



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

**Reports of the Committee on Employment and Decent Work for the Transition to Peace: <sup>1</sup> Summary of proceedings**

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<sup>1</sup> The Recommendation and resolution submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 13-1.



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1. The Committee on Employment and Decent Work for the Transition to Peace, established by the International Labour Conference (Conference) at its first sitting on 5 June 2017, was initially composed of 191 members (91 Government members, 26 Employer members and 74 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 74 votes, each Employer member 259 votes and each Worker member 91 votes. The composition of the Committee was modified seven times during the session and the number of votes attributed to each member was adjusted accordingly.<sup>2</sup>
  2. The Committee elected its Officers as follows:

*Chairperson:* Ms L. Hasle (Government member, Norway) at its first sitting

*Vice-Chairpersons:* Ms L. Sephomolo (Employer member, Lesotho) and Mr M. Guiro (Worker member, Senegal) at its first sitting

*Reporter:* Mr C. Luco (Government member, Chile) at its seventh sitting

<sup>2</sup> The modifications were as follows:

- (a) 6 June: 205 members (104 Government members with 75 votes each, 26 Employer members with 300 votes each and 75 Worker members with 104 votes each);
- (b) 7 June: 217 members (108 Government members with 21 votes each, 28 Employer members with 81 votes each and 81 Worker members with 28 votes each);
- (c) 8 June: 151 members (108 Government members with 13 votes each, four Employer members with 351 votes each and 39 Worker members with 36 votes each);
- (d) 9 June: 156 members (110 Government members with 42 votes each, four Employer members with 1,155 votes each and 42 Worker members with 110 votes each);
- (e) 10 June: 140 members (112 Government members with 3 votes each, four Employer members with 84 votes each and 24 Worker members with 14 votes each);
- (f) 13 June: 141 members (113 Government members with 24 votes each, four Employer members with 678 votes each and 24 Worker members with 113 votes each);
- (g) 14 June: 142 members (114 Government members with 4 votes each, four Employer members with 114 votes each and 24 Worker members with 19 votes each).

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3. At its seventh sitting, the Committee appointed a Drafting Committee<sup>3</sup> composed of the following members:

*Government member:* Mr R. Saunders (Australia),  
assisted by Mr D. Diop (Senegal)

*Employer member:* Ms N. Hammer (United States),  
assisted by Mr P. Hiag (Cameroon)

*Worker member:* Mr S. Sintubin (Belgium), assisted by  
Mr S. Benedict (International Trade Union  
Confederation)

4. The Committee had before it Reports V(1), V(2A) and V(2B), entitled *Employment and decent work for peace and resilience*, prepared by the Office for the fifth item on the agenda of the Conference: “Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) – *Standard setting, second discussion*”.
5. The Committee held 19 sittings.

## Introduction

6. The representative of the Secretary-General (Mr G. Vines, Deputy Director-General for Management and Reform of the International Labour Office) welcomed the members of the Committee.
7. Upon her election, the Chairperson emphasized the importance of the current standard-setting discussion not only for International Labour Organization (ILO) constituents but also for all those working on crisis, conflict and/or disaster prevention, preparedness, response and recovery. The revised Recommendation would promote policy coherence around the role of employment and decent work in crisis response. She highlighted that such a major global and contemporary challenge would show the ability of ILO Members to revise and update international labour standards relevant to important and contemporary contexts. The updated Recommendation would assist member States in addressing crisis response not only for recovery and reconstruction but also for prevention and resilience.
8. The Chairperson congratulated the elected Officers of the Committee and expressed her hope that the discussion and work of the Committee would be open, constructive and enthusiastic. She set out the Committee’s mandate and objectives and informed the Committee about the outcome of the informal tripartite consultations that had been held on 4 and 5 May 2017. Their purpose had been to revisit some of the more difficult issues in the draft text of the revised instrument, particularly the bracketed text, with the expectation that it would help facilitate a successful discussion by the Committee. She emphasized the informal nature of

<sup>3</sup> Pursuant to article 59(1) and article 6 of the Standing Orders of the International Labour Conference, a Committee Drafting Committee is tasked to ensure legal consistency of the texts of proposed Conventions and Recommendations and the concordance between the English and French versions, which become the authentic texts of Conventions and Recommendations. It also verifies that the proposed texts reflect the decisions of the Committee and makes changes of an editorial nature to align the texts with ILO terminology and reference style. In addition, the Committee Drafting Committee undertakes any other task referred to it.

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those consultations and that any tentative consensus that had emerged would need to be brought to the Committee by its members through the normal amendment process.

- 9.** The representative of the Secretary-General recalled the importance and relevance of the standard-setting discussion, which touched on a foundational objective of the ILO, namely that there could be no lasting peace unless built on social justice. He recognized that there was growing international consensus on the interlinkage of humanitarian and development assistance as well as on the key role of employment promotion in crisis response. He recalled that the ILO and its constituents had accumulated four decades of experience in dealing with recovery and reconstruction in conflict and disaster responses relating to employment matters. The revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), was a historic opportunity to update guidance on the role of employment and decent work, taking into account the changing context of crises. He recalled that the Recommendation was the only normative instrument that focused on employment and world of work related issues in the context of crisis response. Further, the revision would be welcomed by the international community and those involved in humanitarian and development work. The ILO was fully focused on employment and decent work in crisis response as required by its mandate. He acknowledged that there were other actors, policy issues and areas of work related to crisis response which called for cooperation and coherence. He referred to the active role the ILO had played in crisis response at the country level in the past five years, as well as within the multilateral system, citing various examples.
- 10.** The ILO was engaged also at the multilateral level. It pursued an active role as a member of the United Nations (UN) Senior Leadership Group on Disaster Risk Reduction for Resilience that followed up on the implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030. The ILO was an active member of a new four-agency collaboration involving, in addition to the ILO, the World Bank, the UN Peacebuilding Support Office (PBSO) and the United Nations Development Programme (UNDP), focusing on jobs for peace progress. Under the lead of the ILO, and within the 2016 Global Initiative on Decent Jobs for Youth, a special focus was given to youth in fragile situations. In the context of the revision of the Recommendation, the ILO had been fully engaged with other international organizations, especially the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office for Disaster Risk Reduction (UNISDR), both of which had provided support to the consultations in preparation for the Conference discussion. He reminded the Committee that, in contrast to a Convention, a Recommendation was not subject to ratification and that the Recommendation would provide non-binding guidance to member States and constituents on how best to respond in crisis situations.
- 11.** The deputy representative of the Secretary-General (Ms A. Berar Awad, Director of the Employment Policy Department) outlined the background and consultative preparations since 2015, in accordance with article 39 of the Standing Orders of the Conference, that had led up to the revision of the Recommendation. She highlighted the consensus emerging on the scope of the proposed Recommendation that would address non-international armed conflict as well as disasters, in addition to international conflicts which were the sole focus of Recommendation No. 71. In addition to the central focus on employment, it would also cover other key elements of the Decent Work Agenda; it would also expand its scope to cover prevention, preparedness and resilience as well as recovery and reconstruction. She emphasized that the proposed Recommendation would be relevant to all member States, not just those directly affected by crises. She emphasized that cooperation among Members and international cooperation and solidarity were the backbone of the proposed international instrument. She drew attention to the new terminology on “disaster” and “resilience” that had been developed, based on the work of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, endorsed by UN General Assembly Resolution 71/276.

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- 12.** She highlighted the thematic Parts of the proposed Recommendation. In relation to employment, the updated guidance included comprehensive employment strategies, employment-intensive investment, active labour market policies, local economic recovery, sustainable enterprises, a just transition towards an environmentally sustainable economy, transition to formality, the public sector and public–private partnerships, multinational enterprises, employment for youth, socio-economic reintegration of former combatants or those associated with conflict and internally displaced persons. Regarding social protection, the particular implications for crisis situations were highlighted. She drew attention to the importance of rights-based approaches in promoting equality and non-discrimination and addressing the needs of particular population groups, and highlighted the important role of social dialogue and of employers’ and workers’ organizations in crises.
  - 13.** Part X of the text concerning refugees and returnees that had been proposed during the first discussion was noted as having been particularly problematic and the Office had been asked to propose a way forward. Therefore, the proposed Recommendation provided a new text that took into account discussions within the ILO and other international forums on the subject that had taken place after the first discussion, including 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 from 5 to 7 July 2016. The proposed text also took account of the New York Declaration for Refugees and Migrants, 2016, its Annex regarding the related global compact covering refugees. It also reflected comments on the “brown report” (Report V(1)), and the discussions at the Governing Body at its 328th Session in October–November 2016. She pointed out that only one response to Report V(1) had indicated a preference not to include refugees in the scope of the proposed Recommendation, whereas all other responses pointed towards the need to address the issue of refugees as a direct consequence of conflict. Therefore, the proposed Recommendation contained a distinct Part on refugees and returnees, given that refugees were subject to a specific international legal regime, but that did not imply that they were given more importance than other groups.
  - 14.** Other Parts of the proposed Recommendation addressed prevention, mitigation and preparedness with a focus on the engagement of ILO tripartite constituencies in risk management and planning at the national level, and on the need for international cooperation which included: strengthening international cooperation among Members through bilateral or multilateral arrangements; the need for a central focus on employment, decent work and sustainable enterprises in crisis response; promoting development assistance and private sector investment; cooperation and coherence among international organizations within their respective mandates; the leading role of the ILO with respect to employment and decent work; and close coordination and complementarity of crisis response across humanitarian and development assistance.
  - 15.** The Chairperson presented the plan of work of the Committee and explained the procedure for the adoption of the Committee’s reports. The plan of work of the Committee was adopted.

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## Opening statements <sup>4</sup>

16. The Employer Vice-Chairperson expressed the hope that the work of the Committee would result in a successful outcome despite the challenges encountered in the first discussion at the Conference in 2016. She recognized the efforts of the Office to engage with the UNHCR and other relevant organizations active in the fields of humanitarian action, disaster management and preparedness. It was critical to properly address the nexus between humanitarian assistance, peace-building and development.
17. The guiding principles adopted in July 2016 during the ILO Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market had provided a roadmap to address that important issue. Further consensus on many of the Parts of the proposed Recommendation had been reached during the informal tripartite consultations held in May 2017. Although the Employers' group had reservations concerning some instruments listed in the Annex to the proposed Recommendation, the group felt confident that a consensus could be reached on various outstanding issues.
18. The ILO sustainable enterprises agenda, in particular the part relating to an enabling environment, provided the fundamental parameters for an effective response in order to build the resilience of countries affected by disasters or conflicts. The parameters included: stable macroeconomic conditions that facilitated access to finance, particularly for micro-, small and medium-sized enterprises; political stability; economic predictability; rebuilding infrastructure; reducing red tape and bureaucratic obstacles; policy coherence in the economy, finance, trade and investment; attracting investments to job-rich sectors; promoting education and skills; promoting measures to facilitate transition from the informal to the formal economy; the reintegration of unemployed youth and ex-combatants into gainful employment; promoting a conducive environment for both domestic and foreign investment; and promoting entrepreneurship and access to markets, technology and innovations. Those critical issues were well reflected in various Parts of the proposed Recommendation and she noted that they would further pursue those issues during the Committee's deliberations.
19. The Worker Vice-Chairperson, recalling the challenges encountered during the Committee's first discussion in 2016, welcomed the proposed Recommendation, which was a more balanced text that took account of several of the concerns that had been raised by governments and the social partners. As a Recommendation not just on employment, but also on decent work, it must contain clear references to social protection, social dialogue, the right to work and the creation of employment. It must also take account of the importance of public services, the role of the private sector, the need for a fair transition to a green economy, due diligence in global supply chains operating in countries emerging from crisis, and the recognition of fundamental rights at work for all refugees and internally displaced persons.
20. With regard to the preamble, recognition should be given to the fact that the ILO's mandate covered all workers, in all situations, and should therefore reflect the changing nature of current crises and their impact on the lives of workers. The strategic objectives of the Decent Work Agenda must be taken into account. Regarding Part I, account should be taken of the fact that a lack of decent work and high levels of unemployment fuelled conflicts and

<sup>4</sup> Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments members of the group or organization in question who are Members of the ILO and are attending the Conference.

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violence, which contributed to social and political instability. Reference to international labour standards should be included. In Part II, the weakened wording of the chapeau to Paragraph 6 was of concern. Nevertheless, the Workers' group still supported the provisions of that Paragraph.

21. Part III did not pay sufficient attention to the importance of social dialogue as a strategic approach to conflict response and prevention. With regard to Part IV on employment generation, a rights-based approach must be emphasized. The inclusion of provisions on internally displaced persons was welcome. In Part V, the words "taking into account" should be replaced by "pursuant to" throughout, and he was disappointed to note that Paragraph 14(h) did not refer to the obligation of member States to respect, promote and realize the right to work for migrant workers. Regarding Part VI, he hoped that a consensus on the reference to "free and good quality public education" reached in 2016 could be reflected.
22. Given the social protection gap in post-crisis and crisis-prone countries, Part VII should consider social protection as a contributing factor towards sustainable development, and should focus not just on reconstructing social protection mechanisms, but also on expanding them. The Workers' group was concerned that Part VIII failed to address protection for workers, in particular in relation to occupational safety and health. Part IX did not make any specific reference to seeking solutions to crisis situations through social dialogue; Paragraph 23(a) referred to promoting, rather than establishing, reconciliation through social dialogue, and while Paragraph 24 referred to the role of workers' and employers' organizations, it did not elaborate on the specific nature of that role.
23. Turning to Part X on refugees and returnees, he expressed particular concern that the term "refugee", as defined in the United Nations Convention relating to the Status of Refugees, 1951, was restrictive as it did not include several categories of persons, including those forcibly displaced by disasters, who should be covered by the scope of the Recommendation. All displaced persons must be guaranteed equal rights and protection before the law. The text of Paragraph 25 should be brought in line with the wording of the ILO Declaration on Social Justice for a Fair Globalization, 2008. The right of refugees to the respect, promotion and realization of the fundamental principles and rights at work should be mentioned in Part X, and reference might usefully be made to the fact that the 1951 United Nations Convention prohibited all forms of discrimination with regard to wages and working conditions.
24. With regard to Part XII, insufficient attention had been paid to the duty of the international community to support initiatives taken in countries directly or indirectly affected by conflict or disaster. The Workers' group was sensitive to the concerns expressed by those countries, while upholding the principle that sovereignty should not impinge on the responsibility to protect.
25. He expressed the hope that the second discussion would lead to the adoption of a comprehensive Recommendation, which would encourage employment and decent work policies for the promotion of peace and resilience. The Workers' group maintained its aim to produce an instrument that would provide useful and effective support for countries putting in place policies and programmes to build resilience and sustainability in line with the principles enshrined in the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and the Declaration on Social Justice for a Fair Globalization, 2008.
26. The Government member of Angola, speaking on behalf of the Africa group, said that the Committee's discussions should focus on building the resilience of countries through employment and decent work. Returning refugees to their countries of origin with the support of the international community, as outlined in the Addis Ababa Action Agenda of

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the Third International Conference on Financing for Development, was equally important. He reaffirmed the commitment of the Africa group to the Convention relating to the Status of Refugees, 1951, and the Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969. Given that unemployment remained alarmingly high in African countries hosting large numbers of refugees, the discussions regarding the access of refugees to the labour market must take that into consideration. The principles of burden and responsibility sharing, including through global humanitarian and development financing mechanisms, were important. He affirmed that the Africa group would like to expand the scope of Part X on refugees and returnees to address the situation of other vulnerable groups, particularly migrants, subsistence farmers, women and children. He noted that the Africa group viewed labour market access as a temporary response, whereas voluntary repatriation, local integration and resettlement were durable solutions.

- 27.** The Government member of Pakistan, speaking on behalf of the Asia and Pacific group (ASPAG), considered the revision of Recommendation No. 71 to be important, particularly for countries in the region grappling with situations of fragility, conflict and disaster. He noted that the Recommendation's emphasis on interventions in fragile States would accelerate recovery and create the conditions necessary to restore decent work. He underlined that the issues discussed in the Committee were pertinent to countries burdened by the inflow of large numbers of refugees, some who stayed for decades despite the limited resources and capacities of the host country. He emphasized the importance of increased international cooperation, solidarity and the sharing of responsibility. He welcomed the inclusion of refugees in the scope of the Recommendation.
- 28.** The Government member of Malta, speaking on behalf of the European Union (EU) and its Member States, thanked the ILO for the preparatory reports, the consultations with other UN agencies and the informal consultations held in advance of the Committee's discussions. The EU and its Member States supported the timely initiative and reiterated that the ILO was a legitimate actor in the complex field of crisis response. The EU and its Member States sought to better align the Recommendation with the objectives of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs). The EU and its Member States' investments in the prevention of conflict and disasters were key to improving the resilience of societies in accordance with its European Consensus on Development. The ILO had an important role in supporting durable solutions to the increasing number of refugees, including: guidance to countries of origin on labour market policies that supported voluntary repatriation; guidance on policies enabling resettlement; and support to host countries for the integration of refugees into the labour market. She welcomed the advanced discussions at the international level on the subject since the deliberations of the Committee in 2016, particularly the New York Declaration for Refugees and Migrants, 2016, and its global commitment to refugees. The EU and its Member States sought a revised instrument that would provide practical guidance to constituents, underscoring that decent work and fundamental principles and rights at work should be at the core of the ILO's strategy to address crises and disaster resilience. She said that when revising Recommendation No. 71 it was important to promote women's economic recovery and their access to resources. She called for a comprehensive, multidimensional approach, sensitive to the gender perspective.
- 29.** The Government member of Colombia highlighted the relevance of the discussion to his country, where a new stage in the peace process had begun with the signing of an agreement to end the conflict and build stable and sustainable peace. In that context, broadening the scope of the Recommendation in relation to labour market situations caused by armed internal conflicts was pertinent to the discussion. Dialogue at the local, regional and national levels, involving different groups and tripartite coordination to bring in effective labour policies was essential. The focus of the proposed Recommendation on the promotion of fundamental principles and rights at work, good governance, the fight against corruption, and the need to respect and promote equal opportunities and pay particular attention to

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vulnerable persons was in line with the policies of his Government and its desire to create conditions for stable and sustainable peace in Colombia.

- 30.** The Government member of Kenya supported the statement made by the Government member of Angola on behalf of the Africa group. She recalled that her Government continued to state that refugees already enjoyed specific status and protections under international refugee law. She added that integrated approaches on global issues could be achieved without disruption to the specific organizational mandates as assigned by the multilateral framework of the United Nations. Reference should be made to the UNHCR report from June 2016, entitled *Global Trends: Forced Displacement in 2015* and the outcomes of the New York Declaration for Refugees and Migrants that highlighted the challenges encountered by developing countries which continued to host large numbers of refugees. It was critical for the international community to share responsibility more equitably and support and reinforce national capacities where required. In the spirit of global approaches, she highlighted the importance of social dialogue for making progress and reiterated her agreement on the inclusion of refugees in the scope of the proposed Recommendation, with safeguards, but would like to counterbalance it with the inclusion of migrants.
- 31.** The Government member of Algeria supported the statement made by the Government member of Angola on behalf of the Africa group, in particular the emphasis placed on resilience in the context of crisis, which took into account the policies, priorities, specificities and realities of each country. In reference to Part X of the proposed Recommendation, on refugees and returnees, he said that temporary work should be considered an interim measure, distinct from sustainable solutions of voluntary repatriation, resettlement and local integration. The revision of the Recommendation should emphasize the modalities in which the ILO could provide assistance to its Members for the reintegration of refugees into the labour market. To strengthen the resilience of countries in situations of crisis and to support the transition from conflict to peace, the efforts of the international community needed to focus on restoring the functions of institutions.
- 32.** The Government member of Cuba expressed his appreciation for the improvements that had been incorporated in the proposed Recommendation and noted that certain subject areas required adjustment. He affirmed his support and willingness to contribute to the revision of the Recommendation.
- 33.** The Government member of Japan, reflecting on the natural disasters in his country, emphasized the importance of the prompt implementation of measures against disasters, the systematic gathering of information from the affected areas and the sharing of such information within government. Regarding employment policies to address natural disasters, he noted the role of subsidies in maintaining employment and employment insurance adapted to the circumstances. He stressed the importance of occupational safety and health and risk reduction in reconstruction and called for flexible responses suited to the varying situations of each member State.
- 34.** The Government member of India thanked the Office for its active engagement in consultations and expressed his appreciation that the proposed Recommendation expanded the definition of the term “disaster” to include human, material, economic or environmental losses and impacts. His delegation had reservations about the term “full, productive, freely chosen and decent employment” in Paragraph 6(a) because crisis situations called for emergency responses dependent on the capacity of each country. He recalled that migrants and refugees were governed by the standards and national legislation of host countries. A balanced, multifaceted, flexible and coordinated response in keeping with the principles of shared responsibility was needed to address the challenges posed by the influx of refugees. In view of the complexity of the problem, the responsibility of the ILO in responding to

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crisis and disasters should be clearly defined. He cautioned that the proposed Recommendation could go beyond the mandate of the ILO and interfere with national sovereignty.

- 35.** The Government member of Turkey appreciated the work of the Office in its highlighting of the importance of shared burden and responsibility and international solidarity for countries hosting a significant number of refugees; she stressed that her country felt isolated in dealing with the current influx. Under the temporary protection regime, Turkey had taken important measures to facilitate the access of refugees to the labour market through the extension of active labour market policies and social security. She called upon the ILO to further extend its support to the country through impact analysis, job creation and vocational training programmes.
- 36.** The Government member of Jordan underscored that the proposed Recommendation should only apply to countries hit by conflict, natural and man-made disasters, and not to countries hosting refugees. He stressed that his country would not be bound by any instrument to which it was not party, including the proposed Recommendation and its Annex. While he recognized that addressing discrimination was important under Paragraph 6(k), he recalled that Article 1(2) of the International Convention on the Elimination of All Forms of Racial Discrimination stated that “[t]his Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.” Therefore Paragraph 10(a) on employment generation and Paragraph 29 under Part X should be read in that context. The entry and residency of migrant workers mentioned in Paragraph 14(h) was under the jurisdiction of each member State. He cautioned against the provisions which referred to armed forces and groups as that was outside the scope of the ILO mandate. Finally, he remarked that Part X should be deleted as there was already sufficient guidance on refugees in other instruments and the ILO was not the proper forum to address such issues.
- 37.** The Government member of Brazil acknowledged the role of the ILO in supporting labour and employment interventions during periods of crisis. It was important that that role be undertaken in accordance with the ILO’s specific mandate and complement the actions of other humanitarian organizations. The proposed Recommendation should therefore reflect the ILO’s core attributions and main tenets, while strictly observing existing norms and definitions regarding international humanitarian law, humanitarian aid and disaster risk reduction. In addition to taking into account national circumstances, the revised Recommendation should fully comply with the general principles of non-discrimination, as it applied to all categories of workers. He highlighted the new migration law recently adopted in Brazil which reflected those principles, and noted that all migrant workers were affected in crisis situations and must be included in response efforts.
- 38.** The Government member of Belgium thanked the Office for its excellent Report V(1) and recalled the consequences of violence, conflicts and human rights violations, which forced millions to leave their countries. The majority of refugees and internally displaced persons lived in developing countries, which added to the burden of local populations and exacerbated poverty. The ILO’s comparative advantage in promoting decent work in crisis situations alongside other international organizations lay in its tripartite structure and its expertise on labour issues. The creation of decent jobs played a critical role in addressing the consequences of crises, in the transition to peace and in building resilience. Moreover, international experience demonstrated the importance of rebuilding social services and social protection as well as the centrality of social dialogue in the process. A human rights-based approach with a strong gender perspective was essential in the implementation of responses, with particular attention given to refugees and internally displaced persons. The divergent views of member States could be reconciled through the unique tripartite structure of the ILO.

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39. The Government member of Argentina emphasized that international cooperation was the key to crisis preparedness and response, and noted the importance of regional efforts. Due account must be taken of the provisions of the Declaration on Fundamental Principles and Rights at Work and the Declaration on Social Justice for a Fair Globalization, and the four pillars of the Decent Work Agenda. The importance of job creation in overcoming crises was emphasized as a means of ensuring dignity for all.
  40. The Government member of Switzerland noted that the time had come to update Recommendation No. 71 as an important tool for member States to strengthen their resilience, and that the proposed Recommendation provided an ideal basis for the discussion. The revised text should take into account the current needs of States and the nature of different regional contexts to redefine the international community's crisis response. The fact that the concept of crisis had been incorporated into the proposed Recommendation was welcome. All revisions of the text should remain clearly within the ILO's mandate and should not promote systematic or disproportionate state intervention. Switzerland considered that the proposed Recommendation was too general, and in its current form would only allow States to make minor improvements to their resilience. Although not legally binding, the instrument was particularly relevant and much needed.
  41. The Government member of the Islamic Republic of Iran said that the time had come to revise Recommendation No. 71 to ensure that it was suitable to address the current challenges faced by the global community, in a comprehensive and holistic manner. The challenge posed by large-scale refugee flows was not new. Some parts of the world were more acutely affected than others; those hosting large numbers of refugees were experiencing considerable pressure on their labour markets. Due attention should be paid to the concerns and views raised by member States, such as his country, which were hosting large numbers of refugees. The refugee crisis had brought with it far-reaching consequences for the labour market. The ILO had a major role to play to promote increased cooperation with the countries concerned.
  42. The Government member of Ghana supported the statement made on behalf of the Africa group and highlighted the need to protect the rights of refugees and migrants. He stated that some migrants and refugees had the potential to contribute to the economies of host countries and that it was also important to enable their return and reintegration. He commended the ILO for its work in the humanitarian context and stressed the relevance of the ILO's strategies for the promotion of decent work in post-conflict areas and fragile States.
  43. The Government member of Lebanon highlighted the relevance of the discussion to his country which was suffering from the effects of the Syrian refugee crisis. He drew attention to the negative impact of the crisis on the Lebanese economy and on employment opportunities. The international community should focus its efforts on local populations as well as refugees. He stated that the return of refugees to their countries of origin was one of the most important points of the proposed Recommendation.
  44. The Government member of the United States emphasized that the ILO should continue to play an active and important role in providing assistance to member States and working collaboratively with other UN agencies to address employment and decent work issues in situations of crisis and recovery. The current draft reflected a significant step forward and she welcomed the changes made by the Office to Part X on refugees and returnees. She expressed the wish that such changes and other modifications to the text would allow the discussion to go forward, without revisiting debates from the previous year. She hoped that the efforts to revise the Recommendation would provide useful and practical guidance for countries in crisis on promoting employment opportunities and decent work.

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45. The Government member of Haiti expressed his desire for a broad-based Recommendation that reached all sectors of the economy and all vulnerable groups. He supported the expansion of the instrument to include man-made as well as natural disasters and acknowledged its relevance to achieving the SDGs. Haiti welcomed the support of the ILO in dealing with recent disasters.
  46. The representative of the United Nations Office at Geneva (UNOG) said that since 2008 the number of civil wars around the world had nearly tripled and 65 million people were currently forcibly displaced worldwide. Warfare undermined and decimated one of the most fundamental human institutions: employment. Conflict prevention, namely investment in institutions and programmes to strengthen societies before conflicts erupted, had been included as a cornerstone of the Secretary-General's plan to reform the United Nations. Conflict could only be prevented if its root causes were tackled and the ambitious goals of the 2030 Agenda for Sustainable Development were met. Restoring peace to shattered societies depended largely on securing a sustainable source of employment; work provided not only the means to survive and recover, but also a sense of dignity and hope for the future. Employment had a key role to play in the lives of ex-combatants, women and young people. UNOG would continue to support the ILO in its efforts to promote employment in fragile settings, and to work in the spirit of "One UN" to join with other UN entities to translate emergency employment programmes into sustainable solutions to build strong, peaceful societies.
  47. The representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) recognized that the world of work was key to peace and resilience. She appreciated the collaboration between the UNHCR and the ILO under the Memorandum of Understanding and operationalized through a plan of action. The plight of refugees, internally displaced persons and returnees was a critical global issue. She noted that the proposed Recommendation echoed the New York Declaration for Refugees and Migrants, 2016, especially the need to leave no one behind. Decent work provided a framework supporting reintegration for refugees, internally displaced persons and returnees, as well as a mechanism for peace-building for both host countries and countries with returning displaced persons.
  48. The representative of the United Nations Development Programme (UNDP) said that her organization aligned itself with the UNOG and UNHCR statements and commended the work already done by the ILO and the Committee on the revision of Recommendation No. 71. It was crucial that normative standards recognized the importance of post-disaster and post-crisis relief and recovery. The UNDP played a key role in supporting peace and disaster risk reduction and preventing and mitigating the effects of climate change, but a comprehensive effort was needed that encompassed both national and regional groups as well as all humanitarian and development actors.
  49. The representative of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) noted that his organization was responsible for bringing together humanitarian actors to ensure coherent responses to emergencies. Recent experience by OCHA in engaging the private sector demonstrated the need and opportunity for coordinating with businesses in the processes of emergency response and recovery in order to further the generation of employment in times of crisis. Decent work could therefore play a key role in recovery, be it after a natural disaster or a conflict. He indicated that cash transfer programming, particularly at the household level, could support rapid rebuilding and enable investment in livelihoods. Both short-term cash-based assistance and longer-term social protection programmes could generate employment and drive recovery.
  50. The representative of the United Nations Office for Disaster Risk Reduction (UNISDR) aligned herself with the UNOG and UNDP statements. The UN Secretary-General had

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placed disaster prevention at the forefront of UN activities. Reducing vulnerability and building resilience to disasters could help build a more inclusive and equitable world and contribute to the achievement of the 2030 Agenda for Sustainable Development. The 2017 Global Platform for Disaster Risk Reduction had reconfirmed the need for a more inclusive and people-centred approach and for greater emphasis on public–private partnerships. Disaster risk reduction was imperative for development, sustainable growth and job creation. For those reasons, she commended the ILO for pursuing disaster risk reduction in its Decent Work Agenda as well as in the reports relating to the proposed revision of Recommendation No. 71; she expressed recognition of the ILO as a key partner for UNISDR and for the disaster risk reduction community.

