

# SUBMISSION REPORT ON ILO INSTRUMENTS: EMPLOYMENT AND DECENT WORK FOR PEACE AND RESILIENCE RECOMMENDATION, 2017 (No. 205)

## Introduction

1. In accordance with Article 19 of the International Labour Organization's (ILO) Constitution, member States are required to submit the texts of newly adopted instruments to their 'competent authority', and subsequently to report to the ILO on proposed action with respect to the new instruments. In Australia the competent authority is the Parliament of the Commonwealth of Australia. Tabling the instrument discharges Australia's obligations under Article 19.
2. ILO instruments usually take the form of Conventions or Protocols, which create binding legal obligations if ratified by a member State. They can also take the form of Recommendations, which are not open to ratification but serve to provide guidance to ILO members in the development of national policy, legislation and practice.

## Adoption of the Recommendation

3. In accordance with usual practice for the development of a Recommendation, the Department of Jobs and Small Business sought comments from relevant Commonwealth authorities, state and territory governments, the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions during the development of the text of the *Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)* (the Recommendation), prior to and during the 2017 International Labour Conference (ILC), and after the instrument was adopted.
4. On 16 June 2017, the 106<sup>th</sup> Session of the International Labour Conference adopted the Recommendation. The Australian Government, worker and employer delegates to the June 2017 ILC all voted in favour of the adoption of the Recommendation.
5. The Recommendation revises and replaces a 1944 Recommendation on the same topic. The new Recommendation provides up-to-date guidance for ILO members on the measures to be taken to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters. In developing such measures, member States are encouraged to pay particular attention to groups made vulnerable by a crisis including children, minorities, indigenous peoples, persons with disabilities, migrants and refugees.
6. The Australian Government considers the Recommendation to be flexible enough to accommodate and remain sensitive to the divergent needs, priorities, financial and institutional capacities of each Member State.
7. The text of the Recommendation also draws on principles expressed in the New York Declaration on Refugees and Migrants and, where appropriate, uses language that is consistent with other United Nations instruments and documents.
8. The full text of the Recommendation is at **Attachment A** of this submission.

## **Australian law and practice with respect to the new Recommendation**

9. Australia has a comprehensive suite of frameworks and institutions directed at preventing, mitigating and responding to crisis situations and therefore already meets the broad objectives of the Recommendation. The objectives of the Recommendation are generally consistent with Australian law and practice, noting that some of the guidance is not applicable to Australia's circumstances. In addition, the Recommendation explicitly recognises that there will be considerable flexibility at the national level as to what action, if any, is taken by ILO member States, having regard to their national circumstances. The Australian Government has primary responsibility for giving effect to the matters addressed in the Recommendation, with the exception of disaster prevention and response which is primarily managed by states and territories.
10. An illustration of how current law and practice already gives effect to the intent of the Recommendation is Australia's active labour market programs with a focus on disadvantaged and marginalised groups. This includes tailored support to job seekers, including eligible migrants and refugees. The Government has also enacted strong domestic legislative protections that apply to all workers.

## **Action proposed to be taken**

11. As ILO Recommendations are non-binding and without prejudice to Australia's rights and obligations under international law, no further formal domestic action is required. The Recommendation provides guidance in the development of national policy, legislation and practice.

## ATTACHMENT A

### EMPLOYMENT AND DECENT WORK FOR PEACE AND RESILIENCE RECOMMENDATION, 2017 (No. 205)

#### Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 106th Session on 5 June 2017, and

Reaffirming the principle in the Constitution of the International Labour Organisation (ILO) that universal and lasting peace can be established only if it is based upon social justice, and

Recalling the Declaration of Philadelphia (1944), the Universal Declaration of Human Rights (1948), the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Taking into account the need to revise the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), with a view to broadening its scope and providing up-to-date guidance on the role of employment and decent work in prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters, and

Considering the impact and consequences of conflicts and disasters for poverty and development, human rights and dignity, decent work and sustainable enterprises, and

Recognizing the importance of employment and decent work for promoting peace, preventing crisis situations arising from conflicts and disasters, enabling recovery and building resilience, and

