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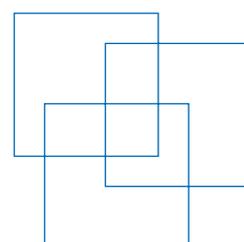
Recommendation No. 205 on Employment and Decent Work for Peace and Resilience: What Role for Trade Unions?

ILO ACTRAV Policy Brief

ACTRAV
Bureau
for Workers'
Activities

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The 1919 ILO Constitution declares that “universal and lasting peace can be established only if it is based upon social justice”

Introduction: the context

This policy brief aims at assisting workers’ organisations in positioning themselves with regard to conflicts and disasters, in particular, with regard to the generation of employment and decent work for the purpose of prevention, recovery, peace, and resilience with respect to crisis situations arising from both conflicts and disasters. As democratic institutions that stabilise societies, workers’ organisations have a particular role to play in such situations. This policy brief provides information and presents strategies for workers organisations’ action in this field. It uses as a framework the [Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#) adopted by the International Labour Conference (ILC) in June 2017.

Recommendation No. 205 is concerned with *crisis situations arising from conflicts and disasters*.¹ Both conflicts and disasters are considered to have commonalities in terms of the impact and consequences on the world of work and beyond.

Highlights of Recommendation No. 205

- Recommendation No. 205 is the only international normative framework providing guidance for building peace and resilience through employment and decent work;
- It reaffirms the ILO’s foundational and constitutional principles and the central role of employment, decent work, and social justice in responding to crises and promoting lasting peace;
- It reaffirms workers’ rights and recalls the necessity of taking into account International Labour Standards;
- Importantly, it gives the ILO a clear mandate and it seeks to give greater coherence and coordination among multiple actors at international, regional, and local levels;
- It gives workers’ organisations a voice and tools to have an impact in the context of conflicts and disasters.

¹ Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), para 1.

Conflicts have a huge impact on societies: pre-conflict and post-conflict situations are likely to be characterised by insecurity, instability, poverty, and inequality. Furthermore, lack of participation or repression of freely chosen representative organisations may be widespread. A conflict or a disaster may have a destructive impact on the institutions necessary for social justice in the world of work, as well as on livelihoods, workplaces, and businesses.² Both conflicts and disasters have therefore a clear impact on the ILO’s area of work and on its constituents.

The Recommendation No. 205 is placed at a crossroads of development, humanitarian, and peacebuilding initiatives at the national, regional, and international levels. In particular, it is linked with the 2030 Agenda for Sustainable Development, through, in particular, Goal 8 (promote employment and decent work), and Goal 16 (promote peaceful societies for sustainable development, justice for all and accountable and inclusive institutions at all level).

Key concepts and definitions

- The term *conflict* has not been defined in Recommendation No. 205 and, in fact, is not defined in any international agreement. For the purpose of Recommendation No. 205 however, it includes “armed conflicts” as well as “non-armed conflicts”.³ “Conflicts” may therefore be interpreted broadly to cover many diverse situations, including situations of violence that destabilise societies and economies.
- *Crisis situations*, as understood in Recommendation No. 205, do not extend to “situations of fragility”.⁴ Moreover, they refer to “conflicts and disasters” only and do not extend to situations of economic or financial crisis⁵ which are dealt with other ILO texts.
- *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

² See generally, ILO, Report V (1), 2016, para. 27.

³ ILO, Provisional Record No.13-2(Rev.) Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings, ILC 2017, paras 144-150.

⁴ ILO, Provisional Record No.13-2(Rev.) Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings, ILC 2017, paras.128-142. This was decided because there is no definition of “situations of fragility”; however, a situation of fragility may lead to an armed or non-armed conflict.

⁵ ILO, Report V (1), 2016, para. 15.

or more of the following: human, material, economic and environmental losses and impacts” (para 2(a)). Disasters may be of a natural or human origin, they may have a sudden onset (hurricane) or a slow onset (draught).

- *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” (para 1(b)).

Conflicts and disasters: numbers and impact

Conflicts and disasters are far from disappearing. As reported by the ILO, “[a]round 1.5 billion people live in countries experiencing situations of fragility and armed violence, and another 200 million people are affected by the slow or sudden onset of disasters”.⁶ Many workers’ organisations thus operate, or have operated, in situations arising from conflicts or disasters and many workers’ organisations have prepared for such situations. Many workers’ organisations should also be prepared for the eventuality of a conflict or a disaster.