- 51.** The representative of the United Nations Educational Scientific and Cultural Organization (UNESCO) welcomed the progress achieved by the ILO in the revision of Recommendation No. 71, which was particularly important in the context of the 2030 Agenda for Sustainable Development. He drew attention to UNESCO’s Recommendation concerning technical and vocational education and training (TVET) and its Recommendation on adult learning and education, both adopted in November 2015, which contained useful guidelines relating to policy, governance, monitoring and evaluation to achieve TVET’s interrelated aims of empowering individuals and advancing decent work, promoting inclusive and sustainable economic growth, strengthening social equity and supporting environmental sustainability. He recalled UNESCO’s new Strategy for TVET (2016–21) aimed at supporting member States in their efforts to enhance the relevance of their TVET systems. He emphasized the importance of upholding the right to education and training in conflict and post-conflict contexts.
- 52.** The representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) recalled the urgent need to protect the human rights, including the right to work, of people who were forced to leave their country of origin due to a disaster or crisis, regardless of their nationality or status. She stressed the heightened vulnerability of migrants in an irregular situation, individuals who did not fit the definition of “refugee”, migrants in transit and those who were undocumented. She expressed the hope that the revised Recommendation would address the rights of all the abovementioned groups. She mentioned the complementarity of the Committee’s work with the work of the Global Migration Group (GMG) and the New York Declaration for Refugees and Migrants. She stated that all migrants and refugees should be able to return to their country of origin in a lawful and sustainable way and that their human rights needed to be respected throughout that process.
- 53.** The representative of International Young Christian Workers explained that her movement was organizing young workers with a view to ensuring that “just” work, social protection and gender equality were respected along with social justice, human rights and sustainable development. She trusted that the revised Recommendation would also apply to the unemployed, farmers, migrants, refugees, informal workers and indigenous communities and not just to workers and jobseekers. She recognized the fundamental significance of employment and “just” work in peace-building. Job creation programmes in crisis-affected countries required particular attention to vulnerable groups such as young people, children, the marginalized, women and former combatants. She noted that it was the prime responsibility of governments to address those challenges, and added that employers’ and workers’ groups needed to act responsibly with regard to existing international frameworks and mechanisms. In that connection, she drew attention to the importance of 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).
- 54.** The Worker Vice-Chairperson noted the relevance of the work done to date and the good preparation including through the efforts made for informal consultations in preparation for the forthcoming tasks. He said that the Workers’ group had a relatively exhaustive list of

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concerns. Decent work was important in times of crisis, as were labour rights, access to public services, education and social dialogue. Those were the things that mattered most to his group. To capture the concerns of those countries encountering particular difficulties, a robust instrument was required.

55. The Employer Vice-Chairperson stated that the ILO was a key driver in this domain; she acknowledged the progress to date and looked forward to fruitful deliberations.
56. The Government member of Malta, speaking on behalf of the EU and its Member States, requested clarification on the term “refugee” and asked whether the ILO was referring to the meaning used in the Convention relating to the Status of Refugees.
57. The deputy representative of the Secretary-General responded in the affirmative, also noting the relevant regional frameworks, namely the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, and the Cartagena Declaration on Refugees, 1984.

## **Consideration of the proposed Recommendation contained in Report V(2B)**

### **Title**

58. The title of the proposed Recommendation was adopted.

### **Preamble**

#### ***First to fifth preambular paragraphs***

59. The first to fifth preambular paragraphs were adopted.

#### ***New preambular paragraph after the fifth preambular paragraph***

60. The Government member of Pakistan introduced an amendment, seconded by the Government member of Cuba, to add a new paragraph after the fifth paragraph to read “Recognizing that the countries receiving refugees may not be in situations of conflicts and disasters,”. While the proposed Recommendation focused on conflicts and disasters which in many instances caused displacement and human mobility, some countries that received refugees were not necessarily in a situation of crisis.
61. The Employer Vice-Chairperson supported the amendment.
62. The Worker Vice-Chairperson highlighted that the clarification was not necessary given that the proposed Recommendation applied to all member States, whether they were in situation of conflict or not. He did not support the amendment.
63. The Government member of the Islamic Republic of Iran supported the amendment. He stated that the proposed insertion provided an important clarification to the preamble for countries which were not affected by a crisis, as the text was primarily about the transition to peace.

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64. The Government member of Angola supported the amendment.
  65. The Government member of Jordan affirmed his support for the amendment. Not all countries receiving refugees could be described as countries experiencing disaster or conflict.
  66. The Government member of the United States proposed deferring the discussion. Given that the amendment might impact the content of other Parts of the instrument, it was important not to prejudge the discussion, particularly with respect to issues related to a country receiving refugees and other forcibly displaced persons.
  67. The Worker Vice-Chairperson and Employer Vice-Chairperson had no objection to the proposal made by the Government member of the United States.
  68. The Government member of Australia had no objection to the amendment, and also agreed with the proposal made by the Government member of the United States.
  69. The Government member of Pakistan agreed to defer discussion of the amendment. He noted that it had received support and recognized that it would have an important bearing on the rest of the text.
  70. The Chairperson confirmed that the amendment would be discussed later.
  71. The amendment had received support from the Government members of the Islamic Republic of Iran, Angola, speaking on behalf of the Africa group and Jordan. The Worker Vice-Chairperson had not supported the amendment.
  72. The deputy representative of the Secretary-General suggested that it would be more logical and flow better if the amendment was added after the seventh preambular paragraph and before the text outlining the purpose of the instrument.
  73. The Government member of Pakistan understood the explanation provided by the deputy representative of the Secretary-General but did not view the amendment as a condition but rather as a statement of fact and that the text was linked to the fifth paragraph. However, he remained flexible on its placement.
  74. The Government member of the United States supported the secretariat's suggested placement of the text, though commented that it would be better if it read "in situations of crisis" because the wording "countries may not be in situations of conflicts and disasters" was somewhat unclear.
  75. The Chairperson put forward a suggestion for the amendment to read "Recognizing that the countries receiving refugees may not be in crisis situations" and to delete "of conflicts and disasters".
  76. The Government member of the United States suggested that the formulation "may not be experiencing" might be better and made more sense than "may not be in situations of".
  77. The Government member of Pakistan indicated that the original placement of the text, as he had proposed it, made it sufficiently clear what the context was. He agreed to the proposed formulation "may not be in crisis situations". Reflecting back on how the wording was formulated, the essence was to point out that countries might not be experiencing crisis or disaster but a large influx of refugees might in itself constitute a crisis situation. The emphasis was on experiencing conflicts and disasters.

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78. The Chairperson suggested that the Committee go back to the original text.
  79. The Government member of the United States suggested the formulation “may not be experiencing conflicts and disasters”.
  80. The Government member of Pakistan stated that he still had difficulty understanding the added value of the reformulated text.
  81. The Government member of the Islamic Republic of Iran requested clarification on what was wrong with the original formulation.
  82. The Government member of Jordan concurred with the two previous speakers and asked what the difference between “may not be in situations of conflicts and disasters” and “may not be experiencing situations of conflicts and disasters” was.
  83. The Government member of Chile pointed out that it was important to establish if the idea presented of the proposed amendment was being correctly understood. The proposed text recognized that countries receiving refugees were not necessarily in situations of conflicts and disasters but hosting or receiving refugees could lead the country into a crisis situation. It was important for it to be considered in the preamble and therefore it was necessary to consider whether it was being reflected in the discussion.
  84. The Government member of the United States stated the he did not have a problem with the proposed amendment and that his delegation had proposed “may not be experiencing situations of conflicts and disasters” as the wording “in situations of ... disaster” did not make sense.
  85. The Chairperson suggested that “conflicts and disasters” should be replaced by “conflict or disaster”.
  86. The Government member of Pakistan confirmed that that was acceptable to him if it addressed the concerns expressed by the Government member of the United States.
  87. The Government member of Senegal suggested referring the discussion to the Committee Drafting Committee as everyone was prepared to accept the idea as such and it was just about finding the correct formulation.
  88. The Chairperson did not agree with the suggestion made by the Government member of Senegal and sought to resolve the matter in the Committee.
  89. The Employer Vice-Chairperson withdrew her support for the amendment given that it was creating so many difficulties and that it was merely a statement of fact.
  90. The Chairperson recalled that the original amendment had been proposed by the Government member of Pakistan and had been supported by the Government members of Cuba, Islamic Republic of Iran, Jordan, United States, and Angola, speaking on behalf of the Africa group, whereas the Worker Vice-Chairperson and the Employer Vice-Chairperson were not in support. She reread the text as it was now proposed “Recognizing that the countries receiving refugees may not be in situations of conflict or disaster,” and noted that it was to be placed after the current seventh preambular paragraph.
  91. The Government members of Australia, Argentina, Norway, and Malta, speaking on behalf of the EU and its Member States, supported the proposed text.

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92. The Chairperson noted that Government members were strongly in support of the proposed text and its placement in the preamble and asked the Worker Vice-Chairperson and Employer Vice-Chairperson if they could reconsider their positions.
  93. After an informal discussion with the Worker Vice-Chairperson, the Employer Vice-Chairperson indicated that the proposed text was supported.
  94. The Chairperson concluded that there was majority support for the amendment as revised.
  95. The amendment was adopted as subamended.

### ***Sixth preambular paragraph***

96. The Government member of Cuba introduced an amendment, seconded by the Government member of Pakistan, to insert “the enjoyment of all” after “development,”.
97. The Worker Vice-Chairperson did not support the amendment as he felt that it might modify the meaning of the text.
98. The Employer Vice-Chairperson did not support the amendment as it would not add value to the text. She noted that even in a normal working day, workers could not be guaranteed the enjoyment of all human rights, let alone in conflict situations.
99. The Government member of Cuba reiterated that the amendment was meant to broaden the meaning of the text in order to include the enjoyment of human rights.
100. The Government member of Pakistan noted that the amendment did not mention ensuring rights, but rather raised the need to recognize the impacts and consequences of conflicts and disasters on human rights.
101. The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment. She noted that it did not add value to the text.
102. The amendment was not adopted.
103. The Government member of Cuba explained that the intention of the amendment had been to improve the text, and that his delegation would adopt the same approach with all amendments. He encouraged the Committee to be flexible in its deliberations.

### ***Seventh preambular paragraph***

104. The seventh preambular paragraph was adopted.

### ***Eighth preambular paragraph***

105. The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace, in the French version in all instances, “droits humains” by “droits de l’homme”. The latter term was in line with UN-agreed terminology, in particular terminology used by the OHCHR. She requested clarification from the secretariat on the matter.
106. The deputy representative of the Secretary-General clarified that the term “droits humains” was the term currently in use in French and had been used in several recent ILO instruments,

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such as in Article 3(1) of the Domestic Workers Convention, 2011 (No. 189), in the preamble of the 2014 Protocol to the Forced Labour Convention, 1930 (No. 29), and in Paragraph 7(e) of the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The term “droits de l’homme” was used when it was part of a title such as the Human Rights Council.

107. The Government member of Malta, speaking on behalf of the EU and its Member States, thanked the secretariat for the clarification and requested the views of the social partners.
108. The Worker Vice-Chairperson indicated that he wished to retain the terminology of the original text and did not support the amendment.
109. The Employer Vice-Chairperson, in light of the explanation by the secretariat, did not support the amendment.
110. The amendment was withdrawn.

### ***Ninth to twelfth preambular paragraphs***

111. The ninth to twelfth preambular paragraphs were adopted.

### ***Thirteenth preambular paragraph***

112. The Worker Vice-Chairperson introduced an amendment that proposed to replace “development and reconstruction efforts” by “development, reconstruction, prevention and resilience efforts”. The intention was to stress the vital importance of quality public services not only after a crisis, but also for development, reconstruction, prevention and resilience.
113. The Employer Vice-Chairperson said that she did not oppose the amendment.
114. The Government members of Cuba and Pakistan supported the amendment and highlighted the importance of prevention and resilience.
115. The amendment was adopted.

### ***Fourteenth preambular paragraph***

116. The fourteenth preambular paragraph was adopted.

### ***Fifteenth preambular paragraph***

117. The Employer Vice-Chairperson introduced an amendment to delete “certain” after “the adoption of”. The intention was to reduce ambiguity. She requested the secretariat to explain the use of the word “certain” before deciding whether to maintain the amendment.
118. The deputy representative of the Secretary-General explained that the word “certain” was part of a standard preambular paragraph included in all ILO instruments .
119. The Employer Vice-Chairperson withdrew the amendment.
120. The preamble was adopted as amended.

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## **Part I. Objectives and scope**

### ***Title***

**121.** The title was adopted.

### ***Paragraph 1***

**122.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “income generation opportunities” between “generate employment” and “and decent work”. The intention was to broaden the scope of the text as other sources of income should be taken into account.

**123.** The Employer Vice-Chairperson did not support the amendment. The proposed insertion would interrupt “employment and decent work”, which was a cornerstone of the Recommendation.

**124.** The Worker Vice-Chairperson did not support the amendment since he felt that the term “decent work” covered income generation.

**125.** The Government member of Argentina pointed out that the purpose of the Recommendation was to promote employment and decent work in the context of crisis situations. Other forms of income were another matter altogether. She did not support the amendment.

**126.** The amendment was not adopted.

**127.** The Government member of the Russian Federation submitted an amendment to replace “for the purposes of prevention, recovery, peace and resilience with respect to” by “for the purposes of restoring and securing peace and resilience to avert”. The amendment was not seconded and therefore fell.

**128.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “and situations of fragility” after “to crisis situations”. The role of employment and decent work in fostering stability in both pre- and post-crisis situations was an important aspect of the Recommendation and she highlighted that the fragility aspect could be strengthened in the instrument.

**129.** The Worker Vice-Chairperson proposed and subsequently withdrew a subamendment to revise the wording. He expressed support for the amendment proposed by the EU and its Member States.

**130.** The Employer Vice-Chairperson did not support the proposed amendment. Introducing the concept of “fragility” would broaden the scope of the Recommendation excessively. Since there were no further references to “fragility” anywhere in the document, it would not be prudent to insert one in Paragraph 1.

**131.** The Government member of Cuba opposed the proposal. The scope of the Recommendation should be confined to situations of crisis caused by conflict and disaster. There was no internationally agreed definition of the term “fragility”, and it was therefore open to subjective interpretation.

**132.** The Government member of Algeria, speaking on behalf of the Africa group, did not support the amendment.

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133. The Government member of Chile did not support the amendment and pointed out that the Office, in its guidance issued prior to the Conference, had advised against the introduction of broad topics into the draft. The scope of the Recommendation had been agreed and should not be expanded.
  134. The Government member of India did not support the proposed amendment as there was no internationally recognized definition of “fragility”.
  135. The Government member of the United States requested clarification from the secretariat on the acceptability of the use of the term “fragility”, which, although not formally defined, had been included, along with an explanation of its common understanding, in the ILO’s Guide and Toolkit on *Employment and Decent work in situations of Fragility, Conflict and Disaster*.
  136. The deputy representative of the Secretary-General explained that while there was indeed no internationally agreed definition of the term “fragility”, it was a term widely used in various ILO and UN documents.
  137. The Government member of Brazil did not support the proposed amendment. He stated that the term “fragility” was too vague and subjective and agreed with Government member of Cuba that there was no internationally recognized definition of the term.
  138. The Government member of Argentina did not support the amendment as there was no internationally agreed definition of the term “fragility”.
  139. The Worker Vice-Chairperson expressed concern that the Paragraph in its original wording did not take account of situations leading up to, or immediately after, crises. High-risk fragile situations could come before conflict or disaster and such risks needed to be mitigated. Employment and decent work in situations of fragility were key to resilience. The Workers’ group continued to support the EU proposal that situations of fragility should be included in the scope of the Recommendation.
  140. The Government member of Cuba pointed out that as opinion in the Committee was divided, the amendment could not be adopted.
  141. The Government member of Algeria agreed with the Government member of Cuba and, speaking on behalf of the Africa group, said that while she understood the concerns of the Workers’ group, the term “fragility” had not been defined at the international level and therefore should not be included in the text. She pointed out that there was a difference between “fragility” and “fragile States”.
  142. The amendment was not adopted.
  143. The Worker Vice-Chairperson, in light of the preceding discussion, withdrew an amendment that had sought to insert “situations of fragility” after “arising from”.
  144. The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, introduced an amendment to delete “international and non-international armed” before “conflict”, as the term “armed conflict” had a particular definition in law; not all conflicts were armed, yet all conflicts should be included in the scope of the Recommendation.
  145. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment, as did the Government members of Australia, India and Pakistan.

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- 146.** The Government member of Algeria, speaking on behalf of the Africa group, did not support the amendment as the proposed Recommendation referred to refugees and internally displaced persons. “Conflict”, without any qualifier, was too broad a term and the distinction between international and national was essential.
- 147.** The Government member of Cuba agreed with the Africa group and did not support the amendment.
- 148.** The Government member of Brazil echoed the views of the two previous speakers and stated that the amendment would render the text too broad and subjective.
- 149.** The Government member of Chile recalled the discussion on the previous amendment concerning the introduction of the term “fragility”, which had been deemed excessively broad in scope. Similarly, “conflict” was open to variable interpretation.
- 150.** The amendment was adopted.
- 151.** Paragraph 1 was adopted as amended.

## **Paragraph 2**

- 152.** The Chairperson announced that two amendments to clauses (a) and (b) of Paragraph 2 would be considered before an amendment to the chapeau of the Paragraph.

### Paragraph 2(a)

- 153.** The Government member of Algeria, speaking on behalf of the Africa group, introduced an amendment to delete Paragraph 2(a). Referring also to Paragraph 2(b), she stated that the two definitions could be found in the instruments listed in the Annex<sup>5</sup> and were not needed in Part I, which covered objectives and scope. A redefinition was not necessary in Paragraph 2. Moreover, the definition of “disaster” differed from that in the Sendai Framework for Disaster Risk Reduction, and could be problematic. If definitions were to be a part of the text, they should be in a specific section, separate from the Part on scope and purpose. That would follow the example of the HIV and AIDS Recommendation, 2010 (No. 200).
- 154.** The Worker Vice-Chairperson and the Employers Vice-Chairperson wished to hear the views of Government members before intervening.
- 155.** The Government member of Pakistan noted that his delegation wished to delete the definitions, which could be found in the text of the Sendai Framework for Disaster Risk Reduction. If definitions were to be included, they would have to be fully aligned and consistent. He therefore supported the amendment.
- 156.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 157.** The Government member of Jordan supported the amendment as he preferred to delete the definitions.

<sup>5</sup> As a result of a subsequent agreement by the Committee to remove the Annex, all references to the Annex in the Recommendation have been removed.

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- 158.** The Government member of New Zealand did not support the amendment as the definitions added clarity to the proposed Recommendation.
- 159.** The Government member of the United States did not support the amendment.
- 160.** The Government member of Australia did not support the amendment. He noted that because the definitions were from UN documents, that provided implied authority.
- 161.** The Government member of Argentina underlined the importance of the text having autonomy from international norms for those putting it into application. She did not support the amendment.
- 162.** The Worker Vice-Chairperson reiterated that he had wanted to understand the motivations of Government members. He noted that the definitions had already been debated at length in 2016. The Workers' group did not support the amendment.
- 163.** The Employer Vice-Chairperson did not support the amendment and noted that the definitions gave clarity to the text.
- 164.** The amendment was not adopted.

#### Paragraph 2(b)

- 165.** The Government member of Algeria, speaking on behalf of the Africa group, introduced an amendment to delete Paragraph 2(b). She stated that she had, in effect, already presented the amendment together with the previous amendment.
- 166.** The Chairperson stressed that the Committee needed to consider the amendments one by one.
- 167.** The Government member of Algeria took note, and withdrew the amendment.

#### Chapeau

- 168.** The Chairperson said that two identical amendments would be considered together.
- 169.** The Employer Vice-Chairperson presented an amendment to add “and based upon internationally agreed definitions” after “For the purposes of this Recommendation”. It would support the definitions of “disaster” and “resilience” by linking them to an international context.
- 170.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment and added that it had already been raised during the informal consultations that had taken place before the Conference.
- 171.** The Worker Vice-Chairperson voiced strong support for the amendment.
- 172.** The Government member of Pakistan noted that the definitions came from the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction established by the UN General Assembly. He therefore suggested replacing the term “definitions” with “terminology”.
- 173.** The Chairperson queried whether the suggestion constituted a subamendment. If so, it needed to be seconded.

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- 174.** The Government member of Pakistan [M] confirmed that he wished to propose a subamendment, to replace “, and based on internationally agreed definitions” by “, and based on internationally agreed terminology”. The Government member of Cuba seconded the subamendment.
- 175.** The Employer Vice-Chairperson stated that the Employers’ group would like to maintain “definitions” as that was what they were.
- 176.** The Worker Vice-Chairperson preferred to hear the views of other Committee members, but indicated that the Workers’ group had no issues with the proposal.
- 177.** The Government member of Norway asked for clarification of the difference between the two terms.
- 178.** The Government member of Pakistan explained that “terminology” came from the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction. He stated that expert advice from the UNISDR on the matter could be valuable. He noted, however, that his delegation could be flexible on the point.
- 179.** The representative of UNISDR referred to UN General Assembly Resolution 71/276 as the basis for guidance and consistency, and stated that the working group had been called upon to research indicators and terminology.
- 180.** The Employer Vice-Chairperson asked the representative of UNISDR for elaboration.
- 181.** The representative of UNISDR stated that he was the head of the Sendai Monitoring Unit. Consistent with the proposals of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction, he recommended the use of the term “terminology” instead of “definitions”.
- 182.** The Employer Vice-Chairperson accepted the use of “terminology” and therefore supported the subamendment.
- 183.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment in light of the explanation.
- 184.** The chapeau was adopted as amended.

#### Paragraph 2(c)

- 185.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to place the clause in a new Paragraph, as “crisis response” was not a definition.
- 186.** The Employer Vice-Chairperson supported the amendment, as she considered that the text needed to be in a separate Paragraph.
- 187.** The Worker Vice-Chairperson supported the amendment.
- 188.** The Government member of New Zealand asserted that the Committee risked becoming bogged down. Definitions were useful for the purposes of the instrument but did not need to be grounded in internationally agreed texts or on external points of reference.
- 189.** The Government member of Brazil supported the amendment, as the clause should be listed separately.

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190. The amendment was adopted.
  191. The Employer Vice-Chairperson introduced an amendment to insert “in the context of this Recommendation,” before “the term”. In recognition of the adoption of the amendment to place clause (c) in a new Paragraph, she explained that the chapeau of Paragraph 2 no longer applied. The intention of the amendment was to facilitate the start of the sentence.
  192. The Worker Vice-Chairperson supported the amendment.
  193. The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment, as did the Government members of India and the United States.
  194. The amendment was adopted.
  195. An amendment submitted by the Government member of the Russian Federation to delete “taken in response to crisis situations arising from conflicts and disasters” was not seconded and therefore fell.
  196. Paragraph 2(c) was adopted as amended.
  197. Paragraph 2 was adopted as amended.

### **Paragraph 3**

198. The Worker Vice-Chairperson introduced an amendment to delete “and jobseekers”. He recalled that jobseekers were workers and therefore the specific reference to jobseekers was unnecessary.
199. The Employer Vice-Chairperson requested to hear the views of Government members.
200. The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment as there was no reason for the deletion.
201. The Government member of Algeria, speaking on behalf of the Africa group, did not support the amendment.
202. The Government member of Argentina referred to the explanation by the Worker Vice-Chairperson and supported the amendment as she considered jobseekers to be included under the term “workers”.
203. The Employer Vice-Chairperson considered jobseekers in the context of the Recommendation as a particular group that needed attention even if the group was normally categorized as “workers”. She pointed out that refugees are often jobseekers. For the purpose of the Recommendation, she asked for “jobseekers” to be maintained in the Paragraph and did not support the amendment.
204. The Worker Vice-Chairperson requested the secretariat to clarify whether “workers” included “jobseekers”, in particular, discouraged workers. With the aim of having an inclusive text without any restrictions, he expressed concern that the term “jobseeker” was not sufficiently broad.
205. The deputy representative of the Secretary-General confirmed that the term “workers” included jobseekers to the extent that they were previously employed and who were seeking a job after losing one. However, the term “worker” may not apply to people seeking a job

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for the first time, in particular young people. The term “jobseekers” was therefore broader and inclusive.

- 206.** The Worker-Vice Chairperson reiterated that this point was important to them, but acknowledged that it did not enjoy support.
- 207.** The Chairperson confirmed that the amendment had not received majority support so it was not adopted.
- 208.** Paragraph 3 was adopted.

#### **Paragraph 4**

- 209.** The Worker Vice-Chairperson introduced an amendment to delete the Paragraph. The Paragraph described the rights of some workers and he considered it to be restrictive and not provide additional clarity. There was no doubt that the references in the proposed Recommendation to fundamental principles and rights at work, safety and health and working conditions also applied to workers engaged in crisis response; he questioned the need to specify the rights of that group. Similarly, the references to human rights and safety and health that applied to persons in volunteer work applied to all people. Persons in volunteer work were clearly protected by the references in the proposed Recommendation to safety and health and working conditions. There seemed to be no reference to safety and health in the document except in the Annex.
- 210.** The Employer Vice-Chairperson asked the secretariat for clarification but stated that the circumstances typically faced by such workers would suggest that it made sense to draw attention to their needs in relation to rights and safety and health. She did not support the amendment.
- 211.** The Government member of Pakistan supported the amendment based on the explanation provided by the Worker Vice-Chairperson. Referring back to the first discussion in 2016, he reiterated the concerns of his Government regarding certain rights in crisis response, for example the right of persons in volunteer work to strike, which was not considered a conducive situation given the typical circumstances faced during a crisis.
- 212.** The Government member of Malta, speaking on behalf of the EU and its Member States, shared the view of the Employer Vice-Chairperson and did not support the amendment.
- 213.** The Government member of New Zealand did not support the amendment.
- 214.** The Government member of Algeria, speaking on behalf of the Africa group, did not support the amendment. She acknowledged that all rights and principles applied to all workers and pointed out that the text focused on workers on the frontline during disasters. Using the example of the exposure of health sector workers during the Ebola outbreak in Africa, she highlighted that such workers were particularly exposed to health and safety issues. The Paragraph did not imply more rights but there was no harm in drawing attention to such workers who must have the same rights as all workers.
- 215.** The Government member of Australia preferred to maintain the original text and did not support the amendment.
- 216.** The Government member of the United States also preferred to maintain the original text. She noted the point raised by the Worker Vice-Chairperson regarding the reference to occupational safety and health and requested clarification from the secretariat.

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- 217.** The deputy representative of the Secretary-General drew attention to the references made in the text to fundamental principles and rights at work and safety and health. Further references to safety and health were in the Annex. In reference to the first discussion in 2016, there was an opportunity to strengthen the provisions on occupational safety and health.
- 218.** The amendment was not adopted.
- 219.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Norway and Switzerland introduced an amendment to insert “decent” before “working conditions” as not all workers had access to decent working conditions.
- 220.** The Worker Vice-Chairperson requested the views of the Committee members.
- 221.** The Employer Vice-Chairperson considered the amendment problematic. In the context of the conditions described in situations of crisis or disaster, she said that guaranteeing decent working conditions, for example maintaining hours of work, was difficult or even impossible in many disasters and crisis responses. She considered the original text to be adequate.
- 222.** The Government member of Australia supported the amendment to ensure consistency. He highlighted the reference to “safe and decent working conditions” in Paragraph 8(d) in the context of crisis response in the immediate aftermath of a conflict or disaster.
- 223.** The Worker Vice-Chairperson emphasized that the definitions of decent work and decent working conditions were well known and said that he supported the original text.
- 224.** The amendment was not adopted.
- 225.** Paragraph 4 was adopted.