Recognizing that the countries receiving refugees may not be in situations of conflicts and disasters, and

Emphasizing the need to ensure respect for all human rights and the rule of law, including respect for fundamental principles and rights at work and for international labour standards, in particular those rights and principles relevant to employment and decent work, and

Considering the need to recognize that crises affect women and men differently, and the critical importance of gender equality and the empowerment of women and girls in promoting peace, preventing crises, enabling recovery and building resilience, and

Recognizing the importance of developing responses, through social dialogue, to crisis situations arising from conflicts and disasters, in consultation with the most representative employers' and workers' organizations and, as appropriate, with relevant civil society organizations, and

Noting the importance of creating or restoring an enabling environment for sustainable enterprises, taking into account the resolution and Conclusions concerning the promotion of sustainable enterprises adopted by the International Labour Conference at its 96th Session (2007), and in particular for small and medium-sized enterprises, to stimulate employment generation, economic recovery and development, and

Affirming the need to develop and strengthen measures of social protection, as a means of preventing crises, enabling recovery and building resilience, and

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

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

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

Having determined that these proposals shall take the form of a Recommendation,

Adopts this sixteenth day of June of the year two thousand and seventeen the following Recommendation, which may be cited as the Employment and Decent Work for Peace and Resilience Recommendation, 2017:

## **I. Objectives and scope**

1. This Recommendation provides guidance to Members on the measures to be taken to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters.
2. For the purposes of this Recommendation and based upon internationally agreed terminology:
  - a. the term “disaster” means a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts; and
  - b. the term “resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management.
3. For the purposes of this Recommendation, the term “crisis response” refers to all measures on employment and decent work taken in response to crisis situations arising from conflicts and disasters.
4. This Recommendation applies to all workers and jobseekers, and to all employers, in all sectors of the economy affected by crisis situations arising from conflicts and disasters.
5. The references in this Recommendation to fundamental principles and rights at work, to safety and health and to working conditions apply also to workers engaged in crisis response, including in the immediate response. The references in this Recommendation to

human rights and to safety and health apply equally to persons in volunteer work participating in crisis response.

6. The provisions of this Recommendation are without prejudice to the rights and obligations of Members under international law, in particular international humanitarian law, international refugee law and international human rights law.

## II. Guiding principles

7. In taking measures on employment and decent work in response to crisis situations arising from conflicts and disasters, and with a view to prevention, Members should take into account the following:
  - a. the promotion of full, productive, freely chosen employment and decent work which are vital to promoting peace, preventing crises, enabling recovery and building resilience;
  - b. the need to respect, promote and realize the fundamental principles and rights at work, other human rights and other relevant international labour standards, and to take into account other international instruments and documents, as appropriate and applicable;
  - c. the importance of good governance and combating corruption and clientelism;
  - d. the need to respect national laws and policies and use local knowledge, capacity and resources;
  - e. the nature of the crisis and the extent of its impact on the capacity of governments, including regional and local government, employers' and workers' organizations, and other national and relevant institutions, to provide effective responses, with the necessary international cooperation and assistance, as required;
  - f. the need to combat discrimination, prejudice and hatred on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, disability, age or sexual orientation or any other grounds;
  - g. the need to respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind;
  - h. the need to pay special attention to population groups and individuals who have been made particularly vulnerable by the crisis, including, but not limited to, children, young persons, persons belonging to minorities, indigenous and tribal peoples, persons with disabilities, internally displaced persons, migrants, refugees and other persons forcibly displaced across borders;
  - i. the importance of identifying and monitoring any negative and unintended consequences and avoiding harmful spillover effects on individuals, communities, the environment and the economy;
  - j. the need for a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress;
  - k. the importance of social dialogue;
  - l. the importance of national reconciliation, where applicable;
  - m. the need for international solidarity, burden- and responsibility-sharing and cooperation in accordance with international law; and
  - n. the need for close coordination and synergies between humanitarian and development assistance, including for the promotion of full, productive, freely

chosen employment and decent work and income generation opportunities, avoiding the duplication of efforts and mandates.

