Explanatory Memorandum on the International Labour Conference
Presentation of the Recommendation concerning Employment and Decent Work
for Peace and Resilience (Recommendation No. 205) adopted at the 106th
Session of the International Labour Conference (2017)

Submitted by the Department for Work and Pensions
15 October 2019

Subject Matter

1. At its 106th Session, in June 2017, the International Labour Conference adopted
a Recommendation relating to Employment and Decent Work for Peace and
Resilience. The full text of the Recommendation is attached to this explanatory
memorandum.

2. International labour standards are instruments drawn up by the constituents
(governments, employers and workers) of the International Labour Organisation
( ILO) and set out basic principles and rights at work. They are either Conventions,
which are legally binding international treaties on member states which ratify them,
or Recommendations, which serve as non-binding guidelines. Once a standard is
adopted, member states are required under the ILO Constitution to submit them to
their competent authority (normally their Parliament) for consideration.

3. The ILO’s Employment and Decent Work for Peace and Resilience
Recommendation No. 205 (the Recommendation) provides guidance to the ILO’s
member States 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.

4. The Recommendation stems from the 2-year process of revision of the
Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) and
offers updated guidance on the role of employment and decent work in response
to conflicts and disasters. It expands the scope of the earlier Recommendation to
include internal conflict and disasters, in addition to international conflicts. It also
broadens the earlier focus on recovery and reconstruction to include measures for
prevention, preparedness and resilience. And it expands the original guidance
concerning employment promotion measures for the transition to peace taking into
account:

- new approaches to promote full, productive and freely chosen employment and
livelihoods opportunities and other elements of the ILO’s Decent Work Agenda that
are especially relevant in crisis contexts, such as rights, social protection and social
dialogue;
- the complexity of the contemporary global context and the multidimensional
nature of crises;
- the experience gained by the ILO and the international community in crisis
response and the new strategies and approaches developed since 1944.

5. The Recommendation acknowledges the diversity of national circumstances and
priorities. A strong gender perspective is embedded in numerous provisions.
Special attention is paid throughout the instrument to population groups that have
been made particularly vulnerable by crisis. This includes, but is not limited to, children, minorities, indigenous and tribal peoples, internally displaced persons, persons with disabilities, migrants and refugees.

6. The first section of the Recommendation includes a preamble that recalls the ILO's foundational and constitutional principles and considers the specific impact of crises on the world of work, sets out the objectives and scope of the Recommendation, and illustrates the principles and strategies that should inspire Members in their responses to crisis.

7. In terms of scope, the Recommendation applies to all workers and jobseekers, and to all employers, in all sectors of the economy directly or indirectly affected by crisis situations. It also concerns workers and volunteers engaged in crisis responses.

8. The 14 guiding principles of the Recommendation recognise the need to promote full, productive, freely chosen employment and decent work, and to respect, promote and realise the fundamental principles and rights at work as well as other human rights and relevant international labour standards. They emphasise the importance of good governance, social dialogue, national reconciliation, and a just transition to an environmentally sustainable economy. They highlight the need to respect national laws and use local knowledge, capacity and resources. They affirm the need to combat discrimination and pay special attention to population groups and individuals who have been made particularly vulnerable by crises. They call for international solidarity, burden- and responsibility-sharing and cooperation, and for close coordination and synergies between humanitarian and development assistance.

9. The Recommendation advises governments to adopt a phased, multi-track approach in implementing crisis response strategies, including emergency/immediate measures, as well as long term measures.

10. The second section contains practical guidance for designing and implementing crisis prevention and response measures in a range of policy areas, while acknowledging the diversity of national circumstances and priorities.

- Part IV on employment and income generation provides guidance on a range of measures for the promotion of full, productive, freely chosen employment, which are vital to promoting peace, preventing crises, enabling recovery and building resilience.
- Part V on rights, equality and non-discrimination, places a strong emphasis on measures responding to discrimination and to combating child labour and forced or compulsory labour arising from or exacerbated by conflicts or disasters.
- Part VI emphasizes the key role played by education and vocational training and guidance in preventing and responding to crises.
- Part VII calls on member States to seek to ensure as quickly as possible basic income security for those whose jobs or livelihoods have been disrupted by crises, and highlights the importance of establishing or maintaining social protection floors.
- Part VIII on labour law, labour administration and labour market information focuses on re-establishing essential labour market institutions.
- Part IX calls on member States to take into account the importance of social dialogue and the role of employers' and workers' organizations in crises responses.
- Part X and Part XI include, respectively, guidance on migrants affected by crises and on refugees and returnees, and aim to promote the labour market access of these population groups in host countries, while fully taking into account a wide range of national circumstances.

11. The third section includes guidance regarding actions to prevent, mitigate and prepare for crises in ways that support economic and social development and decent work (Part XII), and emphasises the need for strengthened international cooperation and for closer coordination and synergies between humanitarian and development initiatives (Part XIII). It calls on the ILO to take a lead on crisis responses centred on employment and decent work.

12. The Recommendation is an important instrument for actors and institutions of the international community engaged in crises responses in the humanitarian and development fields and was welcomed in particular by the United Nations High Commissioner for Refugees.

Ministerial Responsibility

13. The Secretary of State for the Department for Work and Pensions (DWP) has responsibility for the United Kingdom’s (UK) engagement with the International Labour Organisation. This Recommendation covers policy interests of the Department for International Development (DFID) and the Home Office.

Policy considerations

General

14. The Government supports the rights-based development approach of the ILO. The Recommendation will contribute to building the resilience of nations and people caught in fragile and disaster situations and the Government supports these aims.

Financial

15. The Recommendation imposes no costs.

Implementation

16. ILO Recommendations serve as non-binding guidelines, but the UK may be required to provide reports to the International Labour Organisation, from time to time, on the steps it is taking to meet the provisions of the Recommendation.

Consultations
17. The Recommendation was negotiated by a representative of the UK Mission to the UN in Geneva, with briefing and guidance provided by DWP, DfID and the Home Office.

18. Representatives of the Trades Union Congress (TUC) and Confederation of British Industry (CBI) had the opportunity to participate in the negotiation of the Recommendation. DWP consulted officials from the Department for International Development and the Home Office in the formulation of this explanatory memorandum.

19. DWP has notified the Devolved Administrations of this Recommendation.

20. The Ministry of Justice has notified the Crown Dependencies of this Recommendation, although these Territories are not required under the ILO’s Constitution to provide reports on progress made to meeting the provisions of the Recommendation.

21. The Foreign & Commonwealth Office has notified the Overseas Territories of this Recommendation, although these Territories are not required under the ILO’s Constitution to provide reports on progress made to meeting the provisions of the Recommendation.

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