### **Paragraph 5**

- 226.** The Worker Vice-Chairperson introduced an amendment to insert “international labour standards,” after “law, in particular”. He stated that when talking about respecting international humanitarian law and other law, international labour standards should also be mentioned and taken into account.
- 227.** The Employer Vice-Chairperson supported the amendment.
- 228.** The Government member of the United States proposed a subamendment to move “international labour standards” to before “international law” and stated that international labour standards, because they included non-binding Recommendations, did not fall under international law.
- 229.** The Government member of Norway seconded the subamendment.
- 230.** The Government member of New Zealand supported the subamendment
- 231.** The Worker Vice-Chairperson drew attention to the fact that the amendment proposed by his group was consistent with text used in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and therefore with text that had already been adopted. He was not sure if that was also the case for the subamendment proposed by the Government member of the United States and, therefore, was not sure that his group could support it.

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- 232.** The Employer Vice-Chairperson supported the subamendment.
- 233.** The Worker Vice-Chairperson raised the question as to whether international labour standards were part of international law. In the opinion of his group, international labour standards should be placed after international law as they were international standards. His group wanted to underline in their amendment that international labour standards were part of international law.
- 234.** In response, after consulting with the Legal Adviser, the representative of the Secretary-General confirmed that all international labour standards were regarded as international law.
- 235.** The Government member of Argentina stated her support for the amendment introduced by the Workers' group and made reference to the fact that the Paragraph referred to "rights and obligations"; as Recommendations were non-binding they could not be considered an obligation.
- 236.** The Chairperson asked whether the Government member of the United States wished to comment in view of the explanation from the secretariat.
- 237.** The Government member of the United States responded by seeking further clarification as to whether the non-binding Recommendation that was being negotiated constituted international law. Her understanding was that the proposed Recommendation was an international labour standard but not international law.
- 238.** The Legal Adviser explained that what the Committee was negotiating was a formal instrument which, if adopted by the Conference, would become part of what was known as international labour law, a distinct branch of international law that addressed standards of conduct of sovereign States and other entities enjoying international legal personality in matters of labour and social policy and that comprised both conventions which produced binding legal effect upon ratification and recommendations which offered non-binding policy guidance. In this sense, he expressed the view that international labour standards, whether legally binding or not, formed part of international law.
- 239.** The Employer Vice-Chairperson explained that her understanding was that international law was binding between nations and that a Recommendation was non-binding so did not fall under international law. She suggested it be discussed further and stated she would like to hear more views from Governments.
- 240.** The Government member of Ethiopia supported the original amendment made by the Workers' group as he considered it to be controversial to argue that international labour standards were part of international law.
- 241.** The Government member of the United States indicated that, after hearing the secretariat's explanation, she did not accept the proposition that non-binding Recommendations such as the one currently being discussed constituted international law. She added that her Government was not in a position to withdraw the subamendment.
- 242.** The Chairperson acknowledged that there was a difference of opinion and that the Committee could hold a vote by show of hands. She added that the Committee members were seeking mutual understanding. She wished to take some time to consult with the secretariat as to how to proceed and asked whether the Vice-Chairpersons had anything further to add on the matter.

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243. The Government member of Colombia specified that the Paragraph was simply stating that the proposed Recommendation should not contradict existing instruments: his Government supported the original amendment.
244. The Government member of Algeria, speaking on behalf of the Africa group, expressed support for the original amendment introduced by the Workers' group as it set out that international labour standards were part of international law. The subamendment proposed by the Government member of the United States would change the meaning and could not be supported.
245. The Employer Vice-Chairperson indicated that following consultations her group would withdraw its support for the subamendment and maintain their support for the amendment introduced by the Workers' group.
246. The subamendment was not adopted.
247. The Government member of the United States remarked that she did not agree that there was consensus globally that international instruments, on labour and other topics, that were non-binding were part of international law.
248. The Chairperson assured the Government member of the United States that her concern would go on record.
249. The Government member of Algeria asserted that there was majority support for the original amendment, consisting of the Africa group, the Workers' group and the Employers' group and, therefore, asked the Chairperson to take a decision.
250. The Worker Vice-Chairperson asked whether it was possible for the secretariat to read out Paragraph 41 of Recommendation No. 204 as the wording used for the proposed amendment was taken from that Recommendation.
251. The Chairperson confirmed that it was possible but, given that there was majority support for the original amendment and not for the subamendment, it was not necessary.
252. The amendment was adopted.
253. The Worker Vice-Chairperson withdrew an amendment to add "and should not be construed as reducing the protections afforded by the other instruments of the International Labour Organization" at the end of the Paragraph.
254. Paragraph 5 was adopted as amended.
255. Part I was adopted as amended.

## **Part II. Guiding principles**

### ***Title***

256. The title was adopted.

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## **Paragraph 6**

### Chapeau

- 257.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew an amendment in view of the earlier discussion. She introduced an amendment to insert “and in view of prevention,” after “and disasters,”. The intention was to put a stronger emphasis on prevention, not only on post-disaster and post-crisis.
- 258.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 259.** The amendment was adopted.
- 260.** The Worker Vice-Chairperson introduced an amendment to insert “address and” after “should”. He suggested that the new wording was more dynamic and action oriented.
- 261.** The Employer Vice-Chairperson wished to hear the views of Government members as she found the wording of the amendment too prescriptive.
- 262.** The Government member of Norway supported the amendment.
- 263.** The Government member of the United States agreed with the Employers’ group; she too found the wording too prescriptive and suggested that, taken in conjunction with Paragraph 6(a), it did not read correctly and therefore did not make sense.
- 264.** The Government member of Malta, speaking on behalf of the EU and its Member States, concurred with the Employers’ group and the Government member of the United States and did not support the amendment.
- 265.** The Employer Vice-Chairperson did not support the amendment.
- 266.** The amendment was not adopted.
- 267.** The chapeau was adopted as amended.

### Paragraph 6(a)

- 268.** The Chairperson indicated that two amendments were very similar and would be considered together.
- 269.** The Employer Vice-Chairperson introduced an amendment to delete “full,” in relation to employment. The reason was that during times of crisis and disaster achieving full employment was not realistic.
- 270.** The Government member of Algeria, speaking on behalf of the Africa group, supported the amendment proposed by the Employers’ group as it was the same as one that the Africa group was proposing. She stated that full employment meant that there must be less than 5 per cent unemployment and that was unrealistic in the context of the objectives and scope of the proposed Recommendation.
- 271.** The Worker Vice-Chairperson asked for clarification as to what was meant by “full employment”.

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- 272.** The deputy representative of the Secretary-General explained that “full employment” was enshrined in the ILO Constitution as stated in the Declaration of Philadelphia and was also reflected in the Employment Policy Convention, 1964 (No. 122), ratified by 111 member States, which was a governance Convention as stated in the ILO Declaration on Social Justice for a Fair Globalization (2008). She also pointed out that Goal 8 of the 2030 Development Agenda (SDG 8) referred to full employment. She stressed that full employment was an aspirational goal and an objective to achieve. The obligation for Members who had ratified Convention No. 122 was to declare a policy on employment. All measures needed to be taken to work towards achieving the goal of full employment. The 2014 Conference conclusions concerning the second recurrent discussion on employment provided the latest guidance on the promotion of full, productive and freely chosen employment.
- 273.** The Government member of Algeria, speaking on behalf of the Africa group, agreed with the secretariat’s explanation and introduced a subamendment, to refer to “the promotion of” in reference to full employment.
- 274.** The Government member of Colombia seconded the subamendment.
- 275.** The Government member of Argentina requested clarification as to whether, according to the explanation provided by the secretariat, the vital element was the promotion or the achievement of full employment.
- 276.** The deputy representative of the Secretary-General confirmed that the term “vital” used in the clause referred to the promotion and not the achievement of full employment.
- 277.** The Employer Vice-Chairperson did not support the subamendment and reasoned that an instrument from 1964 or the fact that full employment was referred to in SDG 8 were not sufficient grounds for inclusion of the promotion of full employment given the objectives and scope of the Recommendation.
- 278.** The Worker Vice-Chairperson supported the subamendment.
- 279.** The Government member of Malta, speaking on behalf of the EU and its Member States, stated their flexibility and willingness to accept the subamendment.
- 280.** The subamendment was adopted.
- 281.** The Employer Vice-Chairperson introduced an amendment to replace “and decent employment is” with “employment and decent work are”.
- 282.** The Worker Vice-Chairperson supported the amendment, as did the Government members of the Democratic Republic of the Congo, United States, and Angola, speaking on behalf of the Africa group.
- 283.** The amendment was adopted.
- 284.** Paragraph 6(a) was adopted as amended.

#### Paragraph 6(b)

- 285.** The Employer Vice-Chairperson introduced an amendment to delete the rest of the clause after “instruments”. She stated that it was not necessary to make reference to the Annex as it was redundant and unnecessary. Furthermore, she stated that the Employers’ group wished

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to delete the whole Annex as it contained references to some documents that were outdated, misapplied or not relevant, and there had not been any analysis of the documents included.

- 286.** The Chairperson pointed out that the discussion about whether or not to include an annex or what should be included in the Annex would come later. The amendment should be discussed as presented in reference to the specific clause.
- 287.** The Worker Vice-Chairperson did not support the amendment. He stated that the Annex provided clarity to the text and the documents listed in the Annex made the Recommendation more useful. However, he requested to hear the views of Government members.
- 288.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 289.** The amendment was not adopted.
- 290.** An amendment proposed by the Government member of Pakistan was seconded by the Government member of Cuba, who, in the absence of the sponsor, introduced it. The amendment to add at the end of the clause “and applicable” was proposed as a way of providing a safeguard to countries in respect of their obligations, given the vast body of instruments referenced in the Annex.
- 291.** The Worker Vice-Chairperson supported the amendment although he also stated that he did not see any need to go ahead with it.
- 292.** The Employer Vice-Chairperson supported the amendment as it partially helped to address her group’s concerns about the Annex.
- 293.** The Government member of Jordan supported the amendment as not all countries had ratified the instruments mentioned in the Annex.
- 294.** The Government member of the Islamic Republic of Iran also supported the amendment on the same basis as the Government member of Jordan.
- 295.** The Government member of the United States supported the amendment.
- 296.** The amendment was adopted.
- 297.** Paragraph 6(b) was adopted as amended.

Paragraph 6(c)

- 298.** Paragraph 6(c) was adopted.

Paragraph 6(d)

- 299.** The Government member of Pakistan introduced an amendment, seconded by the Government member of Jordan, to add “national laws and policies” after “respect”. The purpose was to emphasize the need to respect national laws and policies in times of crisis.
- 300.** The Employer Vice-Chairperson supported the amendment.
- 301.** The Worker Vice-Chairperson did not support the amendment.

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- 302.** The Government member of Jordan reiterated his support and the importance of the amendment.
- 303.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 304.** The Government members of Argentina, Brazil, Cuba, Indonesia, Islamic Republic of Iran and Turkey supported the amendment.
- 305.** The Government member of the United States did not support the amendment. It was incoherent with the chapeau of the Paragraph which implicitly suggested that member States were already respecting their national laws in taking measures to address crises.
- 306.** To address the concern raised by the Government member of the United States, the Government member of the Islamic Republic of Iran proposed a subamendment, seconded by the Government member of Jordan, to move “in accordance with national laws and policies” to the end of the clause.
- 307.** The Worker Vice-Chairperson did not support the subamendment.
- 308.** The Employer Vice-Chairperson agreed to the subamendment.
- 309.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 310.** The Government member of Canada did not support the subamendment. He reasoned that it was irrelevant to the content of the clause which was concerned with local knowledge, capacity and resources.
- 311.** The Government member of Switzerland stated that he did not support the subamendment proposed by the Government member of the Islamic Republic of Iran.
- 312.** The subamendment was not adopted.
- 313.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment that had been proposed by the Government member of Pakistan.
- 314.** Paragraph 6(d) was adopted as amended.

#### Paragraph 6(e)

- 315.** The Government member of Pakistan introduced an amendment, seconded by the Government member of Cuba, to replace “in building” by “on”. Crises might impact the restoration and preservation, and not just the building, of capacity.
- 316.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment, as did the Government members of the Islamic Republic of Iran and the United States .
- 317.** The amendment was adopted.
- 318.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to delete “and” after “local government” and insert “, and other institutions” after “workers’ organizations” to broaden the scope of the clause to cover institutions such as public employment services and social security institutions.

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- 319.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment, as did the Government member of Pakistan.
- 320.** The Government member of Cuba was concerned that “other institutions” was too broad in scope; he proposed a subamendment, seconded by the Government member of Pakistan, to insert “national and relevant” after “other”.
- 321.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 322.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 323.** The subamendment was adopted.
- 324.** The amendment was adopted as subamended.
- 325.** Paragraph 6(e) was adopted as amended.

#### Paragraph 6(f)

- 326.** The Worker Vice-Chairperson introduced an amendment to replace “and promote” by “, promote and realize” to align the wording with that of the ILO Declaration on Fundamental Principles and Rights at Work, 1998.
- 327.** The Employer Vice-Chairperson supported the amendment.
- 328.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 329.** The amendment was adopted.
- 330.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to delete “without discrimination of any kind” as discrimination was addressed later in the Paragraph in clause (k).
- 331.** The Worker Vice-Chairperson did not support the amendment.
- 332.** The Employer Vice-Chairperson supported the amendment.
- 333.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 334.** The Government member of Brazil did not support the amendment. Addressing equality deserved specific attention.
- 335.** The Government member of the United States agreed with the Government member of Brazil and did not support the amendment. Discrimination against women was not listed explicitly in clause (k).
- 336.** The Government members of Argentina, Canada, Chile, Norway and Switzerland did not support the amendment.
- 337.** The Government member of the Russian Federation supported the amendment.

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- 338.** The Employer Vice-Chairperson, in light of the discussion, withdrew her group's support for the amendment.
- 339.** The Government member of Angola, speaking on behalf of the Africa group, withdrew the amendment.
- 340.** Paragraph 6(f) was adopted as amended.

Paragraph 6(g)

- 341.** The Worker Vice-Chairperson introduced an amendment to replace “and refugees” by “, refugees and other persons forcibly displaced across borders”. It was unacceptable to the Workers' group for an instrument on decent work in times of crisis to exclude from its purview the majority of persons displaced by conflict or disaster. Limiting the scope of the Recommendation to the definition of the term “refugee” in the 1951 Convention relating to the Status of Refugees was not sufficient. All persons forcibly displaced by disasters or conflicts should enjoy equal rights and protection.
- 342.** The Employer Vice-Chairperson asked to hear the views of Government members before confirming her position on the amendment.
- 343.** The Government members of Brazil and Canada supported the amendment.
- 344.** The Government member of Pakistan considered that the amendment would have far-reaching implications; it not only broadened the scope of instrument, but also introduced concepts yet to be discussed and negotiated elsewhere in the text. He sought clarification of how the adoption of the amendment would impact the instrument as a whole.
- 345.** The deputy representative of the Secretary-General explained that “other persons forcibly displaced across borders” would cover displaced persons who were neither migrant workers nor refugees. Typical examples of such persons were those forced to migrate across borders as a result of climate-related disasters.
- 346.** The Government member of Pakistan, while recognizing why the amendment had been proposed, could not support it, since those persons forcibly displaced by climate-related disasters would require short- to medium-term assistance of a humanitarian nature and, in cases of prolonged displacement of children, education, but their situation would not usually require assistance in respect of livelihood and employment.
- 347.** The Government member of Jordan did not support the amendment.
- 348.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 349.** The Employer Vice-Chairperson supported the amendment.
- 350.** The amendment was adopted.
- 351.** The Government member of Jordan introduced an amendment, seconded by the Government member of Pakistan, to add “in places where disaster and conflict hit” after “refugees”; The aim was to clarify that it was not the countries receiving refugees that were disaster-hit; it was the countries from which refugees fled.
- 352.** The Worker Vice-Chairperson did not support the amendment.

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- 353.** The Employer Vice-Chairperson did not support the amendment, asserting that the proposed Recommendation was applicable beyond countries where disasters or conflicts had occurred.
- 354.** The Government member of Argentina did not support the amendment as it limited the rights of vulnerable groups.
- 355.** The Government member of Jordan clarified that his country was offering support and cooperation, for example hospital care, to such groups, and reiterated the intent of the amendment.
- 356.** The Government member of Brazil did not support the amendment; he noted that the effects of crises and conflicts could transcend their immediate contexts.
- 357.** The amendment was not adopted.
- 358.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to add at the end of the clause “noting that the term ‘persons belonging to minorities’ is used in accordance with the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992”. The amendment sought to clarify who was meant by “refugees”, and the 1992 Declaration was relevant.
- 359.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment.
- 360.** The Government member of the United States did not support the amendment.
- 361.** The amendment was not adopted.
- 362.** Paragraph 6(g) was adopted as amended.

Paragraph 6(h) and (i)

- 363.** Paragraph 6(h) and (i) was adopted.

Paragraph 6(j)

- 364.** The Chairperson explained that as three amendments were identical, they would be considered together. The amendments, submitted by the Government members of the Africa group, the Employers’ group and the Workers’ group, proposed to insert “social” before “dialogue”.
- 365.** The Employer Vice-Chairperson indicated that the inclusion of the term “social dialogue” was standard ILO terminology.
- 366.** The Government member of Angola, speaking on behalf of the Africa group, expressed the same view for inserting the word “social”.
- 367.** The Worker Vice-Chairperson thanked the sponsors of the amendments and warmly welcomed the amended text.
- 368.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to add “with relevant stakeholders” after “dialogue”.

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- 369.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the proposed subamendment.
- 370.** The Government member of Argentina did not support the subamendment as the term “social dialogue” referred to the social partners, which was clear ILO terminology.
- 371.** The Government member of Norway did not support the subamendment.
- 372.** The Government member of Malta, speaking on behalf of the EU and its Member States, clarified that the intention was to include other types of dialogue, and not limit the text to just social dialogue.
- 373.** The Employer Vice-Chairperson noted that Paragraph 7(k) referred to relevant stakeholders.
- 374.** The subamendment was not adopted.
- 375.** The amendment was adopted.
- 376.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew an amendment that had sought to insert “with relevant stakeholders” after “dialogue”.
- 377.** Clause 6(j) was adopted as amended.

#### Paragraph 6(k)

- 378.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to move clause (k) to before clause (f) to allow for a more logical order of the issues on discrimination and equality.
- 379.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 380.** The amendment was adopted.
- 381.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace “or any other grounds, where appropriate following procedures deemed necessary to allow national reconciliation” by “disability, age or sexual orientation;”, in order to include other forms of discrimination.
- 382.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 383.** The Government member of Angola, speaking on behalf of the Africa group, did not support the amendment.
- 384.** The Government members of Ethiopia, Guatemala, Islamic Republic of Iran, Jordan and the Russian Federation did not support the amendment.
- 385.** The Government member of Canada supported the amendment. He proposed a subamendment to add “or any other grounds” after “disability, age or sexual orientation;”, in order to avoid having a closed list of possible grounds of discrimination. The Government member of Switzerland seconded the subamendment.

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- 386.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 387.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 388.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment.
- 389.** The Government members of Ethiopia, Ghana, Guatemala, Indonesia, Islamic Republic of Iran, Jordan and the Russian Federation did not support the subamendment.
- 390.** The Government members of Argentina, Australia, Brazil, Chile, Colombia, Haiti, Norway and the United States supported the subamendment.
- 391.** The subamendment was adopted.
- 392.** The amendment was adopted as subamended.
- 393.** As a result, two amendments fell. One, submitted by the Africa group, had sought to delete “where appropriate following procedures deemed necessary to allow national reconciliation;” and the other, submitted by the Employers’ group, had intended to replace “, where appropriate following procedures deemed necessary to allow” by “and the importance of”.
- 394.** Paragraph 6(k) was adopted as amended.

#### New clause after Paragraph 6(k)

- 395.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause after clause (k) to read “the importance of national reconciliation, where appropriate;”.
- 396.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment, as did the Government member of Pakistan.
- 397.** The amendment was adopted.
- 398.** The new clause after Paragraph 6(k) was adopted.

#### Paragraph 6(l)

- 399.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace clause (l) by “(l) the primary responsibility of Members in responding to emergencies occurring on their territories, as well as the need for international solidarity, shared responsibility and cooperation, in accordance with international law; and” in order to emphasize the primary responsibility of countries in crisis to take measures, with the support of the international community.
- 400.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 401.** The Government member of Cuba supported the amendment and proposed a subamendment to insert “and with the consent of the State concerned” after “international law”. He considered the insertion to be indispensable as the provision of external assistance required

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the consent of the affected State. He pointed out that the formulation was used in many UN resolutions. The proposed subamendment was seconded by the Government member of Pakistan and supported by the Government member of Guatemala .

402. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the subamendment.
403. The Government members of the Plurinational State of Bolivia and Brazil supported the subamendment.
404. The Government member of Angola, speaking on behalf of Africa group, supported the subamendment.
405. The Government member of the Russian Federation supported the subamendment and proposed a further subamendment to remove the reference to “shared responsibility” in the text. It was not seconded and so fell.
406. The Government member of Pakistan, seconded by the Government member of Jordan, proposed a subamendment to replace “shared responsibility” by “burden- and responsibility-sharing”.
407. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
408. The Government members of Indonesia and the Islamic Republic of Iran, and the Government member of Angola, speaking on behalf of Africa group, supported the subamendment.
409. The Government member of the Russian Federation did not support the subamendment.
410. The subamendment proposed by the Government member of Pakistan was adopted.
411. The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the earlier subamendment proposed by the Government member of Cuba.
412. The Government member of Cuba expressed regret that the Workers’ group, the Employers’ group and the EU and its Member States did not support his subamendment and appealed for reconsideration. He emphasized that the subamendment was crucial to his delegation and simply sought to use wording consistent with other UN instruments.
413. The Government member of Jordan supported the subamendment, as did the Government member of Angola, speaking on behalf of the Africa group.
414. The Government member of Pakistan supported the subamendment as it aligned with the basic principles of humanitarian action.
415. The Government member of the United States proposed a further subamendment, seconded by the Government member of Brazil and supported by the Government members of Argentina and Guatemala, to read “and cooperation with the consent of the State concerned and in accordance with international law;” which would better reflect the fact that cooperation was governed by international law.
416. The Government member of Cuba supported the subamendment.

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417. The Employer Vice-Chairperson maintained her concern that introducing the notion of state consent would be problematic in situations where a State had collapsed, was not legitimate or had instigated the crisis. The reference to international law would suffice in that context.
418. The Worker Vice-Chairperson voiced support for that view but asked to hear the views of Government members to better understand the proposal.
419. The Government member of the Russian Federation stressed that the concept of shared responsibility as contained in the New York Declaration for Refugees and Migrants was not legally binding and she welcomed the reference to international law.
420. The Government member of Angola, speaking on behalf of the Africa group, supported the further subamendment.
421. The Government member of the Islamic Republic of Iran underscored that sovereign rights and consent of States for international cooperation were essential. He supported the subamendment.
422. The Government member of Pakistan supported the subamendment. He sought clarification of the use of the word “emergencies” in the text and whether it should be replaced by “crisis situation”.
423. The Government member of Malta, speaking on behalf of the EU and its Member States, shared the concerns expressed by the Employer Vice-Chairperson and the Worker Vice-Chairperson.
424. The Government member of Cuba reiterated the firm position of his country as to the importance of the subamendment and the notion of consent, even in the case of disrupted national institutions. The proposed Recommendation would have no value if that principle was not met.
425. The Government member of Argentina emphasized the importance of reaching consensus on the issue. She appealed to the Employers’ and Workers’ groups and to the EU and its Member States to reconsider their positions in that regard.
426. The Government member of Guatemala supported the subamendment and recalled that state consent was a basic principle of international humanitarian law.
427. The Government member of Angola, speaking on behalf of the Africa group, expressed similar concerns to those raised by the Government member of Cuba and other Government members and requested the social partners to be flexible.
428. The Government member of Chile supported the subamendment proposed by the Government member of the United States.
429. The Government member of the Islamic Republic of Iran underscored that avoiding the question of sovereign rights of member States could be counter-productive as it would hinder the implementation of the proposed instrument.
430. The Government member of Haiti supported the subamendment.
431. Replying to the query raised by the Government member of Pakistan, the deputy representative of the Secretary-General indicated that the word “emergency” appeared only once in the text, under Paragraph 34(b), while “crisis situations” appeared throughout the proposed Recommendation.

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- 432.** The Government member of Pakistan remarked that Paragraph 34(b) referred to emergency response and preparedness and that his delegation would submit a subamendment to address the use of the word “emergency”.
- 433.** The Worker Vice-Chairperson proposed a subamendment to delete “the primary responsibility of Members in responding to emergencies occurring on their territories, as well as”.
- 434.** The Employer Vice-Chairperson supported the subamendment.
- 435.** The Government member of Cuba supported the subamendment but reiterated that the principle of state consent was fundamental.
- 436.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 437.** The Government member of the United States pointed out that international law did not fit with the text of the clause as it was not governing the principles of shared responsibility and international cooperation.
- 438.** The Government member of Pakistan sought the views of the Employer and Worker Vice-Chairpersons on a subamendment to revise the text to reflect wording that had been agreed earlier in the discussion, namely to replace “shared responsibility” by “burden- and responsibility-sharing”.
- 439.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 440.** The Government member of the Russian Federation echoed the remark made by the Government member of the United States and expressed concern that international law did not entail obligations for member States in the domain of responsibility and cooperation. She sought the advice of the secretariat as to the concept of “responsibility”, given that the proposed Recommendation did not give rise to rights or obligations.
- 441.** In response, the deputy representative of the Secretary-General noted that the term “responsibility” was used twice in the current version of the proposed Recommendation, in Paragraph 6(l) in reference to “burden- and responsibility-sharing” and Paragraph 25 in reference to “sharing responsibility equitably”. The term “responsibility” in the proposed Recommendation was distinct from the notion of state responsibility under international law. She explained that there were several ILO Recommendations in which the terms “responsibility” or “shared responsibility” were used. Examples included the Social Protection Floors Recommendation, 2012 (No. 202), the Human Resources Development Recommendation, 2004 (No. 195), and the Employment Policy Recommendation, 1964 (No. 122). In the context of the proposed Recommendation, the term “responsibility” was given the same meaning as in the New York Declaration for Refugees and Migrants. She added that as the Recommendation was a non-binding instrument, the use of the term “responsibility” did not entail any obligations for Members.
- 442.** The Government members of Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Government member of Pakistan.
- 443.** The subamendment proposed by the Government member of Pakistan was adopted.

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- 444.** The Employer Vice-Chairperson reconfirmed her group’s support for the subamendment proposed by the Worker Vice-Chairperson.
- 445.** The subamendment proposed by the Worker Vice-Chairperson was adopted.
- 446.** The amendment was adopted as subamended.
- 447.** As a consequence, four amendments fell. One amendment, submitted by the Government member of Cuba, had sought to insert “state consent and” after “importance of”; another, submitted by the Government member of the Russian Federation, had sought to delete “, shared responsibility”; and two similar amendments, submitted by the Government members of Jordan and Pakistan, respectively, had sought to replace “shared responsibility” with “burden- and responsibility-sharing”.
- 448.** The Government member of Jordan withdrew an amendment to insert “international” before “cooperation”, due to the adoption of the previous amendment.
- 449.** Paragraph 6(l) was adopted as amended.

New clause after Paragraph 6(l)

- 450.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause after Paragraph 6(l) to read “the importance of ensuring safe, orderly and regular migration;”.
- 451.** The Employer Vice-Chairperson supported the amendment.
- 452.** The Worker Vice-Chairperson did not support the amendment as the language did not appear in ILO instruments.
- 453.** The Government member of Pakistan proposed a subamendment, seconded by the Government member of Jordan, to add “, inter alia, increased pathways for labour mobility” after “migration”.
- 454.** The Employer Vice-Chairperson supported the subamendment.
- 455.** The Worker Vice-Chairperson proposed a further subamendment to add at the end of the clause “taking into account the priorities and needs expressed by representative employers’ and workers’ organizations”.
- 456.** The Employer Vice-Chairperson supported the subamendment.
- 457.** The Government member of New Zealand did not support the subamendment and said that he did not see its relevance in the proposed Recommendation.
- 458.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendments proposed respectively by the Government member of Pakistan and the Worker Vice-Chairperson.
- 459.** The Government member of Angola, speaking on behalf of the Africa group, questioned whether the inclusion of “safe and orderly migration” was needed; he did not support either subamendment.
- 460.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew the amendment.