### III. Strategic approaches

8. Members should adopt a phased multi-track approach implementing coherent and comprehensive strategies for promoting peace, preventing crises, enabling recovery and building resilience that include:
  - a. stabilizing livelihoods and income through immediate social protection and employment measures;
  - b. promoting local economic recovery for employment and decent work opportunities and socio-economic reintegration;
  - c. promoting sustainable employment and decent work, social protection and social inclusion, sustainable development, the creation of sustainable enterprises, in particular small and medium-sized enterprises, the transition from the informal to the formal economy, a just transition towards an environmentally sustainable economy and access to public services;
  - d. ensuring consultation and encouraging active participation of employers' and workers' organizations in planning, implementing and monitoring measures for recovery and resilience, taking into account, as appropriate, the views of the relevant civil society organizations;
  - e. conducting employment impact assessments of national recovery programmes implemented through public and private investment in order to promote full, productive, freely chosen employment and decent work for all women and men, in particular for young persons and persons with disabilities;
  - f. providing guidance and support to employers to enable them to take effective measures to identify, prevent, mitigate and account for how they address the risks of adverse impacts on human and labour rights in their operations, or in products, services or operations to which they may be directly linked;
  - g. applying a gender perspective in all crisis prevention and response design, implementation, monitoring and evaluation activities;
  - h. creating economic, social and legal frameworks at the national level to encourage lasting and sustainable peace and development, while respecting rights at work;
  - i. promoting social dialogue and collective bargaining;
  - j. building or restoring labour market institutions, including employment services, for stabilization and recovery;
  - k. developing the capacity of governments, including regional and local authorities, and of employers' and workers' organizations; and
  - l. taking measures, as appropriate, for the socio-economic reintegration of persons who have been affected by a crisis, in particular those formerly associated with armed forces and groups, including through training programmes that aim to improve their employability.
9. Crisis response in the immediate aftermath of a conflict or disaster should include, as appropriate:
  - a. a coordinated and inclusive needs assessment with a clear gender perspective;

- b. an urgent response to satisfy basic needs and provide services, including social protection, support to livelihoods, immediate employment measures and income-generation opportunities for population groups and individuals who have been made particularly vulnerable by the crisis;
- c. assistance, provided to the extent possible by public authorities with the support of the international community, engaging social partners and, where appropriate, relevant civil society and community-based organizations;
- d. safe and decent working conditions, including the provision of personal protective equipment and medical assistance for all workers, including those engaged in rescue and rehabilitation activities; and
- e. the re-establishment, whenever necessary, of government institutions and of employers' and workers' organizations, as well as of relevant civil society organizations.

#### **IV. Employment and income-generation opportunities**

- 10. In enabling recovery and building resilience, Members should adopt and implement a comprehensive and sustainable employment strategy to promote full, productive, freely chosen employment and decent work for women and men, taking into account the Employment Policy Convention, 1964 (No. 122), and guidance provided in relevant resolutions of the International Labour Conference.
- 11. Members should, in consultation with the most representative employers' and workers' organizations, adopt inclusive measures in order to promote full, productive, freely chosen employment and decent work and income-generation opportunities through, as appropriate:
  - a. employment-intensive investment strategies and programmes, including public employment programmes;
  - b. local economic recovery and development initiatives, with a special focus on livelihoods in both rural and urban areas;
  - c. the creation or restoration of an enabling environment for sustainable enterprises, including the promotion of small and medium-sized enterprises as well as of cooperatives and other social economy initiatives, with particular emphasis on initiatives to facilitate access to finance;
  - d. supporting sustainable enterprises to ensure business continuity in order to maintain and expand the level of employment and enable the creation of new jobs and income-generation opportunities;
  - e. facilitating a just transition towards an environmentally sustainable economy as a means for sustainable economic growth and social progress, and for creating new jobs and income-generation opportunities;
  - f. supporting social protection and employment and respecting, promoting and realizing the fundamental principles and rights at work of those in the informal economy and encouraging the transition of workers and economic units in the informal economy to the formal economy, taking into account the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
  - g. supporting the public sector and promoting socially, economically and environmentally responsible public-private partnerships and other mechanisms for skills and capacity development and employment generation;