Conflicts and disasters may have destructive and costly impacts on societies as a whole, impacting on people’s communities, safety, health, livelihood, jobs, income, and opportunities, for example. This is why workers’ organisations should be involved both in maintaining peace and in managing the aftermath of a conflict or disaster. A conflict or a disaster, or their eventuality, offer opportunities to build societies differently. It is crucial to ensure that employment and decent work are a key aspect and that workers’ organisations take a central role. This process may give trade unions an increased influence in terms of workers’ coverage, voice, participation, and ultimately, impact. However, in order to grasp this opportunity, workers’ organisations should be prepared and be aware of Recommendation No. 205 and the potential it offers.

Recommendation No. 205: how does it differ from Recommendation No. 71?

Recommendation No. 205 replaces Recommendation No. 71 on Employment (Transition from War to Peace), adopted in 1944, at the end of World War II. The revision

of Recommendation No. 71 was discussed several times within the ILO – including in 1998, 2002, and 2012. But it was in 2014 that the decision to go ahead with this revision was finally taken.

Recommendation No. 205 expands on Recommendation No. 71 to include all conflicts, whether international, non-international, armed or not-armed. Recommendation No. 205 also expands on Recommendation No. 71 to address disasters which is particularly important when we consider climate change today.

Recommendation No. 205 goes beyond reconstruction and recovery, which was dealt with in Recommendation No. 71, and focusses also on prevention, preparedness and resilience in order to anticipate and mitigate the impact of crises.

Recommendation No. 71 was meant to address mainly the employment needs of soldiers coming back from the war, prisoners of wars, and people who had been deported during the war. It was limited to international wars. It did not focus on important topics such as the promotion of collective bargaining or social dialogue, equality, child labour or forced labour. It did not deal with issues such as climate change or multinationals.

Furthermore, Recommendation No. 205 expands the original guidance concerning employment promotion measures for the transition from war to peace. For example:

- It takes into account all four pillars of Decent Work (employment, rights, social protection, and social dialogue) as all these elements are relevant in crisis contexts;
- It places the generation of employment and decent work at the centre of prevention, recovery, peace, and preparedness;
- It acknowledges the complexity of the contemporary global context and the multidimensional nature of crises, at the same time, acknowledging the diversity of national circumstances and priorities;
- It has a strong gender perspective which is embedded in numerous provisions;
- It recognises the crucial role of the public sector;
- It recognises the importance of employment-intensive investment;
- Special attention is paid, throughout the instrument, to population groups that have been made particularly

⁶ See, in general, <https://www.ilo.org/global/topics/employment-promotion/recovery-and-reconstruction/lang--en/index.htm>

vulnerable by crisis. This includes, but is not limited to, children, persons belonging to minorities, indigenous and tribal peoples, internally displaced persons, persons with disabilities, migrants and refugees, and other persons forcibly displaced across borders;

- It insists on the need for a just transition towards an environmentally sustainable economy;
- It mentions the need for multinational enterprises to undertake human rights due diligence to ensure respect for human and labour rights;
- Finally, it has a strong social dialogue dimension and it gives a strong role to social partners.

Recommendation No. 205: content

Recommendation No. 205 is quite a long instrument and it is very broad. It covers many topics, as well as all aspects of decent work. Different parts will be relevant to different contexts, realities, and concerns.

Recommendation No. 205 can be divided in 3 sections.

Recommendations and conventions: what is the difference?

Conventions, protocols, and recommendations are International Labour Standards (ILS);

They form part of public international law;

A recommendation is a non-binding instrument whereas a convention or a protocol are binding instruments when ratified;

All ILS give rise to obligations under the ILO Constitution in terms of reporting;

All have been adopted by the ILO tripartite constituents following the same procedure;

Recommendations are an important tool as they recall obligations that might be in conventions or protocols, and they give guidelines;

Recommendations are either self-standing or support a convention or a protocol.