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Paragraph 6(m)

- 461. The Government member of Angola, speaking on behalf of the Africa group, withdrew an amendment to delete “full,”, citing the secretariat’s explanations earlier in the discussion.
- 462. The Employer Vice-Chairperson withdrew a similar amendment to be in line with previous discussions.
- 463. The Government member of Jordan introduced an amendment, seconded by the Government member of Pakistan, to insert “in sectors as designated by relevant national laws” after “opportunities”. It underlined that income generation opportunities and decent work needed to be in accordance with national laws.
- 464. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.
- 465. The Government members of Argentina and New Zealand did not support the amendment.
- 466. The amendment was not adopted.
- 467. Paragraph 6(m) was adopted.
- 468. Paragraph 6 was adopted as amended.
- 469. Part II was adopted as amended.

**Part III. Strategic approaches**

***Title***

- 470. The title was adopted.

***Paragraph 7***

Chapeau

- 471. The chapeau was adopted.

Paragraph 7(a)

- 472. The Worker Vice-Chairperson introduced an amendment to replace “immediate” with “sustainable”. Immediate measures were addressed in Paragraph 8 and therefore Paragraph 7 should include the long term. The *World Development Report 2013: Jobs* of the World Bank recognized that growth was important, but not sufficient, for inclusive growth. He emphasized that the quality of employment was as important as the quantity and clause (a) should refer to the stabilization of livelihoods and income through employment-related measures.
- 473. The Employer Vice-Chairperson did not support the amendment. Creating sustainable employment would take time and immediate activity was required for the stabilization of livelihoods and income and the consequent immediate relief. Focusing on sustainable instead of on immediate activities would come at the detriment of the people who were in need of protection.

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474. The Government member of New Zealand and the Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment. Sustainable employment was addressed in Paragraph 7(c).
475. In view of the discussion, the Worker Vice-Chairperson introduced a subamendment to insert “immediate and” before “sustainable”.
476. The Employer Vice-Chairperson reiterated that she did not support the amendment and concurred with the remark that the promotion of sustainable and decent work was included in Paragraph 7(c).
477. The Worker Vice-Chairperson withdrew the subamendment and the amendment.
478. The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to replace “immediate” by “the promotion of”. He explained that it would be difficult to guarantee immediate employment in emergency and crisis situations.
479. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.
480. The Government member of Cuba supported the amendment.
481. The Government members of New Zealand, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
482. The Government member of Colombia supported the amendment.
483. The Government member of Algeria, speaking on behalf of the Africa group, proposed a subamendment to add “immediate measures for” before “the promotion of”.
484. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
485. The Government members of New Zealand, Panama and the United States did not support the amendment or the subamendment.
486. The Government members of Colombia, Cuba and Ethiopia supported the subamendment.
487. The Government member of Cuba proposed a further subamendment, seconded by the Government member of Pakistan, to read “immediate measures for recovering and generating, as appropriate, employment and social protection”.
488. The Government member of Chile noted that the Committee was asking for too much within the Paragraph while much was to come in later Paragraphs.
489. The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
490. The amendment was not adopted.
491. The Employer Vice-Chairperson introduced an amendment to replace “employment and social protection measures” by “social protection and employment measures”, for the sake of clarity.
492. The Worker Vice-Chairperson supported the amendment.

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- 493.** The Government members of Indonesia, and Angola, speaking on behalf of the Africa group, did not support the amendment.
- 494.** The Government members of Argentina, Chile and the United States supported the amendment.
- 495.** The amendment was adopted.
- 496.** Paragraph 7(a) was adopted as amended.

Paragraph 7(b)

- 497.** The Worker Vice-Chairperson introduced an amendment to add “, including through employment-intensive public works programmes” at the end of the clause. Local economic rehabilitation was essential in the response to, and prevention of, crisis. Public works programmes were an important source of employment for the most vulnerable members of the population, such as women heads of household, those injured in conflict and people living in extreme poverty. Those groups were often the last to find employment in the private sector and the first to be affected by conflict.
- 498.** The Employer Vice-Chairperson did not support the amendment. During times of crisis and disaster, employment-intensive public works programmes tended to divert resources from where they were most needed, such as for the provision of food and shelter. Those programmes also tended to exclude more efficient providers, who used new and better technologies and materials. There was no need to include details of how the approaches laid out in Paragraph 7 should be implemented; that should remain at the discretion of States.
- 499.** The Government members of Australia, Brazil and New Zealand did not support the amendment.
- 500.** The amendment was not adopted.
- 501.** Paragraph 7(b) was adopted.

Paragraph 7(c)

- 502.** The Worker Vice-Chairperson withdrew an amendment to delete “sustainable employment and decent work, social protection,”.
- 503.** The Government member of Cuba withdrew an amendment to insert “and security” after “protection”.
- 504.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “and social inclusion” after “social protection”; it would provide an important addition.
- 505.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 506.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 507.** The Government member of the United States did not support the amendment.
- 508.** The amendment was adopted.

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- 509.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, including the promotion of small and medium-sized enterprises” after “sustainable enterprises” to expand the scope to SMEs.
- 510.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 511.** The Government members of Argentina, Australia, China and the United States supported the amendment.
- 512.** The amendment was adopted.
- 513.** The Government member of Cuba withdrew an amendment to insert “accessible and good quality” between “access to” and “public services”.
- 514.** Paragraph 7(c) was adopted as amended.

Paragraph 7(d)

- 515.** The Government member of Angola, speaking on behalf of the Africa group, withdrew an amendment to delete “the rapid attainment of full”.
- 516.** The Employer Vice-Chairperson introduced an amendment to delete “full” after “attainment of”.
- 517.** The Worker Vice-Chairperson did not support the amendment.
- 518.** The Government member of Norway did not support the amendment.
- 519.** The Government member of New Zealand supported the amendment.
- 520.** The Employer Vice-Chairperson proposed a subamendment to replace “rapid attainment” by “the promotion” and to reinstate “full”.
- 521.** The Government member of Algeria, speaking on behalf of the Africa group, proposed a subamendment to insert “with a view to rapid creation” after “private investment”.
- 522.** The Employer Vice-Chairperson did not support that subamendment and proposed a further subamendment, to replace “facilitate the rapid attainment of” by “promote”.
- 523.** The Worker Vice-Chairperson supported the subamendment proposed by the Employers’ group, as did the Government members of Norway and the United States .
- 524.** The amendment was adopted as subamended.
- 525.** The Employer Vice-Chairperson introduced an amendment to replace “and decent employment” by “employment and decent work” in order to maintain consistent wording in the text.
- 526.** The Worker Vice-Chairperson supported the amendment.
- 527.** The Government members of the United States, Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

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**528.** The amendment was adopted.

**529.** Paragraph 7(d) was adopted as amended.

Paragraph 7(e)

**530.** The Worker Vice-Chairperson introduced an amendment to replace “providing guidance and support to” by “enact binding regulation addressed at”.

**531.** The Employer Vice-Chairperson did not support the amendment as the wording was prescriptive and hence did not fit well in Part III on strategic approaches.

**532.** The Government members of Argentina, Brazil, Canada, New Zealand and the United States did not support the amendment.

**533.** The amendment was not adopted.

**534.** The Employer Vice-Chairperson introduced an amendment to delete “and businesses” after “support to employers”. She queried why the word “businesses” had been used in the text.

**535.** The deputy representative of the Secretary-General recalled that “businesses” had not been proposed by the Office but had resulted from an amendment submitted by the EU and its Member States at the Committee’s deliberations in 2016.

**536.** The Worker Vice-Chairperson supported the amendment.

**537.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**538.** The Government member of Senegal supported the amendment.

**539.** The amendment was adopted.

**540.** The Worker Vice-Chairperson introduced an amendment to replace the rest of the clause after “to identify,” by “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”. The aim was to align the wording with that of other ILO instruments such as the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which had been amended recently, the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), as well as the UN Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011).

**541.** The Employer Vice-Chairperson indicated the term “account for” was problematic and regressed from the topic at hand.

**542.** The Government members of Brazil, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**543.** The Employer Vice-Chairperson urged all parties to keep in mind the target audience of the Recommendation when proposing amendments. The proposed amendment ran the risk of diverting resources that would be much needed in times of crisis and disasters towards other areas, such as corporate social responsibility. She therefore proposed a subamendment, by which the words “and account for how they address” would be deleted, and “and” would be inserted between “prevent” and “mitigate”.

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- 544.** The Worker Vice-Chairperson wished to hear the views of Government members before pronouncing an opinion on the subamendment.
- 545.** The Government member of New Zealand supported the subamendment.
- 546.** The Government member of Ethiopia, speaking on behalf of the Africa group, did not support the subamendment.
- 547.** The Worker Vice-Chairperson did not support the subamendment.
- 548.** The subamendment was not adopted.
- 549.** The amendment was adopted.
- 550.** The Employer Vice-Chairperson introduced an amendment to delete “and account for how they address”.
- 551.** The Worker Vice-Chairperson did not support the amendment.
- 552.** The Government member of Ethiopia, speaking on behalf of the Government members of the Africa group, and the Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 553.** The Government member of the United States supported the amendment.
- 554.** The amendment was not adopted.
- 555.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to delete “or” after “products” and insert “or business relationships” after “services”. It would bring the wording of the clause in line with that of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.
- 556.** The Employer Vice-Chairperson did not support the amendment, and cautioned that such amendments risked shifting the focus of the Recommendation away from decent work in times of crisis to supply chain issues and thus risked diverting resources to causes irrelevant to the Recommendation.
- 557.** The Worker Vice-Chairperson supported the amendment.
- 558.** The Government member of the United States, supported by the Government member of Algeria, requested clarification on a point of order; according to her understanding of Committee procedure, since the amendment proposed by the Workers’ group had been adopted, the current and previous amendments should have fallen.
- 559.** The representative of the Secretary-General explained that, in principle, since the amendment submitted by the Workers’ group had been adopted, the text thereof could be considered final, and the two subsequent amendments would have fallen. However, since the text of that amendment also contained some of the original wording, to which the subsequent two amendments pertained, it was within the Chairperson’s discretion to consider that the discussion had not been completed on the specific point.
- 560.** Following an informal consultation with the Employer Vice-Chairperson and the Worker Vice-Chairperson, the Chairperson announced that the amendment submitted by the Government member of Malta, on behalf of the EU and its Member States, had fallen.

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**561.** Paragraph 7(e) was adopted as amended.

Paragraph 7(f)

**562.** The Worker Vice-Chairperson introduced an amendment to insert “-sensitive” after “a gender”. It was only applicable to the English version.

**563.** The Employer Vice-Chairperson remarked that a number of ILO documents had used the term “gender perspective” instead of “gender-sensitive”; she requested clarification from the secretariat.

**564.** The deputy representative of the Secretary-General explained that in terms of meaning, the two terms meant the same but the term “gender perspective” had been used more often recently.

**565.** The Employer Vice-Chairperson did not support the amendment.

**566.** The Government member of Australia did not support the amendment as there was no compelling reason for it and there was the need to be consistent with other ILO documents.

**567.** The Government member of Ethiopia, speaking on behalf of the Africa group, did not support the amendment.

**568.** The amendment was not adopted.

**569.** The Employer Vice-Chairperson withdrew an amendment to insert “, as appropriate,” after “gender perspective”.

**570.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “prevention and” after “crisis” in order to ensure that the issue of prevention was also covered.

**571.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment, as did the Government members of Switzerland and the United States .

**572.** The amendment was adopted.

**573.** Paragraph 7(f) was adopted as amended.

Paragraph 7(g)

**574.** Paragraph 7(g) was adopted.

Paragraph 7(h)

**575.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “and collective bargaining” after “dialogue” for the purpose of making the clause more complete and aligning it with other ILO instruments.

**576.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**577.** The Government member of Norway supported the amendment.

**578.** The amendment was adopted.

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**579.** Paragraph 7(h) was adopted as amended.

Paragraph 7(i) and (j)

**580.** Paragraph 7(i) and (j) were adopted.

Paragraph 7(k)

**581.** The Worker Vice-Chairperson introduced an amendment to move clause (k) to the beginning of the list before clause (a). Part III of the proposed Recommendation should reinforce social dialogue in fragile situations and focus more on consultations with workers' and employers' organizations, particularly on planning, implementing and monitoring measures for recovery and resilience. Therefore, consultation and participation of workers' and employers' organizations should be at the start of the list. In times of crisis, it was important to ensure implementing measures for recovery and resilience as appropriate, taking into account the views of the relevant civil society organizations, as the practice would enhance trust and improve transparency.

**582.** The Employer Vice-Chairperson supported the amendment.

**583.** The Government member of Malta, speaking on behalf of the EU and its Member States, stated that it could not be seen as a more important priority than rapidly responding to address the basic needs of the persons affected.

**584.** The Government member of New Zealand added that it was important for government to react in crisis situations and highlighted that the whole of Part IX focused on social dialogue. There was no urgent need for such consultation before stabilizing livelihoods in the aftermath of disasters. In any case, the list under Paragraph 7 was not meant to imply a descending order of priority.

**585.** The Government member of the United States did not support the amendment for the same reason given by the Government members of New Zealand, and Malta, speaking on behalf of the EU and its Member States.

**586.** The Worker Vice-Chairperson underlined the importance of promoting consultation and collective bargaining and its strategic role in responding to crisis situations. He would therefore maintain the proposed amendment.

**587.** The Government member of Norway could support the amendment but suggested moving clause (k) up the list if there was majority support.

**588.** In response to that suggestion, the Employer Vice-Chairperson proposed a subamendment to move clause (k) to after clause (c).

**589.** The Worker Vice-Chairperson supported the subamendment.

**590.** The Government member of Canada supported the subamendment.

**591.** The Government member of the Russian Federation supported the subamendment but recalled that all clauses were equally important.

**592.** The Government members of the United States, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.

**593.** The subamendment was adopted.

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**594.** Paragraph 7(k) was adopted as amended.

Paragraph 7(l)

**595.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to replace “persons formerly associated ... crisis” by “persons who have been affected by the crisis, in particular those formerly associated with armed forces and groups”. The inclusion of such wording would amplify the meaning and increase clarity without changing the overall sense of the sentence.

**596.** The Worker Vice-Chairperson supported the amendment.

**597.** The Employer Vice-Chairperson sought clarification from the secretariat as to whether “group” referred to armed groups.

**598.** The Chairperson, after consultation with the secretariat, confirmed that “group” did refer to armed groups.

**599.** The Employer Vice-Chairperson supported the amendment.

**600.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**601.** The amendment was adopted.

**602.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to add “through specific training programmes that aim to ensure their employability” at the end of the clause.

**603.** The Employer Vice-Chairperson proposed a subamendment to replace “ensure” with “improve”.

**604.** The Worker Vice-Chairperson supported the subamendment.

**605.** The Government member of Brazil supported the subamendment but wished to propose a further subamendment to insert “including” before “through specific training programmes”, which was seconded by the Government member of Argentina and supported by the Government member of Guatemala .

**606.** In response to the Chairperson’s wish to conclude the discussion of the subamendment put forward by the Employers’ group before moving on to the further subamendment proposed by the Government member of Brazil, the Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment submitted by the Employers’ group.

**607.** The subamendment was adopted.

**608.** Referring to the subamendment proposed by the Government member of Brazil, the Employer Vice-Chairperson voiced her support.

**609.** The Worker Vice-Chairperson supported the subamendment, at least as it appeared in the French version on the screen.

**610.** The Government member of Ethiopia, speaking on behalf of the Africa group, supported the subamendment.

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- 611.** The Government member of the Russian Federation supported the subamendment and expressed her wish to propose a further subamendment.
- 612.** The Chairperson asked for the discussion on the subamendment from the Government member of Brazil to be concluded before the subamendment being proposed by the Government member of the Russian Federation was discussed.
- 613.** The Worker Vice-Chairperson supported the subamendment proposed by the Employers' group.
- 614.** The Government member of the United States supported the subamendment to include "including" and expressed his wish to propose a further subamendment.
- 615.** The Government member of the Russian Federation explained that her further subamendment dealt with groups and methods of training; they should be specific and law enforcement agencies should be included.
- 616.** The Chairperson requested the Government member of the Russian Federation to read a specific text of her further subamendment. It was not seconded and so fell.
- 617.** The Government member of the United States proposed a subamendment, seconded by the Government member of Switzerland, to delete "specific" as it was unnecessary.
- 618.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 619.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 620.** The subamendment was adopted.
- 621.** Paragraph 7(l) was adopted as amended.
- 622.** Paragraph 7 was adopted as amended.

## **Paragraph 8**

### Chapeau

- 623.** The chapeau was adopted.

### Paragraph 8(a)

- 624.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew an amendment to insert "age" after "clear" and ", and diversity" after "gender".
- 625.** Paragraph 8(a) was adopted.

### Paragraph 8(b)

- 626.** The Government member of Cuba withdrew an amendment to insert "and security" after "protection".
- 627.** The Worker Vice-Chairperson introduced an amendment to replace "employment" by "immediate employment measures".

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- 628.** The Employer Vice-Chairperson supported the amendment.
- 629.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 630.** The Government member of China supported the amendment. She provided the example of the earthquake in Sichuan after which government resources were used to assist disadvantaged people. She pointed out that her country had achieved a lot and had helped those without employment and jobs. She recommended that similar measures should be adopted in that process.
- 631.** The amendment was adopted.
- 632.** Paragraph 8(b) was adopted as amended.

Paragraph 8(c)

- 633.** The Government member of Cuba introduced an amendment, seconded by the Government member of Algeria, to insert “at the request of the State concerned,” after “international community,” with the purpose of making it clear that the involvement of the international community in the recovery and rehabilitation after conflicts should be at the request of the State concerned. That was a principle that was internationally accepted and the phrase was used in many documents.
- 634.** The Worker Vice-Chairperson did not see the necessity of the amendment as in Paragraph 8(c) it clearly said that assistance should be provided by public authorities to the extent possible and with the support of the international community.
- 635.** The Employer Vice-Chairperson agreed with the statement made by the Worker Vice-Chairperson and did not support the amendment.
- 636.** The Government member of the United States remarked that he did not see the necessity of the amendment as public authorities included government authorities and the international community could only provide assistance with the consent of the government concerned.
- 637.** The Government member of Pakistan supported the amendment and stated that support by the international community provided without the consent of the State concerned was interference. He understood the view expressed by the Government member of the United States and could be flexible on the issue.
- 638.** The Government member of New Zealand concurred with the statement made by the Government member of the United States.
- 639.** The Chairperson noted that the amendment did not have the necessary support.
- 640.** The Government member of Cuba said that he wished to make a statement before a decision was taken to express his regret that it appeared that nobody understood the scope of the amendment. He recalled that it was impossible to conduct operations in post-conflict and disaster situations without the consent of the State concerned.
- 641.** The Chairperson confirmed that due note was taken of the Government member of Cuba’s intervention but as nobody wished to take the floor and as there was no majority in favour of the amendment, it was not adopted.
- 642.** Paragraph 8(c) was adopted.

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Paragraph 8(d)

**643.** Paragraph 8(d) was adopted.

Paragraph 8(e)

**644.** The Government member of the Russian Federation introduced an amendment, seconded by the Government member of Cuba, to move “, whenever necessary,” to after “the re-establishment” as it would make the use of “whenever necessary” more appropriate in that it would then apply to all organizations.

**645.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**646.** The Government members of Brazil and the United States also supported the amendment.

**647.** The amendment was adopted.

**648.** Paragraph 8(e) was adopted as amended.

**649.** An amendment proposed by the Government member of the Russian Federation to add a new clause after clause (e) to read “provision of vocational guidance services for young people by employment agencies.” was not seconded and therefore fell.

**650.** Paragraph 8 was adopted as amended.

**651.** Part III was adopted as amended.

## **Part IV. Employment generation**

### ***Title***

**652.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace the title with “Employment and income generation opportunities” given that employment was not the only form of income generation.

**653.** The Worker Vice-Chairperson stated that although such a change to the title better reflected the actual content of the text that followed, the original title was preferable. However, he indicated flexibility and wished to hear the views of other Committee members.

**654.** The Employer Vice-Chairperson supported the amendment as the text not only referred to employment generation, but also to income generation opportunities.

**655.** In the absence of any further statements from Government members and reiterating his flexibility, the Worker Vice-Chairperson indicated his support for the amendment.

**656.** The amendment was adopted.

**657.** The title was adopted as amended.

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## **Paragraph 9**

- 658.** The Chairperson announced that two identical amendments would be considered together and recalled that the secretariat had already provided clarification on a similar amendment earlier in the text.
- 659.** The Employer Vice-Chairperson and the Government member of Ethiopia, speaking on behalf of the Africa group, withdrew their respective amendments to delete “full” after “promote”.
- 660.** The Employer Vice-Chairperson introduced an amendment to replace “employment” by “work”. The intention was to ensure consistency throughout the text in the use of “decent” to describe work rather than employment. She suggested that the Committee Drafting Committee could be tasked with ensuring such consistency throughout the text.
- 661.** The Employer Vice-Chairperson proposed a subamendment to insert “employment” after “freely chosen” to read “freely chosen employment and decent work”.
- 662.** The Worker Vice-Chairperson did not support the amendment. The reference to “work” was needed in the context of full, productive work but he did support the subamendment.
- 663.** The Government members of Australia, Islamic Republic of Iran, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 664.** The Government member of the Russian Federation supported the subamendment, bearing in mind that the words “freely chosen employment and decent work” had been used frequently.
- 665.** The Government member of Pakistan sought procedural clarification and guidance from the secretariat. While he would support the subamendment, it was not part of the amendment.
- 666.** After consulting the secretariat, the Chairperson explained that the word “employment” was still the word being subamended. It was therefore possible to subamend it as part of the amendment.
- 667.** The subamendment was adopted.
- 668.** The amendment was adopted as subamended.
- 669.** The Worker Vice-Chairperson introduced an amendment to replace “taking into account” by “in line with”. The intention was to ensure that the text was in line with what was taken to be the standard drafting style of the ILO.
- 670.** The Employer Vice-Chairperson requested guidance from the secretariat to clarify which formulation, either “taking into account” or “in line with” was used in other Recommendations.
- 671.** The deputy representative of the Secretary-General clarified that “in line with” was used in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).
- 672.** Responding to the Chairperson’s inquiry as to whether the explanation was sufficient, the Employer Vice-Chairperson requested further clarification regarding the use of “taking into account” and “in line with” in other Recommendations.

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- 673.** The deputy representative of the Secretary-General stated that it was not possible for the secretariat to rapidly check all Recommendations but pointed out that Recommendation No. 204 was the most recent.
- 674.** The Government member of the United States explained that the text made reference to the Employment Policy Convention, 1964 (No. 122), and as not all countries had ratified that Convention, she preferred the original formulation as it was less restrictive. She did not support the amendment.
- 675.** The Government members of Australia and the Russian Federation did not support the amendment.
- 676.** The Government member of Cuba requested clarification from the secretariat as the text asked Members to take into account the Convention No. 122 “and guidance provided in relevant resolutions of the International Labour Conference”. The meaning of “guidance” in that context should be clarified, particularly as to whether it was binding.
- 677.** The Chairperson clarified that guidance was not binding as international labour Recommendations did not create legal obligations for Members.
- 678.** The Employer Vice-Chairperson did not support the amendment and preferred the original text as the Recommendation was not binding so it was not appropriate to use “in line with”.
- 679.** The Worker Vice-Chairperson considered the amendment to be the preferable option, given the reference to the use of “in line with the Employment Policy Convention, 1964 (No. 122)” in Paragraph 14 of Recommendation No. 204.
- 680.** The amendment was not adopted.
- 681.** Paragraph 9 was adopted as amended.

## ***Paragraph 10***

### **Chapeau**

- 682.** The Employer Vice-Chairperson introduced an amendment to insert “productive, freely chosen and” after “ensure”. It was in line with previous amendments submitted by the Employers’ group which sought to emphasize the concept of productive and freely chosen employment. She suggested that the Committee Drafting Committee could look into this throughout the text.
- 683.** The Chairperson stated that the amendment was substantial enough to be discussed in the room and should not be left to the Committee Drafting Committee.
- 684.** The Worker Vice-Chairperson said that he had initially supported the amendment but had changed his mind when he realized that the word “full” was not included in the amendment.
- 685.** The Employer Vice-Chairperson remarked that the amendment was connected with a subsequent one his group had submitted and proposed to subamend the text accordingly, in order for the text to read “productive, freely chosen employment and decent work”.
- 686.** The Chairperson agreed that both amendments could be taken together.
- 687.** The Worker Vice-Chairperson did not support the subamendment.

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- 688.** The Government member of Algeria, speaking on behalf of the Africa group, pointed out that productive employment was an integral part of the concept of decent work.
- 689.** The Chairperson recalled that “freely chosen employment and decent work” was a phrase that had been agreed previously in the text.
- 690.** The Government member of Argentina concurred that productive and freely chosen employment was a part of decent work.
- 691.** The Government member of the United States did not support the subamendment but in order to move forward suggested replacing “ensure” by “promote”.
- 692.** The Chairperson said that it was not possible to propose a subamendment outside the amended text.
- 693.** The Government member of the United States replied that it was possible to do so if there was consent from the social partners and Government groups.
- 694.** After a short pause, the Chairperson concurred with the United States and explained that the secretariat was consulting the various groups to see if there would be consensus on a revised text. The Chairperson indicated that a way forward for the Committee’s deliberations was possible if there was consensus for the further amendment to replace “ensure” by “promote”. She noted that, after consultation, the Employer Vice-Chairperson and Worker Vice-Chairperson had expressed their support.
- 695.** The Government member of Senegal asked for procedural clarification and suggested that it might be better to delete “employment”.
- 696.** The representative of the Secretary-General clarified that the Committee had two amendments before it, both of which had been introduced by the Employer Vice-Chairperson. As “full” had not been included, there was a concern that the text could result in the use of wording inconsistent with standard wording used by the ILO. On the advice of the Legal Adviser, he suggested that if there was a consensus among the Committee members, all the points could be brought together for consideration.
- 697.** The Chairperson read out the new amendment from the Employer Vice-Chairperson which was to replace “freely chosen and decent employment” by “freely chosen employment and decent work”.
- 698.** The new amendment was adopted by consensus.
- 699.** In light of the adoption of the new amendment, the initial amendment was withdrawn.
- 700.** The chapeau was adopted as amended.

Paragraph 10(a)

- 701.** The Government member of Pakistan, speaking also on behalf of the Government members of the Islamic Republic of Iran and Jordan, introduced an amendment to add, at the end of the clause, “for citizens”. A qualifier was needed as public employment programmes might not be open to foreigners.
- 702.** The Employer Vice-Chairperson did not support the amendment as it went against the principle of non-discrimination.

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- 703.** The Worker Vice-Chairperson concurred with the view of the Employer Vice-Chairperson and added that the term “citizens” was not an ILO term. He did not support the amendment.
- 704.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment and expressed concern that it could be discriminatory.
- 705.** The Government member of Pakistan stated that the concerns with the clause could have been better articulated but, on the basis of the discussion, he would withdraw the amendment.
- 706.** An amendment submitted by the Government member of the Russian Federation to add a new clause after clause (a), to read “promotion of temporary and seasonal employment for young people;”, was not seconded and so fell.
- 707.** Paragraph 10(a) was adopted.

Paragraph 10(b)

- 708.** Paragraph 10(b) was adopted.

Paragraph 10(c)

- 709.** The Worker Vice-Chairperson introduced an amendment to insert “together with a strong social economy and a viable public sector” after “sustainable enterprises”. The text drafted should be modified to reflect the work of the 2015 Tripartite Meeting of Experts on Sustainable Development, Decent Work and Green Jobs, in particular the Guidelines for a just transition towards environmentally sustainable economies and societies for all.
- 710.** The Employer Vice-Chairperson did not support the amendment and noted that the concept of sustainable enterprises did not include cooperatives and social economy initiatives; she added that clause (e) included references to the environmentally sustainable economy.
- 711.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment. Clause (c) already made a separate reference to the social economy and clause (g) referenced the public sector.
- 712.** The Government member of New Zealand did not support the amendment and made an appeal not to overload clauses.
- 713.** The Government member of the United States did not support the amendment and expressed agreement with the views of the Employer Vice-Chairperson.
- 714.** The amendment was not adopted.
- 715.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add at the end of the clause “, with particular emphasis on initiatives to facilitate access to finance”, as that was an important inclusion.
- 716.** The Employer Vice-Chairperson supported the amendment.
- 717.** The Worker Vice-Chairperson noted that, as indicated previously, a mention was included in Paragraph 24(a) and as a mention was not needed in the present clause, he did not support the amendment.

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**718.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that Paragraph 24(a) came under Part IX, on social dialogue. The Part under discussion was on employment.

