerned groups” has been replaced with “stakeholders” for greater clarity;
- ❑ in clause (a), risk identification is explicitly recognized as a necessary action for the evaluation of threats and vulnerabilities.

XII. INTERNATIONAL COOPERATION

Paragraph 35

Governments

Cuba. After “Members should”, insert “also give greater weight to international cooperation and”.

Indonesia. International assistance and cooperation should respect the sovereignty and prevailing laws and regulations of the country concerned.

Mexico. Emphasize the importance of South–South and triangular cooperation as a modality of international cooperation for development. These actions allow an effective exchange of knowledge, infrastructure and technology for capacity building and the promotion of decent work.

g7+. Include a specific reference to Fragile-to-Fragile cooperation, which allows countries in fragile situations to share experiences and learn from each other.

OFFICE COMMENTARY

In the light of the replies, the Office has made explicit the need to strengthen cooperation among Members, which implicitly includes all forms of cooperation. In addition, the phrase “other international and regional mechanisms” has been inverted to improve the logical flow.

Paragraph 36

Governments

Afghanistan. The national appropriateness of the response mechanism should also be considered here so interventions do not lead to unintended tensions with, or opposition from, local actors or communities.

Mexico. Emphasize the importance of creating partnerships in the field of international development cooperation with local governments, international organizations, the private sector and civil society.

Netherlands. After “central focus on” insert “livelihoods and income generation”.

United States. Delete “sustainable enterprises” so that the text is consistent with the title of this Recommendation. Change “coherent” to “consistent”.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the text by replacing the word “coherent” with “consistent” and has reordered the sentence in line with Paragraph 35. The Office notes that the concepts of “livelihoods and income generation” are covered under “employment” and “decent work”.

Paragraph 37

OFFICE COMMENTARY

This new Paragraph, in the light of numerous replies, emphasizes the importance of sustained development assistance and private-sector investment for crisis response and recovery, as this aspect was not adequately reflected in this Part.

Paragraph 38

Governments

New Zealand. Agreed in principle, but this Recommendation is aimed at ILO member States; it cannot apply to other international organizations in a normative way.

Switzerland. Link the Paragraph more directly with member States’ responsibilities, or delete it.

OFFICE COMMENTARY

Many replies emphasized the need for synergies and cooperation among international organizations, avoiding the duplication of mandates. This provision should be understood as member States guiding the work of international organizations in this respect.

Paragraph 39**Governments**

New Zealand. Delete, as it relates to the role of the ILO and provides no guidance to its member States.

Switzerland. Link the Paragraph more directly with member States' responsibilities, or delete it.

Employers

BusinessNZ (New Zealand). Delete, as it does not add any value to the Recommendation.

OFFICE COMMENTARY

In the light of the replies, the Office has amended the sentence into active guidance. This is in line with other instruments acknowledging the role of the ILO.³⁵ The text has been edited to delete the reference to local constituents, as it was redundant, and to invert the order in the phrase "other international and regional institutions".

Paragraph 40**Governments**

Cuba. Replace "systematically exchange" with "strengthen international cooperation also through the systematic exchange of".

OFFICE COMMENTARY

The Office has slightly amended the provision.

Paragraph 41**Governments**

United States. Change "including through" to "for" in order to stress that the goal of coordination should be the generation of decent work.

OFFICE COMMENTARY

In the light of the replies and for the sake of accuracy, the Office has reformulated the last part of the sentence.

³⁵ See, for example, the [Promotional Framework for Occupational Safety and Health Recommendation, 2006 \(No. 197\)](#), Paragraph 15.

XIII. OTHER PROVISIONS

Paragraph 42

Governments

South Africa. The addition of new text should be bracketed for discussion by the Committee at the 106th Session of the Conference.

OFFICE COMMENTARY

The new text added under Part XIII is a standard Paragraph that does not affect the substance of the proposed Recommendation.

ANNEX

Governments

Cuba. Under UN instruments and documents, add UN General Assembly Resolution 46/182.

Finland. Under UN instruments and documents, include the 2030 Agenda and the Outcome document of the UN High-level Meeting on Addressing Large Movements of Refugees and Migrants.

South Africa, United Republic of Tanzania. The deletion of the word “and documents” is accepted.

Spain. Delete references to international Conventions or instruments not ratified by Spain.

United States. Resolutions are not instruments. Reorganize the list so that Conventions and Recommendations are distinct from other documents.

Workers

CNUS, CASC, CNTD (Dominican Republic). Add the Safety and Health in Construction Convention, 1988 (No. 167).

OFFICE COMMENTARY

For the sake of consistency and in order not to lengthen the Annex further, the Office has added the following:

- ❑ the accompanying Recommendations of the fundamental Conventions;
- ❑ the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market and the New York Declaration for Refugees and Migrants, in view of their pertinence to the proposed revision of Part X.

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