The **first** section, consisting of the preamble, Part I, II, and III, sets out the objectives and scope of the recommendation, and lists the principles and strategies that should inspire Members in their responses to crisis:

- 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 concerns also workers and

persons in volunteer work engaged in crisis response, including in the immediate response (paras 4 and 5).

- It has 14 guiding principles (para 7) which frame the Recommendation. These concern, for example, the need to promote full, productive, freely chosen employment and decent work, and to respect, promote and realize fundamental principles and rights at work as well as other human rights and other international labour standards. The importance of social dialogue and good governance is also recalled.
- It suggests strategic approaches (paras 8 and 9) for (1) promoting peace, preventing crisis, enabling recovery, and building resilience (these include ensuring consultations and encouraging active participation of employers and workers' organisations in planning, implementing and monitoring measures for recovery and resilience; providing support to employers with regards to due diligence; developing the capacity of governments and of workers and employers' organisations); and for (2) crisis response in the immediate aftermath of a conflict or disaster (these include safe and decent working conditions for all workers, and the re-establishment, if necessary, of government institutions and of employers and workers' organisations).

The **second** section provides broad guidance for designing and implementing crisis prevention and response measures in several areas (paras 10-40): the four pillars of decent work (employment, rights, social protection, and social dialogue); education; vocational training and guidance; migrants affected by crises; and, refugees and returnees.

Part IV. Employment and income-generation opportunities (paras 10-14)

Part V. Rights, equality and non-discrimination (paras 15-17)

Part VI. Education, vocational training and guidance (paras 18-20)

Part VII. Social protection (paras 21-22)

Part VIII. Labour law, labour administration and labour market information (para 23)

Part IX. Social dialogue and role of employers' and workers' organisations (paras 24-25)

Part X. Migrants affected by crises (paras 26-27)

Part XI. Refugees and returnees (paras 28-40)

While consultations with the most representative employers' and workers' organisations is foreseen throughout the

text, Part IX in particular, deals with social dialogue and the role of employers' and workers' organisations. Paragraph 24 provides that, in consultation with these organisations, all measures provided for in Recommendation No. 205 should be developed or promoted through gender-inclusive social dialogue, that an enabling environment for the establishment, restoration or strengthening of employers' and workers' organisations should be created, and that close cooperation with civil society organisations should be encouraged.

Paragraph 25 insists on the fact that Members should recognize the vital role of employers' and workers' organisations in crisis response. In particular, collective bargaining process and other methods of social dialogue should be used in order to “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”, and to “assist workers, in particular those who have been made vulnerable by the crisis, to recover from the crisis through training, advice and material support”.

Youth - Recommendation No. 205 mentions young persons who might be particularly affected by a conflict or disaster, young migrants, young refugees, young persons who had their education interrupted, young persons formerly associated with armed forces or groups, the need to provide employment and decent work for young persons. It does not however tackle the need to give young persons a voice. This could however be done through trade union action.

The **third** section offers guidance on (1) prevention, mitigation, and preparedness for crises, in consultation with employers' and workers' organisations (including identification of risks and evaluation of threats, risk management, and preventing and mitigating adverse effects, taking into account in particular the [ILO Multinational Enterprises Declaration](#)) (para 41); and, (2) the need for strengthened international cooperation (paras 42-48). Importantly, Recommendation No. 205 explicitly states that the ILO should play a leading role in providing crisis responses based on employment and decent work (para 46).

In some cases, national labour law is unnecessarily suspended: R205 recalls that “crisis response... should be consistent with applicable [ILS]” (para. 43).

Trade unions and Recommendation No. 205

As the Worker Vice-Chairperson of the Committee on Employment and Decent Work for the Transition to Peace stated in his closing speech, “[t]he best indication of progress and success will be on the ground: when governments and the social partners, with support from the ILO, are able to develop strategies and plans for effective management of sustainable development, crisis recovery and strengthened resilience while respecting and realizing the rights of the world’s workers”⁷.

Recommendation No. 205 gives a clear role to the ILO in matters of employment and decent work in conflicts and disasters, and trade unions need to be at the centre of the ILO’s endeavours in this regard. Recommendation No. 205 does not provide ready-made answers; it provides tools and windows of opportunity for trade union to intervene in the context of conflicts and disasters.