**719.** The Government member of Cuba did not support the amendment.

**720.** The Government member of New Zealand supported the amendment, as it was a useful addition.

**721.** The Government member of Pakistan expressed support and noted that there could be various sources of finance.

**722.** The Government members of the Islamic Republic of Iran and the United States also supported the amendment.

**723.** The amendment was adopted.

**724.** Paragraph 10(c) was adopted as amended.

#### Paragraph 10(d)

**725.** The Worker Vice-Chairperson introduced an amendment to insert “and expand” after “to maintain”.

**726.** The Employer Vice-Chairperson supported the amendment.

**727.** The Government member of Ethiopia, speaking on behalf of the Africa group, expressed support.

**728.** The amendment was adopted.

**729.** Paragraph 10(d) was adopted as amended.

#### Paragraph 10(e)

**730.** Paragraph 10(e) was adopted.

#### Paragraph 10(f)

**731.** The Employer Vice-Chairperson introduced an amendment to replace “employment and social protection” by “social protection and employment” and noting that a similar amendment had been made earlier in the text. The purpose was to make the wording consistent.

**732.** The Worker Vice-Chairperson supported the amendment.

**733.** The Government member of New Zealand supported the amendment.

**734.** The amendment was adopted.

**735.** The Government member of Cuba withdrew an amendment to insert “and security” after “social protection”.

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- 736.** The Worker Vice-Chairperson introduced an amendment to replace “protecting” by “respecting, promoting and realizing” and explained that it brought the wording of the clause in line with that of the Declaration on Fundamental Principles and Rights at Work, 1998.
- 737.** The Employer Vice-Chairperson supported the amendment.
- 738.** The Government members of Argentina, New Zealand and Switzerland supported the amendment.
- 739.** The amendment was adopted.
- 740.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to insert “in the informal economy” after “economic units”, for the sake of clarity as the clause was addressing the transition from the informal to the formal economy.
- 741.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 742.** The Government member of Malta, speaking on behalf of the EU and its Member States, said that the idea of the transition from the informal to the formal economy was well captured in the clause without any amendment. That said, she did not oppose the amendment.
- 743.** The Government member of the Islamic Republic of Iran supported the amendment.
- 744.** The amendment was adopted.
- 745.** Paragraph 10(f) was adopted as amended.

#### Paragraph 10(g)

- 746.** The Worker Vice-Chairperson introduced an amendment to insert “socially and environmentally responsible” after “promoting”.
- 747.** The Employer Vice-Chairperson proposed a subamendment, to insert “, economically” after “socially”.
- 748.** The Worker Vice-Chairperson supported the subamendment.
- 749.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment but supported the amendment.
- 750.** The amendment was adopted as subamended.
- 751.** Paragraph 10(g) was adopted as amended.

#### Paragraph 10(h)

- 752.** The Employer Vice-Chairperson introduced an amendment, which, together with the subsequent amendment for discussion, would bring the wording in line with generally accepted ILO wording. The amendment was to insert “productive, freely chosen and” after “create “. She wondered whether the wording could be entrusted to the Committee Drafting Committee to ensure consistency.
- 753.** The Chairperson explained that it could be dealt with by the Committee itself. She suggested considering the two amendments together.

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- 754.** The Employer Vice-Chairperson reiterated that the wording would read “to create productive, freely chosen employment and decent work.”
- 755.** The Chairperson requested consensus from the Committee to bring the wording in line.
- 756.** The representative of the Secretary-General clarified that the text should read “in order to promote full, productive and freely chosen employment and decent work”
- 757.** The Chairperson appealed for common sense in reaching a consensual agreement based on earlier explanations.
- 758.** The Worker Vice-Chairperson did not support the amendment and explained that the context was different as the clause was about multinational enterprises collaborating with national enterprises.
- 759.** The Chairperson suggested going back to the original amendment if there was no consensus.
- 760.** The Worker Vice-Chairperson supported the original amendment.
- 761.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment and preferred the original text with “to create”.
- 762.** The Government member of Switzerland supported the amendment.
- 763.** The amendment which read “to create productive, freely chosen and decent employment” was adopted.
- 764.** The Employer Vice-Chairperson introduced an amendment to replace “employment” by “work” and highlighted that the concept was about decent work and not decent employment.
- 765.** The Worker Vice-Chairperson supported the amendment, as did the Government members of Australia and New Zealand.
- 766.** The Government member of the United States highlighted that the word “employment” was now missing.
- 767.** The Chairperson explained that the amendment proposed to replace the word “employment” by “work”.
- 768.** The Government member of Senegal expressed concern that the Committee was returning to issues of wording on which consensus had already been reached. He proposed that the issue be referred to the Committee Drafting Committee, which would ensure coherence and consistency throughout the text.
- 769.** The Worker Vice-Chairperson supported the amendment.
- 770.** The Government member of Malta, speaking on behalf of the EU and its Member States, suggested that although in French it might make sense, the same was not true in English.
- 771.** In the absence of any further comments or objections, the Chairperson took it that the Committee wished to agree to refer the matter to the Committee Drafting Committee and to further discussion by the Committee if necessary.

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**772.** The Worker Vice-Chairperson withdrew an amendment which had sought to insert “revised” after “account the”. He drew attention to the fact that the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy was expected to be revised.

**773.** Paragraph 10(h) was adopted as amended.

#### Paragraph 10(i)

**774.** The Government member of the Russian Federation introduced an amendment to replace “and groups” by “and law enforcement bodies”. The amendment was not seconded and therefore fell.

**775.** The Government member of Pakistan, speaking also on behalf of the Government members of the Islamic Republic of Iran and Jordan, introduced an amendment to add “, as appropriate”, at the end of the clause.

**776.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment, as did the Government member of Malta, speaking on behalf of the EU and its Member States.

**777.** The Government member of Australia did not support the amendment; he found it repetitive as it was already included in the chapeau of paragraph 10.

**778.** The amendment was adopted.

**779.** Paragraph 10(i) was adopted as amended.

**780.** Paragraph 10 was adopted as amended.

#### **Paragraph 11**

**781.** The Government member of Cuba introduced an amendment, seconded by the Government member of Pakistan, to delete “disadvantaged and marginalized groups and”. He stressed that the wording “disadvantaged and marginalized groups” was vague and subjective. There was no definition of which marginalized people were being referred to and he preferred not to have that kind of ambiguity in the text.

**782.** The Worker Vice-Chairperson did not support the amendment.

**783.** The Employer Vice-Chairperson supported the amendment.

**784.** The Government members of Argentina, Brazil and Guatemala supported the amendment.

**785.** The Government members of Australia, New Zealand, United States, and the Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**786.** The Government member of Cuba, seconded by the Government member of Pakistan, proposed alternative wording to replace “disadvantaged and marginalized groups” with “persons in vulnerable situations and”.

**787.** The Chairperson explained that the alternative wording would be considered a new amendment and could not be procedurally accepted.

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- 788.** The Government member of Cuba maintained that the alternative wording was consistent with UN resolutions.
- 789.** The Chairperson accepted the alternative wording as a subamendment.
- 790.** The Worker Vice-Chairperson asked for additional views from Government members.
- 791.** The Employer Vice-Chairperson did not support the subamendment since the text already mentioned individuals who had been made particularly vulnerable.
- 792.** The Government members of New Zealand and the Russian Federation did not support the amendment and preferred the original text.
- 793.** The Government member of Pakistan supported the subamendment and explained that it was to distinguish between persons in existing vulnerability and those potentially made vulnerable by the crisis.
- 794.** The Government member of Australia did not support the subamendment and recalled that the original text was in line with Part VII.
- 795.** The Worker Vice-Chairperson did not support the subamendment as there was a large consensus for the original text.
- 796.** The Government member of Cuba requested that it be put on record that he did not support the original text as it was ambiguous, vague and subjective.
- 797.** The subamendment was not adopted.
- 798.** The amendment was not adopted.
- 799.** The Government member of Pakistan, seconded by the Government member of Cuba, introduced an amendment to delete “, including, but not limited to, internally displaced persons, migrants and refugees”. He suggested that some members of the Committee might feel the need to include other groups of persons in vulnerable situations. Part X on refugees and returnees made explicit reference to Parts IV, VI and VIII which addressed the issue.
- 800.** The Worker Vice-Chairperson did not support the amendment and pointed out that the Paragraph was about persons made particularly vulnerable by the crisis.
- 801.** The Employer Vice-Chairperson did not support the amendment as the Paragraph already mentioned “including but not limited to”.
- 802.** The Government member of Pakistan withdrew the amendment.
- 803.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to insert “persons with disabilities” after “but not limited to,” as he wanted to amplify that persons with disabilities were in extreme vulnerable situations when in crisis.
- 804.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 805.** The Government members of Brazil and China supported the amendment.

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- 806.** The Government member of Malta, speaking on behalf of the EU and its Member States, stated that although she was sympathetic to the amendment, she felt that it was perhaps better placed in Part V on rights, equality and non-discrimination.
- 807.** The amendment was adopted.
- 808.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “regular” after “displaced persons”.
- 809.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment.
- 810.** The Government member of Ethiopia, speaking on behalf of the Africa group, expressed opposition and did not support the amendment.
- 811.** The Government member of Jordan supported the amendment.
- 812.** The Government members of Argentina and Brazil did not support the amendment as it was restrictive and a distinction should not be made between regular and irregular migrants. All migrant workers should be protected.
- 813.** The Government member of the United States supported the amendment. She questioned how Members could apply active labour market policies and programmes on irregular migrants.
- 814.** The Government members of Chile, Colombia and Guatemala did not support the amendment. Active labour market policies and immediate responses should be applied to all in crisis situations.
- 815.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that only regular labour migrants could be integrated in the labour market.
- 816.** The Government member of Jordan mentioned that it was necessary to differentiate between workers that respected the laws of countries and those that did not. It was important to focus on the word “regular”.
- 817.** The amendment was not adopted.
- 818.** The Worker Vice-Chairperson introduced an amendment to insert “or externally forcibly” after “internally” and recalled that Paragraph 6(g), adopted as amended, included reference to “internally displaced persons” and “other persons forcibly displaced across borders”. The intention was to use similar wording.
- 819.** In response to the Worker Vice-Chairperson’s request for clarification as to whether a subamendment should be introduced, the Chairperson invited the Committee to proceed with the amendment as submitted.
- 820.** The Government member of Argentina pointed out that Paragraph 11 was similar to Paragraph 6(g) which included reference to several groups requiring special attention. Paragraph 11 could end after “made particularly vulnerable” without detailing and repeating the groups which were already mentioned in Paragraph 6(g).
- 821.** The Chairperson clarified that that would be an amendment which could not be accepted.
- 822.** The Employer Vice-Chairperson asked to hear the views of Government members.

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- 823.** The Government member of Pakistan acknowledged the adopted amendment in Paragraph 6(g) and noted that the reference to “internally or externally forcibly displaced persons” did not make sense; he asked the Worker Vice-Chairperson to align the wording of the amendment with that which was previously used.
- 824.** The Government members of the Russian Federation, and Ethiopia, speaking on behalf of the Africa group, did not support the amendment. The amendment would only create confusion as the wording was not used elsewhere.
- 825.** The Government members of Australia, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment as they were concerned about creating new categories and felt it should not pre-empt the discussion on the Global Compact.
- 826.** The Government member of Malta, speaking on behalf of the EU and its Member States, sought clarification from the secretariat as to the meaning of “internally or externally forcibly displaced persons”.
- 827.** The Government member of Jordan did not support the amendment.
- 828.** The Employer Vice-Chairperson did not support the amendment as she was not familiar with the words “externally forcibly”.
- 829.** The Government member of Malta, speaking on behalf of the EU and its Member States, reiterated her request for clarification of the phrase “internally or externally forcibly displaced persons”.
- 830.** The deputy representative of the Secretary-General noted that the amendment had been proposed by the Workers’ group. Persons forcibly displaced across borders covered categories of displaced persons broader than refugees, such as those displaced by climate change.
- 831.** The amendment was not adopted.
- 832.** The Government member of Jordan, seconded by the Government member of Cuba and supported by the Government member of Pakistan, introduced an amendment to add “, as appropriate and in accordance with national laws and regulations” at the end of the Paragraph.
- 833.** The Worker Vice-Chairperson did not support the amendment.
- 834.** The Employer Vice-Chairperson asked to hear the views of Government members as Paragraph 11 made reference to labour market policies.
- 835.** The Government members of China, Indonesia, Islamic Republic of Iran, Russian Federation and Singapore supported the amendment.
- 836.** The Employer Vice-Chairperson supported the amendment.
- 837.** The amendment was adopted.
- 838.** An amendment submitted by the Government member of the United States fell. It had sought to add “, as appropriate” at the end of the Paragraph.
- 839.** Paragraph 11 was adopted as amended.

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## **Paragraph 12**

Chapeau

**840.** The chapeau was adopted.

Paragraph 12(a)

**841.** Paragraph 12(a) was adopted.

Paragraph 12(b)

**842.** The deputy representative of the Secretary-General drew attention to the fact that disarmament, demobilization and reintegration were terms used to explain processes through which reintegration into civilian life was facilitated. The three terms were used together in standard UN terminology.

**843.** The Government member of Pakistan, seconded by the Government member of the Islamic Republic of Iran and supported by the Government member of Jordan, introduced an amendment to delete “disarmament.” He sought clarification from the secretariat as to the use of that term in ILO terminology. He felt that demobilization covered disarmament. He expressed his flexibility if the Committee wished to retain it in the text.

**844.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment, in line with the explanation given by the secretariat.

**845.** The Government member of Colombia did not support the amendment. There could not be demobilization without prior disarmament.

**846.** The Government member of Switzerland did not support the amendment.

**847.** The Government member of Pakistan withdrew the amendment

**848.** Paragraph 12(b) was adopted.

**849.** Paragraph 12 was adopted.

## **Paragraph 13**

Chapeau and Paragraph 13(a) and (b)

**850.** The chapeau and Paragraph 13(a) and (b) were adopted.

Paragraph 13(c)

**851.** The Government member of Pakistan, although seconded by the Government member of the Islamic Republic of Iran, withdrew an amendment to delete “when the situation allows it” at the end of the sentence, as he recognized the need to prepare labour markets in advance.

**852.** Paragraph 13(c) was adopted.

**853.** Paragraph 13 was adopted.

**854.** Part IV was adopted as amended.

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

### *Title*

855. The title was adopted.

### *Paragraph 14*

#### Chapeau

856. The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace “associated with” by “arising from”, in order to align the wording with that used in Paragraphs 15 and 16.

857. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

858. The Government member of Ethiopia, speaking on behalf of the Africa group, supported the amendment.

859. The amendment was adopted.

860. The Government member of Malta, speaking on behalf of the EU and its Member States, put forward an amendment to replace “crisis situations” by “conflicts or disasters” in order to ensure consistency with the wording used in Paragraphs 15 and 16.

861. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government members of Brazil and Saudi Arabia supported the amendment.

862. The amendment was adopted.

863. The chapeau was adopted.

#### Paragraph 14(a)

864. The Worker Vice-Chairperson introduced an amendment to replace “promote” by “respect, promote and realize”. The idea was to better align the text with the ILO Declaration on Fundamental Principles and Rights at Work, 1998.

865. The Employer Vice-Chairperson and the Government members of New Zealand, and Ethiopia, speaking on behalf of the Africa group, supported the amendment.

866. The amendment was adopted.

867. As a consequence, two amendments proposed by the EU and its Member States fell. One had sought to insert “respect and” at the beginning of the clause and the other to insert “and realize” after “promote”.

868. The Worker Vice-Chairperson introduced an amendment to replace “taking into account” by “in line with”. He noted that the terminology used in the French translation of the proposed amendment was not adequate and requested that “conformément à” be used instead of “compte tenu de”.

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**869.** The Employer Vice-Chairperson did not support the amendment. Recalling the discussion on Paragraph 9, she stated that the terminology “in line” was too prescriptive given that not all countries had ratified the Conventions in question.

**870.** The Government members of Australia, New Zealand and the United States did not support the amendment.

**871.** The amendment was not adopted.

**872.** The Worker Vice-Chairperson expressed concern that the Paragraph was making references to fundamental Conventions under which all member States had an obligation to respect, realize and promote. Given that the proposed Recommendation was not creating any obligations, it was important to underscore that the guidance provided had to be strictly in line with those fundamental Conventions which a large majority of member States had ratified. He recalled that 173 member States had ratified the Equal Remuneration Convention, 1951 (No. 100), and 174 had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

**873.** Paragraph 14(a) was adopted.

#### Paragraph 14(b) and (c)

**874.** Paragraph 14(b) and (c) were adopted.

#### New clause after Paragraph 14(c)

**875.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add a new clause after Paragraph 14(c) to read “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;”. The amendment sought to underscore the need for more empowerment for women.

**876.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**877.** The Government members of Brazil, Chile, Colombia, Guatemala, Jordan, and Ethiopia, speaking on behalf of the Africa group, supported the amendment.

**878.** The amendment was adopted.

#### Paragraph 14(d)

**879.** Paragraph 14(d) was adopted.

#### Paragraph 14(e)

**880.** The Government member of Malta, speaking on behalf of the EU and its Member States, presented an amendment to replace before “crisis” the word “the” by the word “a”. She requested that the Committee Drafting Committee review this throughout the document, for linguistic consistency.

**881.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the motion.

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- 882.** The amendment was adopted.
- 883.** The Worker Vice-Chairperson withdrew an amendment to insert “or externally forced” after “internally”.
- 884.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to insert “persons with disabilities,” after “internally displaced persons”, for the sake of consistency.
- 885.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 886.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that persons with disabilities were covered in Paragraph 10(g).
- 887.** The amendment was adopted.
- 888.** The Worker Vice-Chairperson withdrew an amendment to replace “taking into account” by “in line with”.
- 889.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government members of Jordan and Pakistan, introduced an amendment to add “, as applicable” at the end of the clause. He explained that not all member States might have ratified those Conventions and so a caveat was required.
- 890.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 891.** The Government members of China, Saudi Arabia, Singapore and the United States supported the amendment.
- 892.** The amendment was adopted.
- 893.** Paragraph 14(e) was adopted as amended.

Paragraph 14(f)

- 894.** The Government member of Ethiopia, speaking on behalf of the Africa group, withdrew an amendment to insert “, where appropriate,” after “consulted”.
- 895.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace the word “the” before “crisis” by “a”. The amendment was of a linguistic nature, and she suggested that it be handled by the Committee Drafting Committee.
- 896.** The Worker Vice-Chairperson supported the amendment and added that the French version was acceptable.
- 897.** The Employer Vice-Chairperson supported the amendment.
- 898.** The Chairperson announced that the amendment would need to be adopted by the Committee. As support was evident, the amendment was adopted.
- 899.** Paragraph 14(f) was adopted as amended.

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Paragraph 14(g)

- 900.** The Employer Vice-Chairperson introduced an amendment to delete the word “the” before “relevant”. The amendment was of a linguistic nature, and she underlined that the text referred to all labour standards.
- 901.** The Worker Vice-Chairperson supported the amendment.
- 902.** The Government member of Australia supported the amendment.
- 903.** The amendment was adopted.
- 904.** The Employer Vice-Chairperson introduced an amendment to delete “and documents listed in the Annex”. She recalled that the Employers’ group had raised the matter previously and restated that the Annex was repetitive and that not all the documents listed were relevant or supported.
- 905.** The Worker Vice-Chairperson did not support the amendment and asserted that the documents listed in the Annex were important.
- 906.** The Government member of New Zealand questioned whether the Annex would be retained or not and pointed out that it was referenced many times in the text.
- 907.** The Government member of Algeria, speaking on behalf of the Africa group, did not support the amendment.
- 908.** The amendment was not adopted.
- 909.** Paragraph 14(g) was adopted as amended.

Paragraph 14(h)

- 910.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “the human rights of all” after “ensure that” and to insert “those of” after “with”. She stressed that the amendment was intended as a compromise to address the concerns raised, including the word “lawfully”, and was one of three amendments to clause (h) which were meant as a package. The amendment placed emphasis on human rights for all.
- 911.** The Worker Vice-Chairperson indicated that he would support the amendment, but wished to hear the views of Government members.
- 912.** The Chairperson highlighted that although the Committee was encouraged to consider amendments together, they had to deliberate on them one by one.
- 913.** The Employer Vice-Chairperson supported the amendment.
- 914.** The Government member of New Zealand supported the amendment.
- 915.** The Government member of the Islamic Republic of Iran recalled an earlier amendment to Paragraph 14(e) which had been adopted. He proposed a subamendment to add at the end of the clause “as applicable”.
- 916.** The Chairperson pointed out that a subsequent amendment would address that matter.

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- 917.** The Government member of Australia preferred to retain “lawfully”; however, noting the number of proposed amendments to delete the word, he agreed to support the amendment.
- 918.** The Government member of Chile asserted that the amendment modified the principles of rights, equality and non-discrimination set out in the Paragraph, which did not distinguish between persons in different territories. All parties should be treated on the same footing, and limiting the amendment to human rights of lawful migrant workers was too restrictive. He questioned whether respect for human rights should be addressed in such an instrument, because they were obligatory and did not require special mention.
- 919.** The Worker Vice-Chairperson noted that the English version of the amendment referred to “human rights” whereas the French version had “droits fondamentaux”. He supported the amendment.
- 920.** The Government members of Argentina and Brazil said that they agreed with the opinion expressed by the Government member of Chile and did not support the amendment.
- 921.** The Government member of the United States preferred that the word “lawfully” be kept in the text. However, in a spirit of consensus, she supported the amendment.
- 922.** The amendment was adopted.
- 923.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace “migrant workers and members of their families lawfully” by “migrants” which she proposed subamending to read “migrants and persons belonging to their families”.
- 924.** The Worker Vice-Chairperson sought clarification on the difference between the terms “persons belonging to their families” and “members of their families”. He noted that the latter was commonly used in ILO instruments.
- 925.** The Government member of Malta, speaking on behalf of the EU and its Member States, also sought clarification from the secretariat.
- 926.** The Chairperson, in consultation with the secretariat, confirmed that “migrants and members of their families” was standard ILO terminology.
- 927.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the rewording “migrants and members of their families” proposed in the subamendment.
- 928.** The subamendment was adopted.
- 929.** The amendment was adopted as subamended.
- 930.** As a consequence, three identical amendments to delete “lawfully” fell. They had been proposed by the Employers’ group, the Workers’ group and the Government member of Brazil.
- 931.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace the word “the” by the word “a”, before “crisis”.
- 932.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 933.** The amendment was adopted.

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- 934.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace “treated” by “respected”. The purpose was to ensure consistency with an earlier amendment which had been adopted.
- 935.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 936.** The Government member of Australia supported the amendment.
- 937.** The amendment was adopted.
- 938.** The Government member of the United States, speaking also on behalf of the Government member of Switzerland, withdrew an amendment to replace “taking into account the relevant national provisions” by “in accordance with national laws”.
- 939.** The Employer Vice-Chairperson introduced an amendment to delete “the” after “as well as” to ensure consistency.
- 940.** The Worker Vice-Chairperson supported the amendment.
- 941.** The Government member of Australia supported the amendment.
- 942.** The amendment was adopted.
- 943.** The Worker Vice-Chairperson introduced an amendment to insert “priorities expressed by the most representative organizations of employers and workers and” after “as well as”, in order to take account of the wording of the Declaration on Social Justice for a Fair Globalization, 2008.
- 944.** The Employer Vice-Chairperson supported the amendment.
- 945.** The Government member of New Zealand did not support the amendment. The clause related to national provisions and the implementation of international law, which were a matter for governments.
- 946.** The Government member of the United States did not support the amendment.
- 947.** The Government member of Switzerland supported the amendment.
- 948.** The Government member of the Russian Federation did not support the amendment.
- 949.** The Government member of Brazil did not support the amendment.
- 950.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 951.** The Government member of New Zealand reiterated that international human rights instruments were applicable by national governments and their jurisdictions. Implementation of those instruments was not a matter that should be exposed to the priorities expressed by representative organizations of the social partners.
- 952.** The Worker Vice-Chairperson recalled that Members were bound to respect their existing international obligations and fundamental principles and rights at work, while at the same time paying due regard to the national conditions, circumstances and priorities expressed by representative organizations of employers and workers. In a globalized economy, the

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implementation of such a Recommendation would require efforts from member States to reinforce and strengthen their capacity to fully use their human resources and take advantage of tripartite representatives and adapt to the ILO constitutional practice.

- 953.** The Employer Vice-Chairperson, in view of the discussions, proposed a subamendment to replace “priorities” by “concerns”.
- 954.** The Worker Vice-Chairperson supported the subamendment.
- 955.** The Government member of the United States did not support the subamendment. If the text were amended to suggest a sense of collaboration with representative organizations of employers and workers, the concerns of governments might be allayed. He therefore proposed a further subamendment, seconded by the Government member of Singapore, to replace “priorities expressed by” with “working together with” and to insert “, taking into account the” before “relevant international labour standards”.
- 956.** The representative of the Secretary-General suggested a possible rewording of the clause after “taking into account”, for the sake of clarity, to read “, in collaboration with the most representative organizations of employers and workers, relevant national provisions, as well as the relevant international labour standards and other international instruments and documents listed in the Annex”.
- 957.** The Government member of Colombia expressed concern that the rewording suggested by the secretariat would go beyond the intention and state that governments should “take into account” and be in compliance with relevant national provisions.
- 958.** The Worker Vice-Chairperson supported the suggestion offered by the representative of the Secretary-General.
- 959.** The Employer Vice-Chairperson did not support the suggested rewording as the reference did not state “taking into account collaboration”.
- 960.** The Government member of Cuba, while appreciative of the secretariat’s efforts to seek a solution, proposed a further subamendment to reword the clause after “taking into account” to read “the relevant national provisions, as well as relevant international labour standards and other international instruments and documents listed in the Annex, and working in collaboration with the most representative organizations of employers and workers”.
- 961.** The subamendment was seconded by the Government member of Brazil and supported by the Government member of Argentina .
- 962.** The Government member of Angola, speaking on behalf of the Africa group, suggested a further subamendment to start the clause with “Ensure, in collaboration with the most representative organizations of employers and workers, that the human rights of all migrants and members of their families”.
- 963.** The Chairperson advised that the fate of the previous subamendment should first be decided.
- 964.** The Worker Vice-Chairperson wished to examine the two proposals in parallel.
- 965.** The Employer Vice-Chairperson supported the subamendment proposed by the Africa group.
- 966.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Government member of Cuba.

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- 967.** The Government member of the United States supported the subamendment proposed by the Government member of Cuba and proposed a further subamendment to add “to support respect for these rights” after “employers and workers”.
- 968.** The Worker Vice-Chairperson said that, in light of the difficulty of reaching a consensus, he was ready to withdraw the amendment under discussion, if agreeable to the Committee.
- 969.** The Government members of Cuba and the United States and the Employer Vice-Chairperson expressed their agreement and consequently withdrew their respective subamendments.
- 970.** The amendment was withdrawn.
- 971.** The Employer Vice-Chairperson introduced an amendment to delete “and documents listed in the Annex”. She highlighted that there was already a reference in the Paragraph to relevant national provisions, international labour standards and other international instruments and documents.
- 972.** The Worker Vice-Chairperson did not support the amendment and recalled that the issue had already been discussed in 2016. He affirmed that the Annex provided an important reference to relevant instruments and documents.
- 973.** The Government members of Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 974.** The amendment was not adopted.
- 975.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government members of Jordan and Pakistan, introduced an amendment to add “, as applicable” at the end of the clause in order to provide a caveat to member States.
- 976.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 977.** The Government members of Argentina, Cuba, Lebanon, Russian Federation and the United States supported the amendment.
- 978.** The amendment was adopted.
- 979.** Paragraph 14(h) was adopted as amended.
- 980.** Paragraph 14 was adopted.

## ***Paragraph 15***

### Chapeau

- 981.** The chapeau was adopted.

### Paragraph 15(a)

- 982.** The Worker Vice-Chairperson withdrew an amendment to replace “taking into account” by “in line with”.
- 983.** Paragraph 15(a) was adopted.

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Paragraph 15(b)

- 984.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to delete “forced or compulsory”. The recruitment of all children in armed conflicts needed to be prevented.
- 985.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 986.** The Government members of Argentina, Colombia, Norway, Russian Federation, and Angola, speaking on behalf of Africa group, supported the amendment.
- 987.** The Government member of the United States indicated that her Government would follow existing obligations under instruments such as the Worst Forms of Child Labour Convention, 1999 (No. 182).
- 988.** The amendment was adopted.
- 989.** The Worker Vice-Chairperson withdrew an amendment to replace “taking into account” by “in line with”.
- 990.** Paragraph 15(b) was adopted as amended.

Paragraphs 15(c) and (d)

- 991.** Paragraphs 15(c) and (d) were adopted.
- 992.** Paragraph 15 was adopted as amended.