- h. creating incentives for multinational enterprises to cooperate with national enterprises in order to create productive, freely chosen employment and decent work and to undertake human rights due diligence with a view to ensuring respect for human and labour rights, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; and
  - i. facilitating the employment of persons formerly associated with armed forces and groups, as appropriate.
12. Members should develop and apply active labour market policies and programmes with a particular focus on disadvantaged and marginalized groups and population groups and individuals who have been made particularly vulnerable by a crisis, including, but not limited to, persons with disabilities, internally displaced persons, migrants and refugees, as appropriate and in accordance with national laws and regulations.
13. In responding to crisis situations, Members should seek to provide income-generation opportunities, stable employment and decent work for young women and men, including through:
- a. integrated training, employment and labour market programmes that address the specific situations of young persons entering the world of work; and
  - b. specific youth employment components in disarmament, demobilization and reintegration programmes that incorporate psychosocial counselling and other interventions to address anti-social behaviour and violence, with a view to reintegration into civilian life.
14. In the event of a crisis resulting in large numbers of internally displaced persons, Members should:
- a. support the livelihoods, training and employment of internally displaced persons, with a view to promoting their socio-economic and labour market integration;
  - b. build resilience and strengthen the capacity of host communities to promote decent employment opportunities for all, with a view to ensuring that the livelihoods and employment of local populations are maintained and their ability to host internally displaced persons is strengthened; and
  - c. facilitate the voluntary return of internally displaced persons to their places of origin and their reintegration into labour markets when the situation allows it.

#### **V. Rights, equality and non-discrimination**

15. In responding to discrimination arising from or exacerbated by conflicts or disasters and when taking measures for promoting peace, preventing crises, enabling recovery and building resilience, Members should:
- a. respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind, taking into account the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958;
  - b. pay special attention to single-headed households, in particular when they are headed by children, women, persons with disabilities or elderly persons;
  - c. take measures to ensure that women who have been employed during a crisis and have assumed expanded responsibilities are not replaced against their will when the male workforce returns;

- d. take measures to ensure that women are empowered to effectively and meaningfully participate in decision-making processes in the context of recovery and building resilience, and that their needs and interests are prioritized in strategies and responses, and that the human rights of women and girls are promoted and protected;
- e. prevent and punish all forms of gender-based violence, including rape, sexual exploitation and harassment, and protect and support victims;
- f. pay particular attention to establishing or restoring conditions of stability and socio-economic development for population groups that have been particularly affected by a crisis, including, but not limited to, persons belonging to minorities, indigenous and tribal peoples, internally displaced persons, persons with disabilities, migrants and refugees, taking into account the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, as well as other relevant international labour standards and other international instruments and documents, as applicable;
- g. ensure that persons belonging to minorities concerned, and indigenous and tribal peoples are consulted, in particular through their representative institutions, where they exist, and participate directly in the decision-making process, especially if the territories inhabited or used by indigenous and tribal peoples and their environment are affected by a crisis and related recovery and stability measures;
- h. ensure, in consultation with employers' and workers' organizations, that persons with disabilities, including those who acquired a disability as a result of conflict or disaster, are provided with opportunities for rehabilitation, education, specialized vocational guidance, training and retraining, and employment, taking into account relevant international labour standards and other international instruments and documents; and
- i. ensure that the human rights of all migrants and members of their families staying in a country affected by a crisis are respected on a basis of equality with those of national populations, taking into account relevant national provisions, as well as relevant international labour standards and other international instruments and documents, as applicable.

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

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

17. In combating forced or compulsory labour arising from or exacerbated by conflicts or disasters, Members should take urgent action to prevent, identify and eliminate all forms of

forced or compulsory labour, including trafficking in persons for purposes of forced or compulsory labour, taking into account the Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014, the Abolition of Forced Labour Convention, 1957 (No. 105), and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203).