Strengths and opportunities

While challenges are clearly numerous (e.g. trade unions might simply be unable to organise or their activities might be outlawed during/after conflicts), there are many opportunities for action. The following examples may contribute to early warning mechanism and permit trade unions to better respond to a crisis or disaster:

- Trade unions may have a good understanding of the local context;
- Trade unions may have access to parties involved in a dispute or a conflict;
- Trade unions may monitor the implementation of policies and evaluate their success;
- Trade unions may be aware of social issues;



⁷ Report of the Committee on Employment and Decent Work for the Transition to Peace: Submission, discussion and approval, Provisional Record 17, p. 9.

- Trade unions are in a key position to advocate for stronger social dialogue efficient public services; full realisation of ILS; just transitions; business due diligence; employment-intensive investment, for example;
- Trade unions are in a key position to promote issues and values (e.g. transformative gender agenda within and outside the trade union; inclusion of persons with disabilities; expanding the traditional notion of work or workers) which may have spill over effects;
- Trade unions may help tackle the root causes of inequality;
- Trade unions may inspire confidence and trust;
- Trade unions may act as agents of change and a source of solidarity and peace;
- Trade unions may use a conflict or a disaster to strengthen and reposition themselves;
- Trade unions may use a conflict or a disaster to increase their reach and coverage to all people who work.

Examples of trade unions' actions:⁸

In disasters – Unions are quick to intervene:

- In response to the March **2011 Great East Japan Earthquake**, the Japanese Trade Union Confederation (RENGO) immediately established a *Disaster Relief Task Force*, which, for the following six months, carried out support activities involving the collection of disaster relief donations and calls within the RENGO organisation for the supply of relief materials and the dispatch of volunteers (about 35,000 volunteers over six months).
- Following the **2010 earthquake in Haiti**, the International Trade Union Confederation (ITUC) supported and increased immediate assistance provided by its affiliates in the Dominican Republic. This involved sending food, water, and medicines to Port-au-Prince.

In post-conflict situations – Unions are crucial to strengthen democratic mechanisms:

- Capacity-building of weak trade unions was key in Afghanistan to ensure their participation in the labour law reform, in the establishment of dispute mechanisms, in the development of a hazardous sector list, and in the identification of child labour.



In preventing conflicts – Unions make a positive contribution to preventing and resolving armed violent conflicts:

- Because they understand the local context, unions in Guinea played a key role between 2006 and 2008 during a period when there were **widespread strikes and street demonstrations** in the country that resulted in dozens of deaths. These demonstrations and strikes resulted from erosions in purchasing power and a failure to respect the rule of law and democracy. One union contributed by carrying out a diagnosis of the situation through an evaluation of training and skill gaps, to ensure that the solutions proposed to prevent crises took account of the fundamental reasons for the crisis.

⁸ These four examples are taken from: ILO, Report V(1), 2016, paras. 80-82.



Further ILO Resources

Recommendation No. 205

- [Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#)

Reports and proceedings leading to the adoption of Recommendation No. 205

- Report V (1) [Employment and decent work for peace and resilience: Revision of the Employment \(Transition from War to Peace\) Recommendation, 1944 \(No. 71\)](#) (June 2016)
- Reports of the Committee on Employment and Decent Work for the Transition to Peace: 1 Summary of proceedings Provisional Record No.15-2(Rev.) [Reports of the Committee on Employment and Decent Work for the Transition to Peace: 1 Summary of proceedings](#) (June 2016)
- Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings, Provisional Record No.13-2(Rev.) [Reports of the Committee on Employment and Decent Work for the Transition to Peace: Summary of proceedings](#) (June 2017)
- Report of the Committee on Employment and Decent Work for the Transition to Peace: Submission, discussion and approval, Provisional Record No.17 [Twelfth plenary sitting](#) (June 2017) – pp. 1-24

Office follow-up

- [Follow-up to the resolution concerning employment and decent work for peace and resilience , November 2017, GB.331/INS/4/2](#)

ACTRAV publications

- Prevention and resolution of violent and armed conflicts - Training manual for use by trade union organizations (2010) http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_crisis/documents/publication/wcms_202135.pdf
- Employment and Decent Work for Peace and Resilience Recommendation (No. 205) - Workers' Guide (forthcoming, 2018)

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