**Paragraph 16**

- 993.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “modern slavery,” after “combating”. She requested that the amendment be considered with an amendment to delete “or compulsory” and another to insert “and human trafficking” after “labour”. During times of crisis and disasters there was a real risk and danger of modern slavery.
- 994.** The Worker Vice-Chairperson did not support the amendment. Although the Workers’ group was against all forms of slavery, they did not approve the inclusion of the term “modern slavery” as it was not recognized ILO terminology. The recognized term was “forced labour”.
- 995.** The Employer Vice-Chairperson did not support the amendment.
- 996.** The Government member of Malta, speaking on behalf of the EU and its Member States, quoted target 8.7 of the SDGs which included the term “modern slavery”.
- 997.** The Government member of Colombia requested guidance from the secretariat on the use of the term “modern slavery”.
- 998.** The deputy representative of the Secretary-General explained that although the ILO used the term in promotional material, it was not used in ILO instruments.

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- 999.** The Government member of the United States asked the Government member of Malta to clarify what the term “modern slavery” provided that was not captured in the term “forced labour”.
- 1000.** The Government member of Malta, speaking on behalf of the EU and its Member States, explained that they wished only to align the text with SDG 8.7, which was also promoted by the ILO.
- 1001.** The amendment was not adopted.
- 1002.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to delete “or compulsory”. She stated that the amendment was self-explanatory when read in conjunction with the previous amendment.
- 1003.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.
- 1004.** The Government member of Argentina supported the amendment as it was consistent with other instruments.
- 1005.** The amendment was not adopted.
- 1006.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “and human trafficking” after “labour”.
- 1007.** The Worker Vice-Chairperson did not support the amendment. He asserted that specific references to forced or compulsory labour or trafficking in persons should be in line with the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).
- 1008.** The Employer Vice-Chairperson did not support the amendment. The term “trafficking in persons” had been used earlier in the Paragraph and need not be repeated.
- 1009.** The Government member of Norway did not support the amendment.
- 1010.** The amendment was not adopted.
- 1011.** The Worker Vice-Chairperson withdrew an amendment to replace “taking into account” by “in line with”.
- 1012.** Paragraph 16 was adopted.
- 1013.** Part V was adopted as amended.

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

### ***Title***

- 1014.** The title was adopted.

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## **Paragraph 17**

### Chapeau

- 1015.** The Worker Vice-Chairperson introduced an amendment to insert “and in prevention of” after “responding to”. The intention was to draw attention to the role of education in the prevention of conflicts. Future crises could not be prevented without ensuring that children had access to education.
- 1016.** The Employer Vice-Chairperson was unsure whether the amendment to the chapeau would be compatible with all of the clauses to follow under Paragraph 17, in particular whether second-chance programmes for children would assist in crisis prevention. She requested to hear the views of Government members.
- 1017.** The Government member of Argentina agreed that education had an important role to play, but that reference to it might be better placed in Paragraph 18 on responding to crisis situations. She did not support the amendment.
- 1018.** The Government members of Norway, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1019.** The Employer Vice-Chairperson supported the amendment.
- 1020.** The amendment was adopted.
- 1021.** The chapeau was adopted as amended.

### Paragraph 17(a)

- 1022.** The Government member of the Russian Federation introduced, on behalf of the Government of Pakistan, and seconded an amendment to delete “, including those who are internally displaced or who are refugees”. Internally displaced persons were citizens of the State and therefore covered by national law.
- 1023.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment.
- 1024.** The Government member of the United States did not support the amendment.
- 1025.** The amendment was not adopted.
- 1026.** The Worker Vice-Chairperson withdrew an amendment to insert “or externally forcibly” after “internally”.
- 1027.** The Government member of Ethiopia, speaking on behalf of the Africa group, introduced an amendment to replace “or who are” with “, migrants or”, for the sake of consistency.
- 1028.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1029.** The Government member of Malta, speaking on behalf of EU and its Member States, supported the amendment.
- 1030.** The amendment was adopted.

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- 1031.** The Worker Vice-Chairperson introduced an amendment to insert “free, quality, public” after “have access to”. He emphasized that access to education was essential to break the cycle of child labour. Lack of education led to crises and crises led to child labour.
- 1032.** The Employer Vice-Chairperson supported the amendment.
- 1033.** The Government members of Chile, Norway, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1034.** The Government member of Algeria, speaking on behalf of the Africa group, supported the amendment and proposed a subamendment to end the sentence with “including with the support of international aid”. States would be paying for public education and for some host countries covering education costs could be difficult without assistance.
- 1035.** The Employer Vice-Chairperson supported the subamendment.
- 1036.** The Worker Vice-Chairperson did not support the subamendment as international assistance was covered in Part XII on international cooperation.
- 1037.** The Government member of the United States questioned whether the subamendment was permissible as it was not related to the amendment.
- 1038.** The representative of the Secretary-General responded that the amendment introduced the issue of provision of “free” education and therefore the subamendment, which sought to address the inclusion of international assistance to address the costs, was related.
- 1039.** The Government member of the United States noted that relatedness to the subject matter should not be the criteria for allowing subamendments in cases where the words were not directly linked to the words in the initial amendment.
- 1040.** The Government member of Jordan supported the subamendment.
- 1041.** The Government member of the Islamic Republic of Iran supported the subamendment.
- 1042.** The Government member of the United States proposed a further subamendment, seconded by the Government member of the Islamic Republic of Iran, to move “international aid” to read “education, including with the support of international aid”.
- 1043.** The Employer Vice-Chairperson supported the subamendment.
- 1044.** The Government member of Algeria, speaking on behalf of the Africa group, supported the subamendment.
- 1045.** The Worker Vice-Chairperson supported the subamendment, although he preferred it to be placed at the end of the clause.
- 1046.** The subamendments were adopted.
- 1047.** The amendment was adopted as subamended.
- 1048.** An amendment submitted by the Government member of Malta, on behalf of the EU and its Member States, to insert “free, quality public” after “have access to” was almost identical to the amendment which had just been adopted and so was also adopted.

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**1049.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment that affected only the French language version. The word “l’éducation” referred to general education, and so the amendment sought to add after it “et à l’enseignement”, which referred to schooling.

**1050.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**1051.** The Government member of Switzerland supported the amendment.

**1052.** The amendment was adopted.

**1053.** Paragraph 17(a) was adopted as amended.

Paragraph 17(b)

**1054.** Paragraph 17(b) was adopted.

**1055.** Paragraph 17 was adopted as amended.

### ***Paragraph 18***

Chapeau

**1056.** The Worker Vice-Chairperson introduced an amendment to insert “and in prevention of” after “responding to” and stated that education and guidance played a role in preventing crises.

**1057.** The Employer Vice-Chairperson supported the amendment.

**1058.** The Government members of the Islamic Republic of Iran, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**1059.** The amendment was adopted.

**1060.** The chapeau was adopted as amended.

Paragraph 18(a)–(e)

**1061.** Paragraph 18(a)–(e) was adopted.

**1062.** Paragraph 18 was adopted as amended.

### ***Paragraph 19***

**1063.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, d’enseignement” after “d’éducation”. It did not affect the English and Spanish versions. The proposed amendment referred to education in schools whereas the existing text referred only to general education.

**1064.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

**1065.** The Government member of Switzerland supported the amendment.

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**1066.** The amendment was adopted.

**1067.** Paragraph 19 was adopted as amended.

**1068.** Part VI was adopted as amended.

## **Part VII. Social protection**

### ***Title***

**1069.** The title was adopted.

### ***Paragraph 20***

#### **Chapeau**

**1070.** The chapeau was adopted.

#### **Paragraph 20(a)**

**1071.** The Government member of Cuba, introduced an amendment, seconded by the Government member of Pakistan, to replace “disadvantaged and marginalized groups” by “persons”. Recalling a similar amendment discussed earlier, the term “disadvantaged and marginalized groups” was not defined under international law. Given that ambiguity, there was a preference to refer to people who had lost their jobs or livelihoods.

**1072.** The Employer Vice-Chairperson supported the amendment.

**1073.** The Worker Vice-Chairperson did not support the amendment.

**1074.** The Government member of Argentina supported the amendment. It broadened the scope and included any person who had lost their job or livelihood due to crisis.

**1075.** The Government members of Brazil, Guatemala, Indonesia, Islamic Republic of Iran, Pakistan and the Russian Federation supported the amendment.

**1076.** The Government members of Canada, United States, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**1077.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.

**1078.** The Government member of Argentina cautioned that if the amendment was not adopted, those who were not part of disadvantaged or marginalized groups would not be provided with any social protection in the existing text.

**1079.** The amendment was adopted.

**1080.** Paragraph 20(a) was adopted as amended.

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Paragraph 20(b)

- 1081.** The Worker Vice-Chairperson introduced an amendment to replace “create or restore” by “develop or enhance comprehensive”. The intention was to align the text with the Social Protection Floors Recommendation, 2012 (No. 202), and the ILO Declaration on Social Justice for a Fair Globalization (2008). Recommendation No. 202 stated that “Members should progressively build and maintain comprehensive and adequate social security systems”.
- 1082.** The Employer Vice-Chairperson supported the amendment.
- 1083.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1084.** The Government member of the United States, seconded by the Government member of Australia and supported by the Government members of Brazil and Indonesia, proposed a subamendment to insert “, restore” after “develop”, to read “develop, restore or enhance comprehensive”.
- 1085.** The Employer Vice-Chairperson supported the subamendment.
- 1086.** The Worker Vice-Chairperson indicated that he was considering proposing a further subamendment to change the word “or” to “and”.
- 1087.** The Employer Vice-Chairperson expressed her reservation on the further subamendment, and requested clarification from the secretariat as to the significance of the proposed change.
- 1088.** The representative of the Secretary-General clarified the significance of the word “or”.
- 1089.** The Worker Vice-Chairperson supported the original subamendment.
- 1090.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1091.** The subamendment was adopted.
- 1092.** The amendment was adopted as subamended.
- 1093.** As a consequence, an amendment submitted by the EU and its Member States to insert “and enhance” after “restore” fell.
- 1094.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, taking national legislation and international agreements into consideration” after “mechanisms”.
- 1095.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1096.** The Government members of Cuba and the United States supported the amendment.
- 1097.** The Government member of the Russian Federation, seconded by the Government member of Singapore and supported by the Government member of the Islamic Republic of Iran, proposed a subamendment to replace “, taking national legislation and international agreements into consideration” by “, taking into account national legislation and international agreements”. She explained that it would harmonize the text.

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**1098.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**1099.** The amendment was adopted as subamended.

**1100.** Paragraph 20(b) was adopted as amended.

Paragraph 20(c)

**1101.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew an amendment to add “, including, but not limited to, refugees and internally displaced persons” at the end of the clause.

**1102.** Paragraph 20(c) was adopted.

**1103.** Paragraph 20 was adopted as amended.

**Paragraph 21**

**1104.** The Worker Vice-Chairperson introduced an amendment to move “in order to prevent crises, enable recovery and build resilience” to the beginning of the Paragraph, to link better the prevention of crises with the establishment of social protection floors.

**1105.** The Employer Vice-Chairperson supported the amendment.

**1106.** The Government members of Argentina, Islamic Republic of Iran, Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**1107.** The amendment was adopted.

**1108.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, as well as seek to close the gaps in the coverage of,” after “maintain” to align the text with the Social Protection Floors Recommendation, 2012 (No. 202), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

**1109.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

**1110.** The Government member of Switzerland supported the amendment.

**1111.** The amendment was adopted.

**1112.** Paragraph 21 was adopted as amended.

**1113.** Part VII was adopted as amended.

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

### ***Title***

**1114.** The title was adopted.

### ***Paragraph 22***

#### **Chapeau**

**1115.** The chapeau was adopted.

#### **Paragraph 22(a)**

**1116.** The Worker Vice-Chairperson introduced an amendment to insert “including provisions on labour protection and health and safety at work” after “if necessary,”. He stressed that the proposed Recommendation did not put sufficient emphasis on occupational safety and health, workers’ protection, wages and working time. It was necessary to reflect a comprehensive approach to decent work in line with the Declaration on Social Justice for a Fair Globalization (2008).

**1117.** The Employer Vice-Chairperson supported the amendment.

**1118.** The Government member of the United States proposed a subamendment to replace “health and safety” by “occupational safety and health”, which was in line with the terminology used by the ILO and formed part of the amendment that had been submitted by the EU and its Member States to the same clause.

**1119.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.

**1120.** The subamendment was adopted.

**1121.** The amendment was adopted as subamended.

**1122.** An identical amendment, submitted by the EU and its Member States, to insert in the same place “including provisions on labour protection and occupational health and safety,”, had already been agreed by the adoption of the subamendment to the previous amendment.

**1123.** Paragraph 22(a) was adopted as amended.

#### **Paragraph 22(b)**

**1124.** The Employer Vice-Chairperson introduced two amendments to be discussed jointly. The first sought to delete “decent and” after “generation of” and the second to replace “employment” by “, freely chosen employment and decent work”. The aim was for consistency with text previously agreed in other Parts of the proposed Recommendation.

**1125.** The Worker Vice-Chairperson supported the amendments.

**1126.** The Government members of the Russian Federation, and Malta, speaking on behalf of the EU and its Member States, supported the amendments.

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**1127.** The two amendments were adopted.

**1128.** Paragraph 22(b) was adopted as amended.

Paragraph 22(c)

**1129.** The Worker Vice-Chairperson withdrew an amendment to replace “taking into account” by “in line with”.

**1130.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add “, as well as the system of collective bargaining and concluding collective labour agreements, taking into account the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)” at the end of the clause after “(No. 81)”. Collective bargaining was a significant labour law institution and needed to be established and reinforced in times of crisis.

**1131.** The Employer spokesperson supported the amendment.

**1132.** The Government member of Norway supported the amendment.

**1133.** The Government member of the United States did not support the amendment as there was a reference to Convention No. 98 in Paragraph 24.

**1134.** The Worker Vice-Chairperson supported the amendment.

**1135.** The amendment was adopted.

**1136.** Paragraph 22(c) was adopted as amended.

Paragraph 22(d) and (e)

**1137.** Paragraph 22(d) and (e) was adopted.

Paragraph 22(f)

**1138.** The Employer spokesperson introduced an amendment to add “, taking into account the Private Employment Agencies Convention, 1997 (No. 181)” after “employment agencies” to elucidate the understanding of employment agencies.

**1139.** The Worker Vice-Chairperson supported the amendment.

**1140.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.

**1141.** The amendment was adopted.

**1142.** Paragraph 22(f) was adopted as amended.

Paragraph 22(g)

**1143.** Paragraph 22(g) was adopted.

**1144.** Paragraph 22 was adopted as amended.

**1145.** Part VIII was adopted as amended.

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

### ***Title***

**1146.** The title was adopted.

### ***Paragraph 23***

#### Chapeau

**1147.** The chapeau was adopted.

#### Paragraph 23(a)

**1148.** The Worker Vice-Chairperson introduced an amendment to replace “reconciliation, social and economic stability, recovery and resilience” by “all measures provided for in this Recommendation” to make the text easier and lighter. The amendment reiterated the importance of social dialogue in all measures provided for in the proposed Recommendation. During a crisis and to prevent a crisis, social dialogue ensured that policies were sustainable and appropriate. Social dialogue contributed to building confidence and to finding solutions that were right for the local context, as well as to increased transparency at the local level.

**1149.** The Employer Vice-Chairperson supported the amendment.

**1150.** The Government members of Argentina and Australia supported the amendment.

**1151.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**1152.** The amendment was adopted.

**1153.** The Worker Vice-Chairperson introduced an amendment to replace “promoted” with “developed” as social dialogue should go beyond promotion to include the development of crisis measures.

**1154.** The Employer Vice-Chairperson did not support the amendment as the previous amendment had replaced “reconciliation, social and economic stability, recovery and resilience” by “all measures provided for in this Recommendation”. Not all measures could be developed, some could only be promoted.

**1155.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment and proposed a subamendment to introduce “developed and” before “promoted”.

**1156.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.

**1157.** The Government member of the United States supported the subamendment and proposed a further subamendment, seconded by the Government member of Colombia, to replace “and” by “or”.

**1158.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment.

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**1159.** The subamendments were adopted.

**1160.** The amendment was adopted as subamended.

**1161.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment, affecting only the French version, to replace, in the second line, “associant pleinement les femmes” by “associant les femmes au même titre que les hommes” to better reflect equality between women and men in consultations.

**1162.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**1163.** The amendment was adopted.

**1164.** Paragraph 23(a) was adopted as amended.

#### Paragraph 23(b)

**1165.** Paragraph 23(b) was adopted.

#### Paragraph 23(c)

**1166.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add “and other formal or informal representation” after “organizations”. The intention was to promote the possibility for other types of organizations, such as non-governmental organizations, to be represented.

**1167.** The Employer Vice-Chairperson did not support the amendment, as “civil society organizations” covered non-governmental organizations.

**1168.** The Worker Vice-Chairperson concurred.

**1169.** The Government members of Cuba, Islamic Republic of Iran, Saudi Arabia and the United States echoed the views of the Employer Vice-Chairperson and Worker Vice-Chairperson.

**1170.** The amendment was not adopted.

**1171.** Paragraph 23(c) was adopted.

**1172.** Paragraph 23 was adopted as amended.

### ***Paragraph 24***

#### Chapeau

**1173.** The Worker Vice Chairperson withdrew an amendment to replace “taking into account” by “in line with”.

**1174.** The Government member of Jordan introduced an amendment, seconded by the Government member of Pakistan, to delete “the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and”. He stated that his country had not ratified and had no plans to ratify Convention No. 87.

**1175.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.

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- 1176.** The Government member of Norway did not support the amendment and pointed out that the Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, made the fundamental Conventions binding.
- 1177.** The Government member of Australia did not support the amendment. He noted that “taking into account” solved the issue of ratification and non-ratification.
- 1178.** The Government members of Argentina, Australia, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1179.** The Government member of Jordan withdrew the amendment.
- 1180.** The chapeau was adopted.

Paragraph 24(a)

- 1181.** Paragraph 24(a) was adopted.

Paragraph 24(b)

- 1182.** The Government member of Cuba introduced an amendment, seconded by the Government member of Pakistan., to replace “the most vulnerable” by “those in a situation of vulnerability” to bring the wording of the Recommendation in line with human rights documents of the United Nations.
- 1183.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment and concurred that it was not in line with the wording used in ILO documentation.
- 1184.** The Government members of Argentina, Brazil, Colombia, Guatemala, Islamic Republic of Iran, Mexico, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1185.** The Government member of Pakistan explained that the wording stemmed from the notion of not associating the vulnerability with the individual, but rather with the situation, as had become the practice in international human rights forums.
- 1186.** The Government member of the United States did not support the amendment and preferred to maintain wording in line with that used in adopted ILO standards.
- 1187.** The Chairperson invited the Worker Vice-Chairperson and the Employer Vice-Chairperson to revisit their positions in light of the majority of Government members offering support to the amendment.
- 1188.** The Employer Vice-Chairperson asked for guidance from the secretariat on the matter of wording used to refer to vulnerability.
- 1189.** The deputy representative of the Secretary-General recalled that the Committee had already approved the use of the phrase “those made vulnerable by the crisis” in previous clauses of the instrument and the Committee might wish to consider the same formulation.
- 1190.** The Worker Vice-Chairperson proposed a subamendment to replace “those in a situation of vulnerability” by “those made vulnerable by the crisis”.
- 1191.** The Government member of Cuba agreed to the proposal.

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- 1192.** The Employer Vice-Chairperson supported the subamendment.
- 1193.** The Government members of the Islamic Republic of Iran, United States, and Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1194.** The Government member of Pakistan supported the proposal but said that he would prefer to avoid duplication of the word “crisis” in the Paragraph.
- 1195.** The Worker Vice-Chairperson suggested that the final wording could be reviewed by the Committee Drafting Committee.
- 1196.** The subamendment was adopted on that understanding.
- 1197.** Paragraph 24(b) was adopted as amended.

Paragraph 24(c)

- 1198.** Paragraph 24(c) was adopted.
- 1199.** Paragraph 24 was adopted as amended.

***New Paragraph after Paragraph 24***

- 1200.** The Worker Vice-Chairperson introduced an amendment to add a new Paragraph after Paragraph 24 to read:

Members should recognize the vital role of employers’ and workers’ organizations in providing assistance to refugees, by including the social partners in developing policies concerning:

- (a) educating refugees about their 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) promoting optimization of the use of skills of refugees and their socio-economic and labour market integration in coherence with measures taken to support/strengthen the capacity of host communities and promoting decent work opportunities for all;
- (c) developing 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.

He explained that the amendment sought to underline that social dialogue was essential to protect those who were the most vulnerable. Refugees were affected by crisis and enjoyed no protections. The addition to the proposed Recommendation was needed to emphasize that the social partners’ involvement was required to combat discrimination and xenophobia. Social dialogue was fundamental to the ILO’s work, and ILO instruments must extend to refugees and internally displaced persons who were looking for work.

- 1201.** The Employer Vice-Chairperson did not support the amendment and stated that what was proposed in its clause (a) had already been captured in Paragraph 29(a), as had its clause (b) in Paragraph 28(b) and its clause (c) in Paragraph 28(c).
- 1202.** The Government members of New Zealand, and Angola, speaking on behalf of the Africa group, did not support the amendment for the same reason stated by the Employer Vice-Chairperson.

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**1203.** The Government member of the Islamic Republic of Iran, United States, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment. The text had already been captured elsewhere in the proposed Recommendation.

**1204.** The amendment was not adopted.

**1205.** Part IX was adopted as amended.

## **New Part after Part IX**

**1206.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to add a new Part after Part IX, to read:

### **MIGRANTS**

1. Taking into account that a special attention should be given to migrants, especially migrant workers, who have been made vulnerable by crisis, Members should take measures to:

- (a) combat trafficking in persons, smuggling of migrants and contemporary forms of slavery and forced labour;
- (b) promote, as appropriate, the inclusion of migrants in host societies, through access to labour markets and decent work;
- (c) protect labour rights and a safe environment for migrant workers and those in precarious employment, protection of women, youth migrant workers as well as migrant workers with disabilities in all sectors; and
- (d) take into account migrant workers in shaping labour policies and programmes dealing with responses to armed conflicts and disasters.

2. Consistent with the guidance provided in Parts V, VIII and IX, Members should promote equality of opportunities and treatment for migrant workers with regard to fundamental principles and rights at work and coverage under relevant 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) facilitate their participation in representative organizations of employers and workers;
- (c) adopt measures and facilitate campaigns that combat xenophobic behaviour 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) Members should consult and engage employers' and workers' organizations and other relevant stakeholders with respect to employment of migrants."

He explained that the addition was needed because migrants, who were among the most vulnerable in crisis situations, did not enjoy protection and required help from both host countries and countries of origin. Experience in Africa had shown that there were no international mechanisms that provided for migrants in times of crisis, and it was important to convey that in the text. The wording used in the new text was consistent with, and not contradictory to, the New York Declaration for Refugees and Migrants, 2016.

**1207.** The Worker Vice-Chairperson underlined that migrants could indeed be affected by crises in either their country of origin or host country, and the text should cover migrants in all crisis situations.

**1208.** The Employer Vice-Chairperson supported the proposal to include a Part that dealt with issues pertaining to migrants.

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- 1209.** The Government members of Brazil and Cuba supported the proposal to include a Part on migrants. Both noted that the text proposed in the amendment provided an adequate basis for discussion and that it should be consistent with the New York Declaration for Refugees and Migrants, 2016.
- 1210.** The Government members of Pakistan and Philippines also supported the proposal to include a Part on migrants.
- 1211.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that, initially, the insertion of a Part on migrants had not been considered appropriate as provisions had already been included in Paragraph 14(h) of the proposed Recommendation. However, in light of the informal tripartite consultations held over the past few days, she expressed willingness to engage in discussion and supported the amendment. The proposed text should be consistent with the New York Declaration for Refugees and Migrants, 2016, and aligned with the work of the concurrent Conference Committee for Labour Migration.
- 1212.** The Government member of the United States noted a strong preference not to have a separate Part on migrants but, in a spirit of compromise, could support the amendment.
- 1213.** The Government member of Argentina supported the amendment but stated that the text should be aligned with the work of the concurrent Conference Committee for Labour Migration.

### ***Title***

- 1214.** The Employer Vice-Chairperson supported the proposed title.
- 1215.** The Worker Vice-Chairperson proposed a subamendment to insert “affected by crisis situations” after “Migrants”.
- 1216.** The Employer Vice-Chairperson supported the subamendment.
- 1217.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment. The proposed Recommendation itself referred and applied to persons who had been affected by crisis situations. The additional reference to crisis situations was therefore not needed in the title.
- 1218.** The Government member of New Zealand supported the subamendment. The scope of the Recommendation with regard to migrants should be defined and the title should therefore be clear.
- 1219.** The Government members of Argentina, Australia, Canada, United States, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1220.** The subamendment was adopted.
- 1221.** The title was adopted as subamended.

### ***First paragraph***

#### **Chapeau**

- 1222.** The Employer Vice-Chairperson supported the proposed chapeau.

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- 1223.** The Worker Vice-Chairperson proposed a subamendment to replace “migrants” by “all migrant workers” after “given to” and to delete “, especially migrant workers,”.
- 1224.** The Employer Vice-Chairperson supported the subamendment made by the Workers’ group. She noted a minor linguistic issue which she requested to be changed in the English version of the text, which should read “special attention” and not “a special attention”.
- 1225.** The Government member of Angola, speaking on behalf of the Africa group, expressed concern that the text was being modified when it had been formulated to be consistent with the New York Declaration for Refugees and Migrants, 2016. Restricting the focus to migrant workers only would limit its scope. In a crisis situation, it was not feasible to distinguish between migrants who were working and those who were not.
- 1226.** The Government member of Pakistan sought clarification as to whether the Workers’ group’s intention was to put emphasis on particular vulnerabilities of migrant workers or whether it was on all migrant workers, particularly those who had been made vulnerable by crisis.
- 1227.** The Worker Vice-Chairperson replied that the emphasis should be on giving special attention to migrant workers who had been made vulnerable by crisis.
- 1228.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers’ group. She proposed a further subamendment to add “in accordance with national laws” after “measures”.
- 1229.** The Chairperson indicated that the fate of the first subamendment was to be discussed before a further subamendment could be proposed.
- 1230.** The Government member of Cuba stressed that while he understood the subamendment proposed by the Workers’ group, he could not agree to amend the text of the New York Declaration for Refugees and Migrants, 2016, which was the result of a negotiation at the level of Heads of State and Government.
- 1231.** The Government member of Argentina asserted that the amendment put forward by the Africa group kept three levels of protection for: (i) migrants in general, who were always considered as a vulnerable population; (ii) migrant workers; and (iii) migrants in a crisis situation. She therefore proposed a further subamendment to read “taking into account that special attention should be given to migrants, especially migrant workers who have been made particularly vulnerable as a result of crisis”.
- 1232.** The Chairperson indicated that the fate of the first subamendment was to be discussed before a further subamendment could be proposed.
- 1233.** The Government member of the United States supported the Workers’ group’s subamendment as it narrowed the focus to be in line with the purpose of the proposed Recommendation and the ILO’s mandate. She announced that she would propose a subamendment to the chapeau of the Paragraph in due course.
- 1234.** The Government member of Malta, speaking on behalf of the EU and its Member States, clarified that she would support the Workers’ group’s subamendment only if her further subamendment was considered.
- 1235.** The Chairperson reiterated that that would constitute a further subamendment and, therefore, that implied that, in her intervention, the Government member of Malta, speaking on behalf of the EU and its Member States, had not supported the Workers’ group’s subamendment.

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- 1236.** The Government member of Malta, speaking on behalf of the EU and its Member States, confirmed that that was the case.
- 1237.** The Government member of Angola), speaking on behalf of the Africa group, reiterated that the text was the result of a global agreement. In addition, he was concerned that a focus on migrant workers only would serve to exclude, for example, members of their families.
- 1238.** The Government member of New Zealand did not support the subamendment.
- 1239.** The Worker Vice-Chairperson indicated that in principle his group did not have a major problem with a reference to all migrants but asked to hear from the Government member of Angola who had proposed the amendment on behalf of the Africa group.
- 1240.** The Government member of Angola, speaking on behalf of the Africa group, reiterated his earlier explanation. He stated that the proposed subamendment placed emphasis on those who were in work but orphans, for example, or women looking after children who had lost their working husband would be excluded and that was not appropriate.
- 1241.** The Worker Vice-Chairperson reconfirmed that their preference for the present subamendment under discussion sought to ensure that all migrant workers should be addressed under the proposed new Part of the Recommendation.
- 1242.** The Employer Vice-Chairperson pointed out that there was a difference between “all migrants, especially migrant workers, who have been made particularly vulnerable by crisis” and “all migrants who have been made particularly vulnerable by crisis”.
- 1243.** The subamendment was not adopted.
- 1244.** The Government member of Argentina, seconded by the Government member of Pakistan and supported by the Government member of Algeria, speaking on behalf of the Africa group, proposed a subamendment that read “taking into account that special attention should be given to migrants, especially migrant workers, who have been made particularly vulnerable by crisis,”.
- 1245.** The Employer Vice-Chairperson supported the subamendment.
- 1246.** The Worker Vice-Chairperson supported the subamendment and introduced a further subamendment to add “, regardless of their status,” after “migrant workers”.
- 1247.** The Employer Vice-Chairperson did not support the further subamendment.
- 1248.** The Government members of Australia, New Zealand, Saudi Arabia, Switzerland, United States, and Malta, speaking on behalf of the EU and its Members States, did not support the further subamendment.
- 1249.** The further subamendment was not adopted.
- 1250.** The Worker Vice-Chairperson introduced a further subamendment to the subamendment proposed by the Government member of Argentina, to insert “and members of their families” after “especially migrant workers”.
- 1251.** The Employer Vice-Chairperson did not support the further subamendment.
- 1252.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the further subamendment.