## **VI. Education, vocational training and guidance**

18. In preventing and responding to crisis situations, and on the basis of the principle of equal opportunity and treatment for women and men, girls and boys, Members should ensure that:
  - a. the provision of education is not disrupted, or is restored as quickly as possible, and that children, including those who are internally displaced, migrants or refugees, have access to free, quality, public education, including with the support of international aid, in accordance with relevant international law and without discrimination of any kind at all stages of crisis and recovery; and
  - b. second chance programmes for children and young persons are available and address key needs arising from any interruption of their education and training.
19. In preventing and responding to crisis situations, Members should, where appropriate:
  - a. formulate or adapt a national education, training, retraining and vocational guidance programme that assesses and responds to emerging skills needs for recovery and reconstruction, in consultation with education and training institutions and employers' and workers' organizations, engaging fully all relevant public and private stakeholders;
  - b. adapt curricula and train teachers and instructors to promote:
    - i. peaceful coexistence and reconciliation for peacebuilding and resilience; and
    - ii. disaster risk education, reduction, awareness and management for recovery, reconstruction and resilience;
  - c. coordinate education, training and retraining services at national, regional and local levels, including higher education, apprenticeship, vocational training and entrepreneurship training, and enable women and men whose education and training have been prevented or interrupted to enter or resume and complete their education and training;
  - d. extend and adapt training and retraining programmes to meet the needs of all persons whose employment has been interrupted; and
  - e. give special attention to the training and economic empowerment of affected populations, including in rural areas and in the informal economy.
20. Members should ensure that women and girls have access, on the basis of equal opportunity and treatment, to all education and training programmes developed for recovery and resilience.

## **VII. Social protection**

21. In responding to crisis situations, Members should, as quickly as possible:
  - a. seek to ensure basic income security, in particular for persons whose jobs or livelihoods have been disrupted by the crisis;

- b. develop, restore or enhance comprehensive social security schemes and other social protection mechanisms, taking into account national legislation and international agreements; and
  - c. seek to ensure effective access to essential health care and other basic social services, in particular for population groups and individuals who have been made particularly vulnerable by the crisis.
22. In order to prevent crises, enable recovery and build resilience, Members should establish, re-establish or maintain social protection floors, as well as seek to close the gaps in their coverage, taking into account the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Social Protection Floors Recommendation, 2012 (No. 202), and other relevant international labour standards.

### **VIII. Labour law, labour administration and labour market information**

23. In recovering from crisis situations, Members should, in consultation with the most representative employers' and workers' organizations:
- a. review, establish, re-establish or reinforce labour legislation, if necessary, including provisions on labour protection and occupational safety and health at work, consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) and applicable international labour standards;
  - b. ensure that labour laws support the generation of productive, freely chosen employment and decent work opportunities;
  - c. establish, re-establish or reinforce, as necessary, the system of labour administration, including labour inspection and other competent institutions, taking into account the Labour Inspection Convention, 1947 (No. 81), as well as the system of collective bargaining and collective agreements, taking into account the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
  - d. establish, restore or enhance, as necessary, systems for the collection and analysis of labour market information, focusing in particular on population groups most affected by the crisis;
  - e. establish or restore and strengthen public employment services, including emergency employment services;
  - f. ensure the regulation of private employment agencies, taking into account the Private Employment Agencies Convention, 1997 (No. 181); and
  - g. promote synergies among all labour market actors to enable local populations to obtain the maximum benefit from employment opportunities generated by investments related to the promotion of peace and recovery.

### **IX. Social dialogue and role of employers' and workers' organizations**

24. In responding to crisis situations, Members should, in consultation with the most representative employers' and workers' organizations:
- a. ensure that all measures provided for in this Recommendation are developed or promoted through gender-inclusive social dialogue, taking into account the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);
  - b. create an enabling environment for the establishment, restoration or strengthening of employers' and workers' organizations; and
  - c. encourage, where appropriate, close cooperation with civil society organizations.

25. Members should recognize the vital role of employers' and workers' organizations in crisis response, taking into account the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and in particular:
- a. assist sustainable enterprises, particularly small and medium-sized enterprises, to undertake business continuity planning to recover from crises by means of training, advice and material support, and facilitate access to finance;
  - b. assist workers, in particular those who have been made vulnerable by the crisis, to recover from the crisis through training, advice and material support; and
  - c. take measures for these purposes through the collective bargaining process as well as by other methods of social dialogue.