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- 1253.** The Government members of New Zealand and Uganda did not support the further subamendment proposed by the Workers' group.
- 1254.** The further subamendment was not adopted.
- 1255.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a further subamendment to the subamendment proposed by the Government member of Argentina, to insert "in accordance with national law" after "Members should take measures".
- 1256.** The Employer Vice-Chairperson supported the further subamendment.
- 1257.** The Worker Vice-Chairperson did not support the further subamendment.
- 1258.** The Government member of Angola, speaking on behalf of the Africa group, did not support the amendment. He suggested that, in a humanitarian crisis, national law might not be paramount.
- 1259.** The Government members of Jordan, New Zealand, and the United States supported the further subamendment. All three noted that the text was consistent with the New York Declaration for Refugees and Migrants, 2016.
- 1260.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that the rule of law did not stop just because there was a crisis.
- 1261.** The Government member of Saudi Arabia agreed with that sentiment.
- 1262.** The Government member of Angola, speaking on behalf of the Africa group, drew attention to paragraph 42 of the New York Declaration for Refugees and Migrants, 2016. In a spirit of compromise, he wished to propose a further subamendment to insert "and international" after "in accordance with national".
- 1263.** The Employer Vice-Chairperson supported the latter further subamendment and noted that the ILO Conventions on migration were poorly ratified.
- 1264.** The Worker Vice-Chairperson expressed his preference for a reference to "international" rather than "national" law and asked to hear further views.
- 1265.** The Government member of New Zealand quoted paragraph 42 of the New York Declaration for Refugees and Migrants, 2016, as a basis for not supporting the further subamendment to include a reference to international law.
- 1266.** The Government member of the Islamic Republic of Iran supported the further subamendment proposed by the Government member of Malta, speaking on behalf of the EU and its Member States.
- 1267.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the further subamendment referring to international law.
- 1268.** The Worker Vice-Chairperson supported the further subamendment which referred to international law.
- 1269.** The Government member of the United States preferred not to include "international law" but if it was agreed to include it he proposed a further subamendment to qualify the reference to international law by inserting "applicable" before "international law".

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- 1270.** The Government member of Saudi Arabia stated a preference for the further subamendment proposed by the Government member of Malta, on behalf of the EU and its Member States.
- 1271.** The Worker Vice-Chairperson did not support the further subamendment to insert “applicable”.
- 1272.** The Employer Vice-Chairperson noted that on three occasions the term “applicable international standards” was used in the proposed Recommendation. She supported the further subamendment proposed by the Government member of the United States.
- 1273.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the further subamendment proposed by the Government member of the United States to insert “applicable” before “international law”.
- 1274.** The Government member of the Islamic Republic of Iran said that he thought it appropriate to include “as applicable”.
- 1275.** The Government member of Ghana stated a preference for “as applicable” but queried what would happen in the case of conflict between national and international law.
- 1276.** The Chairperson noted that there was a consensus on the further subamendment proposed by the Government member of Malta, on behalf of the EU and its Member States. The further subamendment was adopted.
- 1277.** The Government member of the United States proposed a further subamendment, consistent with the G20 Labour and Employment Ministerial Declaration, 2014, to insert “Members have rights and responsibilities to manage and control their borders and” after “taking into account that”. The proposed subamendment was also consistent with the New York Declaration for Refugee and Migrants. The subamendment was seconded by the Government member of Australia.
- 1278.** The Employer Vice-Chairperson did not support the subamendment.
- 1279.** The Worker Vice-Chairperson did not support the subamendment and added that the proposed Paragraph addressed individual rights.
- 1280.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment. It was not appropriate in a crisis management context and the reference to national law would suffice.
- 1281.** The Government member of the United States proposed a further subamendment to replace “taking into account that” by “recognizing that all States have the sovereign right to develop their own policies to manage labour migration,”. The subamendment was not seconded and therefore fell.
- 1282.** The further subamendment previously proposed by the Government member of the United States was not adopted.
- 1283.** The part of the amendment concerning the chapeau was adopted as subamended.

First Paragraph, clause (a)

- 1284.** The Government member of Angola, speaking on behalf of the Africa group, introduced the amendment concerning clause (a) of the first Paragraph of the proposed new Part. The proposed wording, including the reference to human trafficking, smuggling, contemporary

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forms of slavery and forced labour, was a direct quote from the New York Declaration for Refugee and Migrants.

- 1285.** The Worker Vice-Chairperson proposed a subamendment to bring the clause in line with the wording in ILO instruments, such as in Article 2(1) of the Forced Labour Convention, 1930 (No. 29). Clause (a) would read “eliminate forced or compulsory labour, including trafficking of persons for such purposes”. He clarified that he wished to simplify the text.
- 1286.** The Employer Vice-Chairperson supported the intention of the proposal and suggested a further subamendment to delete “for such purposes”.
- 1287.** The Worker Vice-Chairperson supported the further subamendment.
- 1288.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment and proposed a further subamendment to use “trafficking in human beings” instead of “trafficking of human beings”.
- 1289.** The Government member of Cuba highlighted that the correct formulation was “trafficking in persons” as used in the UN Human Rights Council and that Convention No. 29 also referred to the “transport of persons”.
- 1290.** The Government member of Norway recalled that the text should be consistent with the text in Paragraph 16 and that it should be referred to the Committee Drafting Committee for review.
- 1291.** The further subamendment was adopted.
- 1292.** The Government member of the United States said that while she did not object to the subamendment proposed by the Worker Vice-Chairperson, as amended further by the Employers’ group, she wished to see “forced or compulsory labour” still included.
- 1293.** The Government member of Ghana proposed a further subamendment to replace “including” by “and”. The proposal was seconded by the Government member of Cuba who highlighted that “forced labour” was included in the definition of “trafficking in persons” in the UN Convention against Transnational Organized Crime, 2004.
- 1294.** The Employer Vice-Chairperson agreed with the use of the term “including”.
- 1295.** The Worker Vice-Chairperson did not support the further subamendment.
- 1296.** The Government member of Australia did not support the further subamendment and recalled that the wording agreed for Paragraph 16 read “forced or compulsory labour, including trafficking in persons”; he underscored that a consistent approach was preferred.
- 1297.** The further subamendment was not adopted.
- 1298.** The subamendment proposed by the Workers’ group was adopted as further subamended by the Employers’ group to read “(a) eliminate forced or compulsory labour, including trafficking in persons;”
- 1299.** The part of the amendment regarding clause (a) of the first Paragraph was adopted as subamended.

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First Paragraph, clause (b)

- 1300.** The Employer Vice-Chairperson proposed a subamendment to insert “entrepreneurship opportunities, income-generation schemes” after “access to labour markets”. The intention was to make reference to migrants as entrepreneurs which was not included in the existing amendment.
- 1301.** The Worker Vice-Chairperson asked to hear the views of the Africa group each time a subamendment was proposed to the amendment they had submitted.
- 1302.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1303.** In response to the Worker Vice-Chairperson’s request, the Government member of Angola, speaking on behalf of the Africa group, referred to the initial explanation provided during the introduction of the amendment. He explained that the amendment used the wording provided in the New York Declaration for Refugees and Migrants and that the text aimed to cover the most vulnerable, including migrants.
- 1304.** The Worker Vice-Chairperson supported the subamendment proposed by the Employer Vice-Chairperson.
- 1305.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1306.** The Government member of Malta, speaking on behalf of the EU and its Member States, asked the Employer Vice-Chairperson to define “income-generation schemes”.
- 1307.** The Employer Vice-Chairperson clarified that income-generation schemes referred to any activity that would generate income for a migrant.
- 1308.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 1309.** The Government member of the United States, seconded by the Government member of Norway, proposed a further subamendment to replace “entrepreneurship opportunities, income-generation schemes” by “entrepreneurship and income-generation opportunities”. He also asked the Africa group to specify the origin of the proposed text within the New York Declaration for Refugees and Migrants.
- 1310.** The Employer Vice-Chairperson clarified that the reference to “income-generation schemes and entrepreneurship” came from Paragraph 28(a) and “income-generation opportunities” from Paragraph 10(d) of the proposed Recommendation. She supported the subamendment proposed by the Government member of the United States.
- 1311.** The Worker Vice-Chairperson preferred the subamendment proposed by the Employer Vice-Chairperson.
- 1312.** The Government member of Australia supported the further subamendment proposed by the Government member of the United States.
- 1313.** The Government member of the United States pointed out that the title of Part IV had been amended and adopted to read “Employment and income-generation opportunities”. She reiterated the request to the Africa group to specify the citation in the New York Declaration for Refugees and Migrants.

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- 1314.** The Government member of Angola, speaking on behalf of the Africa group, supported the proposal by the Employer Vice-Chairperson. In response to the request made by the Government member of the United States, he cited Paragraph 8(o) of Annex 2 of the New York Declaration for Refugees and Migrants as the origin of the initial amendment.
- 1315.** The further subamendment proposed by the Government member of the United States was adopted.
- 1316.** The subamendment proposed by the Employer Vice-Chairperson was adopted as subamended.
- 1317.** The Government member of Jordan proposed a subamendment to insert “as applicable” at the end of the sentence. He withdrew the subamendment after the Chairperson pointed out that “as appropriate” was already included.
- 1318.** The part of the amendment regarding clause (b) of the first Paragraph was adopted as subamended.

First Paragraph, clause (c)

- 1319.** The Employer Vice-Chairperson proposed a subamendment to delete “those in precarious employment”. The term “precarious employment” was problematic as it would appear for the first time in the text and was not defined.
- 1320.** The Worker Vice-Chairperson did not support the subamendment. He preferred the term to be maintained in the text since precarious employment was widespread, in particular in situations of crisis.
- 1321.** The Employer Vice-Chairperson acknowledged familiarity with the term. She restated that the term was being referred to for the first time.
- 1322.** The Government member of the United States supported the subamendment proposed by the Employer Vice-Chairperson. Precarious employment was not defined and it expanded the scope of the proposed text. In line with the previous discussion, she stressed that “decent” was already included and adopted in clause (b). He supported the deletion of “precarious employment”.
- 1323.** The Government member of Angola, speaking on behalf of the Africa group, clarified that the term had been taken from Annex II, paragraph 3(q), of the New York Declaration for Refugees and Migrants, which made specific references to workers in precarious employment. Although he preferred to see the same text as had been approved in the New York Declaration for Refugees and Migrants, the Africa group remained flexible if the Committee decided not to retain the reference.
- 1324.** The Worker Vice-Chairperson stressed that precarious work entailed major negative consequences for workers in general. Given the content of the proposed instrument, it was important to maintain the reference to “precarious employment” as proposed in the original amendment by the Africa group.
- 1325.** The Employer Vice-Chairperson argued that the reference to precarious employment would introduce a new category of workers to which no reference had been made in previous parts of the text, making it inconsistent.

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- 1326.** The Government member of Brazil agreed with the Worker Vice-Chairperson that precarious employment was a problem which indeed affected migrant workers. However, he supported the subamendment proposed by the Employers' group in the context.
- 1327.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 1328.** The Government member of Norway sought clarification from the secretariat as to whether the term "non-standard forms of employment", which was commonly used in the ILO, included "precarious employment".
- 1329.** The deputy representative of the Secretary-General confirmed that there was no agreed definition of the term "precarious employment".
- 1330.** The Government member of Algeria recognized that there was no agreed definition of "precarious employment" but questioned why the term should not be mentioned in the proposed instrument. The conclusions of the Meeting of Experts on Non-Standard Forms of Employment held in 2015 made specific reference to precarious work.
- 1331.** The deputy representative of the Secretary-General indicated that the term "precarious employment" had been used in the HIV and AIDS Recommendation, 2010 (No. 200).
- 1332.** The Government member of the United States expressed concern that using this terminology would expand the categories of workers in the text, whereas the amendment had been submitted to focus on migrant workers only.
- 1333.** The Government member of Angola, speaking on behalf of the Africa group, stated that his group understood the positions of both the Employers' group and the Workers' group. He suggested the use of the wording of the New York Declaration for Refugees and Migrants in the final text, but stressed that in order for his group to have a firm position on the subamendment proposed by the Employers' group, more consultations would be required.
- 1334.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a further subamendment to replace "and" by "including" after "migrant workers".
- 1335.** The Government member of the United States reiterated that precarious employment had no agreed definition in the ILO. She proposed a further subamendment to replace "and those in precarious employment" by "including those in non-standard forms of employment", which was a term commonly used in the ILO.
- 1336.** The Chairperson announced that in order to move forward, the Committee could consider the two further subamendments together. They would read "including those in non-standard employment".
- 1337.** The Employer Vice-Chairperson did not support the further subamendment by the Government member of the United States since it took the focus away from vulnerable people affected by crises.
- 1338.** The Worker Vice-Chairperson supported the further subamendment.
- 1339.** The Government member of Angola, speaking on behalf of the Africa group, reiterated the Africa group's flexibility on the issue.
- 1340.** The Government member of Malta [F], speaking on behalf of the EU and its Member States, did not support the further subamendment proposed by the Government member of the

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United States as it contained the term “non-standard forms of employment”. That was not in line with the further subamendment she had proposed earlier.

- 1341.** The Government member of Chile recalled that clause (c) was focusing on labour protection and a safe working environment, notions which were related to job quality. In that context, the replacement of “precarious employment” with “non-standard forms of employment” was not coherent. He supported the view of the Africa group that the focus was about protecting migrant workers’ rights in an all-encompassing way.
- 1342.** The Chairperson stated that the further subamendment proposed by the Government member of the United States had not been adopted and returned to the further subamendment proposed by the Employer Vice-Chairperson which sought to delete “and those in precarious employment”.
- 1343.** The Government member of Angola, speaking on behalf of the Africa group, stated that he preferred to maintain the reference to “precarious employment”, as stated in the New York Declaration for Refugees and Migrants. He did not support the further subamendment proposed by the Employer Vice-Chairperson.
- 1344.** The further subamendment proposed by the Employer Vice-Chairperson was not adopted.
- 1345.** The Government member of Canada recalled that the Government member of Malta, speaking on behalf of the EU and its Member States, had earlier proposed a further subamendment to replace “including” by “and” which had not been discussed yet.
- 1346.** The Chairperson acknowledged that she had not addressed the further subamendment and returned to that discussion.
- 1347.** The Employer Vice-Chairperson indicated that ideally she would like to see all the words after “migrant workers” removed. She preferred the version of the text that contained “including” and supported the further subamendment.
- 1348.** The Worker Vice-Chairperson supported the further subamendment.
- 1349.** The Government member of Australia supported the further subamendment.
- 1350.** The further subamendment proposed by the Government of Malta, on behalf of the EU and its Member States, to replace “, and those in precarious employment” by “, including those in precarious employment”, was adopted.
- 1351.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a further subamendment to replace “labour rights” with “working conditions” and to insert “working” after “safe”.
- 1352.** The Government member of Norway supported the further subamendment.
- 1353.** The Government member of Algeria, speaking on behalf of the Africa group, asked the secretariat for guidance as to which was the broader term, “labour rights” or “working conditions”.
- 1354.** The deputy representative of the Secretary-General clarified that “labour rights” was broader than “working conditions”.

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- 1355.** The Government member of Angola, speaking on behalf of the Africa group, stated that as the term “labour rights” was broader than “working conditions”, the Africa group did not support the further subamendment and preferred to go back to the original wording.
- 1356.** The Government member of Argentina expressed her doubts about the wording used and suggested that a further subamendment might be required. She pointed out that the English version and the Spanish version of the text used the verb “to protect” whereas the French version used both “to defend” and “to guarantee”. Her preference was that “to guarantee” be included in all three languages.
- 1357.** The Chairperson pointed out that the proposal would need to be a separate subamendment.
- 1358.** The Worker Vice-Chairperson confirmed that the Workers’ group wished to keep the original text “labour rights”.
- 1359.** The Employer Vice-Chairperson also supported the use of the term “labour rights” and “safe working environment”.
- 1360.** The Chairperson explained that she was first trying to get agreement on the use of “labour rights” and then move on to the proposal to add “working” after “safe”.
- 1361.** The Government member of the United States suggested the term “worker rights” instead of “labour rights” as it had a stronger connection to the ILO concept of fundamental principles and rights at work.
- 1362.** The representative of the Secretary-General stated that he was not aware that “worker rights” was an ILO term and that the general term was “labour rights”.
- 1363.** The Government member of Argentina recalled that the secretariat had explained that the term “workers” did not include those people that were seeking their first job. Those who were affected by crisis and looking for their first job also needed protection; the term “labour rights” would cover them.
- 1364.** The subamendment to include “labour rights” was adopted.
- 1365.** Turning to the subamendment to add “working” after “safe”, the Employer Vice-Chairperson supported the subamendment.
- 1366.** The Worker Vice-Chairperson did not support the subamendment; he preferred the original text.
- 1367.** The Government member of the United States supported the subamendment and proposed a further subamendment, seconded by the Government member of Canada, to replace “protect” with “promote” before “a safe working environment”.
- 1368.** The Employer Vice-Chairperson supported the further subamendment.
- 1369.** The Worker Vice-Chairperson reiterated that his group preferred the original text and asked the Africa group for their views on the further subamendment.
- 1370.** The Government member of Angola, speaking on behalf of the Africa group, explained that his group had proposed the original text and therefore supported that version.
- 1371.** In responding to the request for clarification by the Workers’ group, the Government member of the United States explained that it was difficult to grasp the idea of “protecting a

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safe work environment” and that it was more accurate to use “promote a safe work environment”.

- 1372.** The Government member of Argentina suggested that, in line with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155), the correct term would be to “promote safety and health in the workplace”.
- 1373.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the further subamendment proposed by the Government member of the United States that read “promotes a safe working environment”.
- 1374.** The further subamendment was not adopted.
- 1375.** The further subamendment proposed by the Government member of Malta, on behalf of the EU and its Member States, to insert “working” after “safe” was not adopted.
- 1376.** The Government member of Argentina proposed a subamendment, seconded by the Government member of Brazil and supported by the Government member of Guatemala, to add “and ensure” after “protect”.
- 1377.** The Employer Vice-Chairperson did not support the subamendment.
- 1378.** The Worker Vice-Chairperson supported the subamendment.
- 1379.** The Government member of the United States, seconded by the Government member of Norway, proposed a further subamendment to replace “ensure” with “and seek to ensure” to read “to protect and seek to ensure labour rights and a safe environment” as it was not possible to guarantee labour rights.
- 1380.** The Employer Vice-Chairperson supported the subamendment.
- 1381.** The Worker Vice-Chairperson did not support the subamendment; he preferred the original text.
- 1382.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment proposed by the Government member of the United States in a spirit of compromise and to allow the discussion to progress.
- 1383.** The Government members of Colombia, and Malta , speaking on behalf of the EU and its Member States, queried the consistency between the language versions and in particular the use of the words protection/protect. The query was referred to the Committee Drafting Committee.
- 1384.** The subamendment was adopted.
- 1385.** The part of the amendment regarding clause (c) of the first Paragraph was adopted as subamended.

First paragraph, clause (d)

- 1386.** The Worker Vice-Chairperson proposed a subamendment to add “and their families” after migrants”.
- 1387.** The Employer Vice-Chairperson supported the subamendment.

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- 1388.** The Government member of Angola, speaking on behalf of the Africa group, supported the addition.
- 1389.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment because migrant workers' families were not included in labour migration policies.
- 1390.** The Government member of Jordan could not support the proposed subamendment as families of migrant workers were not covered by labour policies.
- 1391.** The Government member of the United States, seconded by the Government member of Norway and supported by the Government member of Australia, proposed to further subamend the amendment by deleting entire clause (d), as the text had already been adopted in Paragraph 12.
- 1392.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1393.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment.
- 1394.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the subamendment.
- 1395.** The Government member of Brazil did not support the subamendment.
- 1396.** The subamendment proposed by the Government member of the United States to delete clause (d) was not adopted.
- 1397.** The subamendment proposed by the Worker Vice-Chairperson which read "taking into account migrant workers and their families in shaping labour policies" was adopted.
- 1398.** The Government member of the United States, seconded by the Government member of Norway, and supported by the Government member of Australia, proposed a subamendment to delete "armed" before "conflict" to read "in shaping labour policies and programmes dealing with responses to conflicts and disasters".
- 1399.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1400.** The subamendment was adopted.
- 1401.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to add "in countries affected by crisis" after "take into account".
- 1402.** The Employer Vice-Chairperson did not support the subamendment as the title of the Part referenced crisis situations.
- 1403.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment.
- 1404.** The Worker Vice-Chairperson did not support the subamendment.
- 1405.** The subamendment was not adopted.

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- 1406.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to include at the end of the sentence “as appropriate.”
- 1407.** The Worker Vice-Chairperson supported the subamendment.
- 1408.** The Employer Vice-Chairperson supported the subamendment but recalled that the chapeau of the first Paragraph already included “in accordance with national laws”.
- 1409.** The Government members of Jordan and the United States supported the subamendment.
- 1410.** The subamendment was adopted.
- 1411.** The part of the amendment regarding clause (d) was adopted as subamended.
- 1412.** The Government member of Jordan, seconded by the Government member of the Islamic Republic of Iran, proposed a subamendment to add a new clause after clause (d) to read “(e) repatriate the migrants who wish to return to their countries of origin”.
- 1413.** The Employer Vice-Chairperson supported the subamendment.
- 1414.** The Government member of Angola, speaking on behalf of the Africa group, could accept the subamendment.
- 1415.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1416.** The Worker Vice-Chairperson stated that if the subamendment was adopted, it would raise the issue of who would bear the costs.
- 1417.** The Government member of Jordan explained that either there could be cooperation agreements between the host countries and the countries of origin or it could be left for countries to decide.
- 1418.** The Government member of the United States added that the issue of repatriation was complicated and outside the scope of the ILO and the Committee’s expertise. She did not want to prejudge the conclusions of the Committee for Labour Migration and the issue on the cost of repatriation was still not clear. Therefore, she did not support the subamendment.
- 1419.** The subamendment was adopted.
- 1420.** The Worker Vice-Chairperson proposed a subamendment to read “ repatriate migrants and their families who wish to return to their countries of origin at no cost to the migrants”.
- 1421.** The Employer Vice-Chairperson supported the subamendment to include “and their families”.
- 1422.** The Government member of Jordan supported the subamendment to include “and their families”.
- 1423.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment as repatriation applied to families of refugees. She suggested the text should read “return of migrants”.
- 1424.** The subamendment to add “and their families” was adopted.

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- 1425.** With regard to the subamendment proposed by the Worker Vice-Chairperson on addressing the costs of repatriation, the Employer Vice-Chairperson stated that it was too prescriptive. Agreements between host countries and countries of origin needed to be in accordance with national law and international law, which was covered in the chapeau. She did not support the subamendment.
- 1426.** The Government member of Brazil, seconded by the Government member of Argentina, proposed a subamendment to use the same wording as in Paragraph 31 of the proposed Recommendation to read “(e) to facilitate the voluntary repatriation of migrants and their families in conditions of safety and dignity, and support their labour market reintegration, including with the assistance of international organizations”.
- 1427.** The Worker Vice-Chairperson noted that the costs of repatriation had been discussed in the ILO. Fair recruitment of migrant workers should be done in accordance with the ILO’s general principles and operational guidelines for fair recruitment, 2016. It was clear that migrant workers needed to be able to return to their countries of origin, and should not have to bear the cost.
- 1428.** The Government member of Colombia noted that bilateral agreements existed; he expressed concern that including text on costs would limit possibilities for repatriation. The subject of repatriation was indeed beyond the scope of the current discussions.
- 1429.** The Government member of Cuba supported the subamendment.
- 1430.** The Government member of the United States asserted that the discussion was going beyond the scope of the Committee. He therefore could not support the subamendment proposed by the Government member of Brazil. He proposed a subamendment to replace the text by “facilitate the voluntary return of migrants and their families”. The subamendment was seconded by the Government member of Australia and supported by the Government members of Switzerland, and Malta, speaking on behalf of the EU and its Member States.
- 1431.** The Government member of Argentina proposed a further subamendment, seconded by the Government member of Brazil, to add “in conditions of safety and dignity” at the end of the sentence.
- 1432.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment proposed by the Government member of Brazil, and further subamended by the Government member of the United States and further subamended by the Government member of Argentina .
- 1433.** The Government members of Canada, Colombia, Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1434.** The subamendment which read “facilitate the voluntary return of migrants and their families, in conditions of safety and dignity.” was adopted.
- 1435.** The part of the amendment regarding clause (e) in the first Paragraph was adopted as subamended.
- 1436.** The part of the amendment regarding the first Paragraph was adopted as amended.

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## **Second Paragraph**

### Chapeau

- 1437.** The Worker Vice-Chairperson proposed a subamendment to insert “all” after “treatment for” and before “migrant workers”.
- 1438.** The Employer Vice-Chairperson supported the subamendment.
- 1439.** The Government members of Australia, and Malta, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 1440.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1441.** The subamendment was adopted.
- 1442.** The Worker Vice-Chairperson proposed a subamendment to insert “extend” between “and” and “coverage”.
- 1443.** The Employer Vice-Chairperson supported the subamendment.
- 1444.** The Government member of Argentina did not support the subamendment proposed by the Worker Vice-Chairperson. She noted that the text referred to national labour laws, and that was the remit of individual States.
- 1445.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment; extending coverage was dependent on the capabilities of States and needed to take into account national and international law.
- 1446.** The Government member of the United States proposed a further subamendment, to add “and in accordance with national law” after “IX”. The subamendment was seconded by the Government member of Norway .
- 1447.** The Government member of the United States, seconded by the Government member of Norway, proposed a further subamendment to move the text to after “regulation”. The intention was to align the text with previously adopted wording.
- 1448.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 1449.** The Government member of Angola, speaking on behalf of the Africa group, sought clarification on the implication of a change of terminology, as “equality of opportunity and treatment ... with regard to fundamental principles and rights at work” had been taken from Paragraph 29 of the proposed Recommendation. He also questioned why the inclusion of national law was necessary when national labour legislation appeared in the third Paragraph of the English version.
- 1450.** The Government member of the United States clarified that her further subamendment depended on whether “extend” was inserted in the text or not. She asked whether the Committee could first decide on the subamendment proposed by the Worker Vice-Chairperson.
- 1451.** The Government members of Cuba and New Zealand did not support the subamendment proposed by the Worker Vice-Chairperson to include “extend”.

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- 1452.** The Government member of the United States did not support the subamendment, as it implied that countries had to do more than they currently were. In the case of the United States, there was already equal coverage for migrants and therefore coverage could not be extended.
- 1453.** The Government member of Angola, speaking on behalf of the Africa group, stated that their amendment used wording from Paragraph 22. He asked for comments from the secretariat as to whether that was the appropriate wording, but did not support the inclusion of “extend”.
- 1454.** The Employer Vice-Chairperson stated that she wished to withdraw support for the subamendment.
- 1455.** The Worker Vice-Chairperson asked for clarification on the ramifications if “extend” was not included.
- 1456.** The Chairperson clarified that the subamendment to include “all” had already been adopted. If the subamendment to insert “extend” was not, the Committee would deliberate on the third subamendment proposed by the Worker Vice-Chairperson. She noted that the majority did not support the subamendment to insert “extend”. The subamendment by the Worker Vice-Chairperson would therefore not be adopted.
- 1457.** The Worker Vice-Chairperson questioned whether the Committee would return to the subamendment proposed by the Government member of the United States.
- 1458.** The Government member of the United States reconfirmed that if the further subamendment to include “extend” was not adopted, her subamendment would be withdrawn. However, she wished to retain the word “relevant”.
- 1459.** The subamendment to insert “extend” was not adopted.
- 1460.** The Worker Vice-Chairperson withdrew a subamendment to delete “under” and “relevant”.
- 1461.** The Chairperson asked the Employer Vice-Chairperson if she had any further subamendments to the chapeau.
- 1462.** The Employer Vice-Chairperson responded that she did not and stated her preference for the original text.
- 1463.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1464.** The Government member of the United States proposed two further subamendments, seconded by the Government member of Norway. The first was to insert a comma after “rights at work” to add clarity. The second was to replace “equality of opportunities” with “equal”. The phrase “equality of opportunities” was ambiguous. The concept of fundamental principles and rights at work concerned coverage and treatment and included the principle of equal treatment for all.
- 1465.** The Government member of Angola, speaking on behalf of the Africa group, sought clarification from the secretariat on the implication of a change of terminology, as “equality of opportunity and treatment ... with regard to fundamental principles and rights at work” had been taken from Paragraph 29 of the proposed Recommendation.
- 1466.** The Government member of the United States explained that as fundamental principles and rights at work referred to issues such as child labour and forced labour, it was confusing to

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promote equality of opportunities for those issues. Treatment in that context referred to the way migrant workers were covered under fundamental principles and rights at work.