#### **X. Migrants affected by crisis situations**

26. Taking into account that special attention should be given to migrants, especially migrant workers, who have been made particularly vulnerable by crisis, Members should take measures, in accordance with national law and applicable international law, to:
- a. eliminate forced or compulsory labour, including trafficking in persons;
  - b. promote, as appropriate, the inclusion of migrants in host societies, through access to labour markets, including entrepreneurship and income-generation opportunities, and through decent work;
  - c. protect and seek to ensure labour rights and a safe environment for migrant workers, including those in precarious employment, women migrant workers, youth migrant workers and migrant workers with disabilities, in all sectors;
  - d. give due consideration to migrant workers and their families in shaping labour policies and programmes dealing with responses to conflicts and disasters, as appropriate; and
  - e. facilitate the voluntary return of migrants and their families in conditions of safety and dignity.
27. Consistent with the guidance provided in Parts V, VIII and IX, Members should promote equality of opportunity and treatment for all migrant workers with regard to fundamental principles and rights at work, and coverage under relevant national labour laws and regulations, and in particular:
- a. educate migrants about their labour rights and protections, including by providing information on the rights and obligations of workers and the means of redress for violations, in a language they understand;
  - b. enable the participation of migrants in representative organizations of employers and workers;
  - c. adopt measures and facilitate campaigns that combat discrimination and xenophobia in the workplace and highlight the positive contributions of migrants, with the active engagement of employers' and workers' organizations and of civil society; and
  - d. consult and engage employers' and workers' organizations and, as appropriate, other relevant civil society organizations, with respect to employment of migrants.

## XI. Refugees and returnees

### REFUGEE ACCESS TO LABOUR MARKETS

28. Any measures taken under this Part, in the event of refugee influx, are contingent on:
  - a. national and regional circumstances, taking into account applicable international law, fundamental principles and rights at work and national legislation; and
  - b. Members' challenges and constraints in terms of their resources and capacity to respond effectively, taking into account needs as well as priorities expressed by the most representative organizations of employers and workers.
29. Members should acknowledge the vital importance of equitable burden- and responsibility-sharing. They should reinforce international cooperation and solidarity so as to provide predictable, sustainable and adequate humanitarian and development assistance to support the least developed and developing countries hosting large numbers of refugees, including in terms of addressing the implications for their labour markets and ensuring their continued development.
30. Members should take measures, as appropriate, to:
  - a. foster self-reliance by expanding opportunities for refugees to access livelihood opportunities and labour markets, without discriminating among refugees and in a manner which also supports host communities; and
  - b. formulate national policy and national action plans, involving competent authorities responsible for employment and labour and in consultation with employers' and workers' organizations, to ensure the protection of refugees in the labour market, including with regard to access to decent work and livelihood opportunities.
31. Members should collect reliable information to assess the impact of refugees on labour markets and the needs of the existing labour force and of employers, in order to optimize the use of skills and human capital that refugees represent.
32. Members should build the resilience and strengthen the capacity of host communities by investing in local economies and promoting full, productive, freely chosen employment and decent work, and skills development of the local population.
33. Consistent with the guidance provided in Parts IV, VI and VII, Members should include refugees in the actions taken with respect to employment, training and labour market access, as appropriate, and in particular:
  - a. promote their access to technical and vocational training, in particular through ILO and relevant stakeholder programmes, in order to enhance their skills and enable them to undergo further retraining, taking into account possible voluntary repatriation;
  - b. promote their access to formal job opportunities, income-generation schemes and entrepreneurship, by providing vocational training and guidance, job placement assistance, and access to work permits, as appropriate, thereby preventing informalization of labour markets in host communities;
  - c. facilitate the recognition, certification, accreditation and use of skills and qualifications of refugees through appropriate mechanisms, and provide access to tailored training and retraining opportunities, including intensive language training;

- d. enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies, to support the access of refugees to the labour market;
  - e. make specific efforts to support the inclusion in labour markets of refugee women, young persons and others who are in a situation of vulnerability; and
  - f. facilitate, as appropriate, the portability of work-related and social security benefit entitlements, including pensions, in accordance with the national provisions of the host country.
34. Consistent with the guidance provided in Parts V, VIII and IX, Members should promote equality of opportunity and treatment for refugees with regard to fundamental principles and rights at work and coverage under relevant labour laws and regulations, and in particular:
- a. educate refugees about their labour rights and protections, including by providing information on the rights and obligations of workers and the means of redress for violations, in a language they understand;
  - b. enable the participation of refugees in representative organizations of employers and workers; and
  - c. adopt appropriate measures, including legislative measures and campaigns, that combat discrimination and xenophobia in the workplace and highlight the positive contributions of refugees, with the active engagement of employers' and workers' organizations and of civil society.
35. Members should consult and engage employers' and workers' organizations and other relevant stakeholders with respect to the access of refugees to labour markets.
36. Members should support host countries to strengthen their capacity and build resilience, including through development assistance, by investing in local communities.

### ***VOLUNTARY REPATRIATION AND REINTEGRATION OF RETURNEES***

37. When the security situation in the country of origin of refugees has improved sufficiently, Members should collaborate to facilitate the voluntary repatriation of refugees in conditions of safety and dignity, and to support their labour market reintegration, including with the assistance of international organizations.
38. Members should collaborate with the ILO and relevant stakeholders to develop specific programmes for returnees to facilitate their vocational training and reintegration in the labour market.
39. Members should collaborate, including with the assistance of relevant international organizations, to support the socio-economic integration of returnees in their countries of origin, through measures set out in Parts IV to IX, as appropriate, in a manner which supports the economic and social development of local populations.
40. Taking into account the principle of burden- and responsibility-sharing, Members should support countries of origin to strengthen their capacity and build resilience, including through development assistance, by investing in local communities in which returnees are reintegrated and by promoting full, productive, freely chosen employment and decent work.

### **XII. Prevention, mitigation and preparedness**

41. Members should take measures, in particular in countries in which there are foreseeable risks of conflict or disaster, to build resilience, in consultation with employers' and workers'

organizations and other stakeholders, to prevent, mitigate and prepare for crises in ways that support economic and social development and decent work, through actions such as:

- a. identification of risks and evaluation of threats to and vulnerabilities of human, physical, economic, environmental, institutional and social capital at local, national and regional levels;
- b. risk management, including contingency planning, early warning, risk reduction and emergency response preparedness; and
- c. prevention and mitigation of adverse effects, including through business continuity management in both the public and the private sector, taking into account the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998).

### **XIII. International cooperation**

42. In preparing for and responding to crisis situations, Members should strengthen cooperation and take appropriate steps through bilateral or multilateral arrangements, including through the United Nations system, international financial institutions and other regional or international mechanisms of coordinated response. Members should make full use of existing arrangements and established institutions and mechanisms and strengthen them, as appropriate.
43. Crisis responses, including support by regional and international organizations, should provide for a central focus on employment, decent work and sustainable enterprises, and should be consistent with applicable international labour standards.
44. Members should cooperate to promote development assistance and public and private sector investment in crisis response for the creation of decent and productive jobs, business development and self-employment.
45. International organizations should reinforce their cooperation and the coherence of their crisis responses within their respective mandates, making full use of relevant international policy frameworks and arrangements.
46. The ILO should play a leading role in assisting Members to provide crisis responses based on employment and decent work and focusing on employment promotion, labour market integration or access, as appropriate, capacity development and institution building, in close cooperation with regional and international institutions.
47. Members should strengthen international cooperation, including through the voluntary and systematic exchange of information, knowledge, good practices and technology for promoting peace, preventing and mitigating crises, enabling recovery and building resilience.
48. There should be close coordination of and complementarity among crisis responses, as appropriate, in particular between humanitarian and development assistance, for the promotion of full, productive, freely chosen employment and decent work for peace and resilience.

### **XIV. Final provision**

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