- 1467.** The representative of the Secretary-General concurred that “equality of opportunities” was not particularly relevant for fundamental principles and rights at work and that “equal treatment and opportunities” would perhaps be clearer.
- 1468.** The Government member of Angola, speaking on behalf of the Africa group, agreed that the term “equal opportunities” was not the same as “equal treatment”. He reiterated that the text of their proposed amendment was similar to that which was used in Paragraph 29. He proposed a further subamendment to replace “equal treatment for” by “equal treatment and opportunities”.
- 1469.** The Government member of the United States did not support the further subamendment, noting that while it agreed with the Worker Vice-Chairperson that equality of treatment and equality of opportunity were two different things, in the present context the latter did not make sense as a concept related to fundamental principles and rights at work.
- 1470.** The Government member of New Zealand agreed with the views expressed by the Government member of the United States. The Paragraph was meant to focus on migrant workers in situations of crisis and not reflect a general discussion on migrants.
- 1471.** The Government member of Argentina agreed with the view of the Government member of the United States. The term “equality of opportunities” did not relate to fundamental principles and rights at work.
- 1472.** The Employer Vice-Chairperson did not support the further subamendment proposed by the Government member of Angola, speaking on behalf of the Africa group. She preferred the text of the original amendment and stressed that it was important to keep the word “opportunities”.
- 1473.** The Government member of Angola, speaking on behalf of the Africa group, noted that, in addition to Paragraph 29, the same wording had also been used in Paragraph 14(a). He questioned the relevance of changing something which had been already adopted and sought the advice of the secretariat.
- 1474.** The subamendment proposed by the Government member of the United States was not adopted.
- 1475.** The Government member of Malta, speaking on behalf of the EU and its Member States, said that they had supported the subamendment proposed by the Government member of the United States . Given that it had no consequence on the fate of the subamendment, the Chairperson replied that their position would be recorded.
- 1476.** The Worker Vice-Chairperson put forward a further subamendment to replace “with regard to” by “and”.
- 1477.** In reply to the request for clarification made by the Government member of Angola, on behalf of the Africa group, the Chairperson confirmed that the wording in the chapeau of the second Paragraph of the text of the amendment proposed by the Africa group was similar to that of Paragraph 29.
- 1478.** The Employer Vice-Chairperson did not support the subamendment proposed by the Workers’ group.

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- 1479.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment. They preferred their original text and the proposed subamendment was not linguistically correct.
- 1480.** The Government member of the United States did not support the subamendment. She did not want to separate the notion of equality of treatment from fundamental principles and rights at work.
- 1481.** The subamendment was not adopted.
- 1482.** The Government member of Malta, speaking on behalf of the EU and its Member States, noted that the French and English versions did not match. The word “and” between “opportunities” and “treatment” was missing.
- 1483.** The Government member of the United States recalled that she had previously proposed a further subamendment to introduce a comma after “rights at work”. It was seconded by the Government member of Norway .
- 1484.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the subamendment.
- 1485.** The Government member of Australia supported the subamendment.
- 1486.** The subamendment was adopted.
- 1487.** The part of the amendment regarding the chapeau of the second Paragraph was adopted as subamended.

#### Second Paragraph, clause (a)

- 1488.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the text of clause (a) of the second Paragraph as proposed in the amendment submitted by the Africa group.
- 1489.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to replace “educate” by “inform”. Informing migrants about their rights was more feasible. She indicated that there were additional EU subamendments on clause (a) that would be proposed.
- 1490.** Both the Employer Vice-Chairperson and Worker Vice-Chairperson asked whether the Government member of Malta could read out clause (a) of the second Paragraph with all the subamendments proposed by the EU and its Member States.
- 1491.** The Government member of Malta, speaking on behalf of the EU and its Member States, said she had five further subamendments to propose: (i) to replace “educate” by “inform”; (ii) to delete “, and” after “labour rights”; (iii) to insert “and obligations” after “protections”; (iv) to delete “ including by providing information on the rights and obligations of workers”; and (v) to add “or are reasonably supposed to understand” at the end of the clause. The clause would read “inform migrants about their labour rights, protections and obligations, and the means of redress for violations, in a language they understand or are reasonably supposed to understand”.
- 1492.** The Government member of the United States supported all the further subamendments proposed by the Government member of Malta, speaking on behalf of the EU and its Member States.

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- 1493.** The Government member of Angola, speaking on behalf of the Africa group, did not support the further subamendment. He pointed out that the wording used in clause (a) of their proposed amendment was exactly the same as that used in Paragraph 29(a) of the proposed Recommendation. His group had merely replaced “refugees” with “migrants”. He emphasized that “educate” and “inform” were two different concepts and indicated that migrants would either understand a language or not understand it, so he did not support the addition of “or are reasonably supposed to understand”.
- 1494.** The Government members of Australia and Norway supported the first part of the proposed subamendment and preferred to use “inform”.
- 1495.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that “or are reasonably supposed to understand” was taken from the draft conclusions of the concurrent Conference Committee for Labour Migration.
- 1496.** The Chairperson recalled that the wording of clause (a) proposed by the Africa group was the same as that used in Paragraph 29(a) of the proposed Recommendation on which no amendments had been received.
- 1497.** The Government member of Malta, speaking on behalf of the EU and its Member States, pointed out that “refugee” and “migrant” were different terms. Whereas the term “refugee” was defined, the term “migrant” was not.
- 1498.** The Government member of Angola, speaking on behalf of the Africa group, indicated that both migrants and refugees were human beings and should be treated the same however they were labelled. If “educate” was used for refugees, the same should be used for migrants.
- 1499.** The Government member of Brazil preferred the original text of the amendment as “educate” went beyond “inform”. He was opposed to inserting “or are reasonably supposed to understand” as he considered that it was not appropriate text for a Recommendation. Efforts would need to be made by governments to ensure that information was provided in a language that could be understood.
- 1500.** The Government member of Chile agreed with the statement made by the Government member of Angola, speaking on behalf of the Africa group. He did not see why the text drafted by the Office, which intended to inform persons affected by crisis of their rights, should be any different for migrants. It was important that migrants understood their labour rights and therefore language was important.
- 1501.** The Government members of Cuba and Pakistan did not support the further subamendments proposed by the Government member of Malta, on behalf of the EU and its Member States.
- 1502.** The Government member of the Islamic Republic of Iran pointed out that if “educate” was replaced by “inform”, it would need to be revised in Paragraph 29(a) to ensure consistency.
- 1503.** The Chairperson restated that no amendments had been submitted on Paragraph 29(a) and therefore changes would not be possible.
- 1504.** The Government member of Malta, speaking on behalf of the EU and its Member States, highlighted that refugees needed international protection, while migrants were covered by national law. She stressed that the text should not make a distinction between migrants and refugees and that it should be aligned with Paragraph 29(a).
- 1505.** The Government member of Angola, speaking on behalf of the Africa group, observed that the discussion was moving away from the anticipated scope of the proposed

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Recommendation. The principles applied in Part X of the proposed Recommendation should be extended to all persons affected by crisis.

- 1506.** The Government member of Argentina stated that she preferred the text of Paragraph 29(a) which had been drafted by the Office and was also proposed in the amendment under discussion.
- 1507.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the original text.
- 1508.** The Chairperson concluded that there was no support for the first part of the further subamendment proposed by the Government member of Malta, on behalf of the EU and its Member States, to replace “educate” with “inform, and confirmed that the Worker and Employer Vice-Chairpersons, the Government members of Argentina, Brazil, Chile and Pakistan were in favour of the original text.
- 1509.** The Government member of Malta, speaking on behalf of the EU and its Member States, recalled that the discussion was only in regard to the first part of the proposed further subamendment, to replace “educate” with “inform”.
- 1510.** The Chairperson stated that although there was strong support for the original text, for the time being only the first part of the proposed further subamendment, to replace “educate” with “inform” was not adopted.
- 1511.** The Government member of Angola, speaking on behalf of the Africa group, suggested that, in the interest of time and as a clear majority was not in favour of the proposed further subamendments, the discussion should move on.
- 1512.** The Government member of the Islamic Republic of Iran clarified his position and said that he did not support the original language and the use of “educate”. In his previous intervention, he had sought to highlight the inconsistency between the proposed clause and Paragraph 29(a).
- 1513.** The Chairperson reiterated that alignment was not possible at a later stage as there had been no amendments on Paragraph 29(a).
- 1514.** The Government member of Chile emphasized that the proposed clause and Paragraph 29(a) should use the same wording.
- 1515.** The Chairperson stated that the four remaining further subamendments proposed by the Government member of Malta, on behalf of the EU and its Member States, would be treated as one further subamendment to read “inform migrants about their labour rights, protections and obligations and the means of redress for violations, in a language they understand or are reasonably supposed to understand”.
- 1516.** The Worker Vice-Chairperson reiterated that he did not support the subamendment and proposed to introduce a new clause.
- 1517.** The Employer Vice-Chairperson did not support the further subamendment.
- 1518.** The Government member of the United States supported the further subamendment and reiterated that it was important to recall that they were talking about two different groups of people who were not treated the same under international law. It was therefore not sufficient to simply refer to the wording in Paragraph 29(a).

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- 1519.** The Government member of Chile pointed out that the discussion should be limited to the focus of the proposed Recommendation in response to crisis situations and those affected by a crisis.
- 1520.** The Government member of Argentina said that she encouraged the discussion to move on.
- 1521.** The further subamendment proposed by the Government member of Malta, on behalf of the EU and its Member States, was not adopted.
- 1522.** The part of the amendment regarding clause (a) of the second Paragraph was adopted.

#### New clause after clause (a) of the second Paragraph

- 1523.** The Worker Vice-Chairperson proposed a subamendment to add a new clause after clause (a) of the second Paragraph to read “ensure equality of treatment with respect to rights arising from previous employment in the area of remuneration, social security and other benefits, taking into account the Protection of Wages Convention, 1949 (No. 95)”. He stressed that it was important to take appropriate measures and offer equality of treatment in regard to rights from previous employment, including social security and other benefits. He believed it was important for all workers.
- 1524.** The Government members of Australia and New Zealand did not support the subamendment. They stated that in situations of crisis they felt it was not realistic.
- 1525.** The Government member of the United States did not support the subamendment. She considered that it created significant obligations for governments and employers, especially if an employer no longer existed due to a crisis.
- 1526.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the subamendment.
- 1527.** The Employer Vice-Chairperson did not support the subamendment.
- 1528.** The Worker Vice-Chairperson reiterated that the proposed new clause related to rights. An instrument should guarantee rights to all workers. He recalled the discussion of the previous day about the coverage of repatriation costs and how those costs should not be borne by migrants.
- 1529.** The subamendment to insert a new clause after clause (a) of the second Paragraph was not adopted.

#### Second Paragraph, clause (b)

- 1530.** The Worker Vice-Chairperson proposed a subamendment to replace the existing text with “(b) adopt measures to guarantee freedom of association and the right to collective bargaining for migrants”.
- 1531.** The Employer Vice-Chairperson did not support the subamendment. She recalled that fundamental principles and rights at work had been discussed in the chapeau of the second Paragraph.
- 1532.** The Government member of New Zealand preferred the original text and did not support the subamendment.

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- 1533.** The Government members of Jordan and the United States did not support the subamendment.
- 1534.** The subamendment to replace clause (b) of the second Paragraph was not adopted.
- 1535.** The Employer Vice-Chairperson supported the text of clause (b) proposed in the original amendment.
- 1536.** The Worker Vice-Chairperson noted that facilitating participation in representative organizations of employers and workers did not guarantee the rights of migrant workers. Measures were needed to guarantee the rights. He did not support the text of the amendment. He proposed a subamendment to replace “facilitate” by “adopt measures to ensure” in the context of participation in representative organizations of employers and workers.
- 1537.** The Government members of Jordan and New Zealand did not support the subamendment and preferred the original amendment.
- 1538.** The Government member of Australia did not support the subamendment. The text provided freedom to join representative organizations of employers and workers.
- 1539.** The Government member of Brazil drew attention to differences in the translation of “facilitate” and noted that the French verb “permettre” might have conveyed a different interpretation to the Workers’ group. The English version referred to “facilitate” and implied the active promotion of participation, whereas the French referred to “permettre” and implied a passive stance towards participation in representative organizations of employers and workers.
- 1540.** The Employer Vice-Chairperson reiterated her group’s preference for the text of the original amendment.
- 1541.** The Government member of the United States did not support the subamendment.
- 1542.** The subamendment proposed by the Worker Vice-Chairperson to replace “facilitate” by “adopt measures to ensure” was not adopted.
- 1543.** The Government member of the United States, seconded by the Government member of Norway and supported by the Government member of Colombia, proposed a subamendment to replace “facilitate” by “enable”. The Government member of the United States agreed with the Government member of Brazil that the verb “facilitate” could be interpreted as requiring governments to engage in active promotion of participation in a union and explained that the verb “enable” more accurately described the proper role of government, which was to create an environment that allowed migrant workers to join representative organizations if they so wished.
- 1544.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 1545.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1546.** The subamendment proposed by the Government member of the United States to replace “facilitate” by “enable” was adopted.
- 1547.** The part of the amendment regarding clause (b) of the second Paragraph was adopted.

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Second Paragraph, clause (c)

- 1548.** The Worker Vice-Chairperson proposed a subamendment to replace “xenophobic behaviour” by “discrimination and xenophobia”.
- 1549.** The Employer Vice-Chairperson supported the subamendment.
- 1550.** The Government members of New Zealand, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1551.** The Government member of Angola, speaking on behalf of the Africa group, requested clarification from the Workers’ group regarding the rationale for the subamendment and the difference between xenophobia and xenophobic behaviour. He pointed out that the term “xenophobia” was more general, whereas “xenophobic behaviour” was related to an action.
- 1552.** The Worker Vice-Chairperson explained that the scope of the term “discrimination and xenophobia” was broader than the term used in the original amendment and was therefore preferable.
- 1553.** The Government member of Angola, speaking on behalf of the Africa group, supported the subamendment.
- 1554.** The subamendment proposed by the Worker Vice-Chairperson to replace “xenophobic behaviour” by “discrimination and xenophobia” was adopted.
- 1555.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to replace “migrants” by “migrant workers”.
- 1556.** The Worker Vice-Chairperson supported the subamendment.
- 1557.** The Employer Vice-Chairperson did not support the subamendment. The preceding Paragraph already discussed issues related to the workplace. She highlighted that migrants could also be entrepreneurs.
- 1558.** The Government member of Angola, speaking on behalf of the Africa group, did not support the subamendment. In line with the previous subamendment from the Workers’ group on discrimination and xenophobia, qualifying migrants as migrant workers would indeed discriminate between migrant workers and migrants. With reference to the statement made by the Employer Vice-Chairperson, he noted that migrants could also be employers.
- 1559.** The Worker Vice-Chairperson reiterated his group’s support for the subamendment and noted that employers could also be considered workers.
- 1560.** The Government members of Norway and the United States supported the subamendment.
- 1561.** The Government member of Brazil did not support the subamendment. The text referred to the positive contributions of migrants not just migrant workers. The cultural contributions made by family members could also be important. He also acknowledged that the text excluded entrepreneurs.
- 1562.** The subamendment to replace “migrants” by “migrant workers”, proposed by the Government member of Malta, on behalf of the EU and its Member States, was not adopted.
- 1563.** The part of the amendment regarding clause (c) of the second Paragraph was adopted as subamended.

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Second Paragraph, clause (d)

- 1564.** The Employer Vice-Chairperson supported the text of the original amendment.
- 1565.** The Worker Vice-Chairperson recalled the earlier discussion where “other relevant stakeholders” had been defined. He proposed a subamendment to replace clause (d) with “Members should consult and engage employers’ and workers’ organizations and other civil society actors, as appropriate, with respect to employment of migrants.” He noted the same terminology was used in Paragraph 8(c).
- 1566.** The Employer Vice-Chairperson clarified that the term used was “civil society organizations”.
- 1567.** The Worker Vice-Chairperson mentioned that in Paragraph 29(c), there was a reference to “civil society”.
- 1568.** The Government member of Argentina highlighted that in Paragraph 8(c) there was a mention of “relevant civil society” organizations. She proposed a further subamendment, seconded by the Government member of Cuba, to include “relevant”.
- 1569.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1570.** The further subamendment to include “other relevant civil society organizations” was adopted.
- 1571.** The Government member of the United States supported the subamendment. To align with the previous text, however, she proposed a further subamendment to delete “Members should”. All the clauses of the Paragraph started with verbs so clause (d) should too.
- 1572.** The Government member of Australia seconded the further subamendment and the Government member of Norway supported it.
- 1573.** The Worker Vice Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 1574.** The subamendment was adopted.
- 1575.** The part of the amendment regarding clause (d) of the second Paragraph was adopted as subamended.
- 1576.** The new Part after Part IX was adopted.

**Part X. Refugees and returnees**

- 1577.** The Worker Vice-Chairperson withdrew an amendment to delete Part X of the proposed Recommendation.

***Title***

- 1578.** The title was adopted.

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### **First subtitle**

**1579.** The first subtitle, Refugee access to labour markets, was adopted.

### **New Paragraph before Paragraph 25**

**1580.** The Government member of Algeria, speaking on behalf of the Africa group, introduced an amendment to add a new Paragraph. He emphasized that the integration of refugees into the labour market of host countries was reliant on those countries' capacity. The new Paragraph underscored the importance of refugees returning to their countries of origin and contributing to reconstruction and the transition to peace through reintegration into the labour market.

**1581.** The Worker Vice-Chairperson noted that the amendment did not add value to the proposed Recommendation and made the text longer and more cumbersome. He sought the views of Government members.

**1582.** The Employer Vice-Chairperson did not support the amendment. It ran counter to the spirit of the proposed Recommendation and made access to the labour market contingent on the capacity of the host country, thereby deflecting attention from protecting people in times of crisis.

**1583.** The Government member of Algeria clarified that the proposed new Paragraph was not intended to make the text more cumbersome, but rather to emphasize the importance of refugees returning to their countries of origin and assisting in economic reconstruction. The economic situation of host countries must also be taken into account.

**1584.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment. Paragraph 5 of the proposed Recommendation already contained precautionary wording, and the proposed new Paragraph could result in refugees being denied access to the labour market in host countries.

**1585.** The Worker Vice-Chairperson did not support the amendment.

**1586.** The Government members of the Islamic Republic of Iran and the United States did not support the amendment.

**1587.** The amendment was not adopted.

**1588.** The Government member of the United States, speaking also on behalf of the Government members of Canada, Norway and Switzerland, introduced an amendment to delete "caused by conflict". She explained that the intent was to simplify the text. The Government members of the Islamic Republic of Iran and Pakistan, and the Government member of Jordan had submitted identical amendments.

**1589.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**1590.** The amendments were adopted.

**1591.** The Government member of Jordan introduced an amendment, seconded by the Government member of Pakistan to insert ", as applicable" after "law".

**1592.** The Worker Vice-Chairperson did not support the amendment.

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- 1593.** The Employer Vice-Chairperson supported the amendment.
- 1594.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1595.** The Government members of Cuba and the Islamic Republic of Iran supported the amendment.
- 1596.** The Government member of the United States proposed a subamendment, seconded by the Government member of Pakistan), to delete “, as applicable,” after “law” and insert “applicable” before “international law”, for reasons of consistency.
- 1597.** The Employer Vice-Chairperson supported the subamendment which was aligned with previous Parts of the text.
- 1598.** The Worker Vice-Chairperson did not support the subamendment.
- 1599.** The Government members of Australia, and Algeria, speaking on behalf of the Africa group, supported the subamendment.
- 1600.** The subamendment was adopted.
- 1601.** The amendment was adopted as subamended.
- 1602.** The Worker Vice-Chairperson introduced an amendment to insert “, including fundamental principles and rights at work,” after “international law” to reflect the provisions contained in the ILO Declaration on Social Justice for a Fair Globalization.
- 1603.** The Employer Vice-Chairperson supported the amendment.
- 1604.** The Government member of the United States proposed a subamendment, seconded by the Government member of Norway and supported by the Government members of Australia, Canada and Pakistan, to delete “including” before “fundamental”. It was important to make a distinction between international law and fundamental principles and rights at work.
- 1605.** The Employer Vice-Chairperson supported the subamendment.
- 1606.** The Government members of Australia, Pakistan and Switzerland supported the subamendment.
- 1607.** The subamendment was adopted.
- 1608.** The amendment was adopted as subamended.
- 1609.** The Worker Vice-Chairperson introduced an amendment to insert “, taking into account needs as well as priorities expressed by the most representative organizations of employers and workers” after “respond effectively”.
- 1610.** The Employer Vice-Chairperson supported the amendment.
- 1611.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment, although it made the text long and difficult to read.
- 1612.** The Government member of Norway supported the amendment.

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- 1613.** The amendment was adopted.
- 1614.** An amendment submitted by the Government member of the Russian Federation to delete “should acknowledge the vital importance of sharing responsibility equitably, and” was not seconded and therefore fell.
- 1615.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, introduced an amendment to replace “sharing responsibility equitably” by “equitable burden- and responsibility-sharing”.
- 1616.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1617.** The Government member of Algeria, speaking on behalf of the Africa group, supported the amendment.
- 1618.** The amendment was adopted.
- 1619.** The Government member of Jordan withdrew an amendment to replace “sharing responsibility equitably” with “burden- and responsibility-sharing”.
- 1620.** The Government member of Pakistan, speaking also on behalf of the Government member of the Islamic Republic of Iran, proposed an amendment to insert “humanitarian and” after “adequate”. It provided a better balance between the dispensation of humanitarian and development aid.
- 1621.** The Worker Vice-Chairperson did not support the amendment as it stressed humanitarian aid.
- 1622.** The Employer Vice-Chairperson asked to hear the views of Government members.
- 1623.** The Government members of Cuba, Jordan, United States, and Algeria speaking on behalf of the Africa group, supported the amendment.
- 1624.** The Employer Vice-Chairperson supported the amendment.
- 1625.** The amendment was adopted.
- 1626.** Paragraph 25 was adopted as amended.

## ***Paragraph 26***

### **Chapeau**

- 1627.** The Government member of Pakistan, speaking also on behalf of the Government member of the Islamic Republic of Iran, and the Government member of Algeria, speaking on behalf of the Africa group, proposed identical amendments to insert “, as appropriate” before “measures to”. The chapeau would read “Members should take, as appropriate, measures to:”. The Government member of Pakistan explained that the use of “as appropriate” was consistent with wording used earlier.
- 1628.** The Employer Vice-Chairperson supported the amendment.
- 1629.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

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- 1630.** The Government members of China, Cuba and Jordan supported the amendment.
- 1631.** The Government member of Brazil was not opposed to the amendment but noted that clauses (a) and (b) of Paragraph 26 already contained “as appropriate”.
- 1632.** The Government member of the Islamic Republic of Iran pointed out that subsequent amendments sought to remove “as appropriate” from clauses (a) and (b) as the words would be better placed in the chapeau.
- 1633.** The Government member of Algeria, speaking on behalf of the Africa group, supported the amendment.
- 1634.** The Worker Vice-Chairperson did not support the amendment.
- 1635.** The amendments were adopted.
- 1636.** The chapeau of Paragraph 26 was adopted as amended.

Paragraph 26(a)

- 1637.** The Government member of Algeria, speaking on behalf of the Africa group, introduced an amendment to delete “, as appropriate, livelihood opportunities and”. As “as appropriate” appeared in the chapeau, it was not needed in the clause. “Livelihood opportunities” was too broad a term and she felt it went beyond the mandate of the ILO.
- 1638.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment as “livelihood opportunities” were essential for refugees.
- 1639.** The Government members of Canada, United States, and Malta, speaking on behalf of the EU and its Member States did not support the amendment, preferring the term “livelihood opportunities”.
- 1640.** The amendment was not adopted.
- 1641.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, proposed an amendment to delete “, as appropriate,” since it appeared in the chapeau.
- 1642.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1643.** The Government member of the United States supported the amendment.
- 1644.** The amendment was adopted.
- 1645.** An amendment submitted by the Government members of the Islamic Republic of Iran and Pakistan to delete “livelihoods opportunities and” was withdrawn.
- 1646.** Paragraph 26(a) was adopted as amended.

Paragraph 26(b)

- 1647.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, introduced an amendment to delete “, as appropriate,” given that it appeared in the chapeau.

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- 1648.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 1649.** The Government member of Cuba supported the amendment.
- 1650.** The amendment was adopted.
- 1651.** [179]The Government member of Algeria, speaking on behalf of the Africa group, withdrew an amendment to delete “, including in respect ... livelihood opportunities”.
- 1652.** Paragraph 26(b) was adopted as amended.
- 1653.** Paragraph 26 was adopted as amended.

### ***Paragraph 27***

- 1654.** The Government member of Algeria, speaking on behalf of the Africa group, withdrew an amendment to delete the Paragraph.
- 1655.** The Government member of Jordan, seconded by the Government member of Algeria, introduced an amendment to insert “, as appropriate,” after “information”.
- 1656.** The Worker Vice-Chairperson and the Employer Vice-Chairperson asked for the views of Government members.
- 1657.** The Government member of Algeria, speaking on behalf of the Africa group, supported the amendment. She noted that the collection of such information was not always appropriate and that there was need for further investigation as to how and when it should be done.
- 1658.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment but acknowledged that such data collection, although useful, could be a demanding exercise.
- 1659.** The Employer Vice-Chairperson did not support the amendment as reliable data was needed in the establishment of action plans.
- 1660.** The Worker Vice-Chairperson did not support the amendment.
- 1661.** The amendment was not adopted.
- 1662.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, introduced an amendment to replace “concerning “ with “to assess”. It was important to provide a rationale for data collection. The Government member of Pakistan added that the amendment sought to capture the importance of impact assessment.
- 1663.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1664.** The Government members of Brazil, China, Cuba, and Algeria, speaking on behalf of the Africa group, supported the amendment.
- 1665.** The amendment was adopted.

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- 1666.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, introduced an amendment to delete the text after “markets”, to avoid being too prescriptive on how collected information would be used.
- 1667.** The Worker Vice-Chairperson did not support the amendment.
- 1668.** The Employer Vice-Chairperson said that it was important to retain the whole Paragraph, in order to provide guidance; she did not support the amendment.
- 1669.** The Government member of Norway did not support the amendment.
- 1670.** The Government member of the United States said that it was important to specify the purpose for which information was being collected; she did not support the amendment.
- 1671.** The amendment was not adopted.
- 1672.** The Worker Vice-Chairperson introduced an amendment to replace “, as well as ... population” by a new Paragraph to read “Members should build the resilience and strengthen the capacity of host communities by investing in local economies and promoting opportunities for full, productive, freely chosen and decent employment and for skills development of the local population.”. The aim was to capture the importance of balancing measures to benefit both refugees and host communities.
- 1673.** The Employer Vice-Chairperson supported the amendment and proposed a subamendment to remove “opportunities for”, insert “employment” after “chosen” and replace “employment” with “work”.
- 1674.** The Worker Vice-Chairperson supported the subamendment.
- 1675.** The Government member of the United States supported the subamendment and the amendment.
- 1676.** The Government member of Brazil supported both the amendment and subamendment.
- 1677.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1678.** The subamendment was adopted.
- 1679.** The amendment was adopted as subamended.
- 1680.** As a consequence, three amendments fell. One amendment, submitted by the Government members of Canada, Norway and the United States, had sought to replace “opportunities for full, productive, freely chosen and decent employment and” by “full, productive, freely chosen and decent employment and opportunities. Two amendments submitted by the Employers group had sought to insert “full,” after “opportunities for”, “employment” after “chosen” and replace “employment” by “work”.
- 1681.** Paragraph 27 was adopted as amended.

## ***Paragraph 28***

Chapeau

- 1682.** The chapeau was adopted.

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### ***New clause before Paragraph 28(a)***

- 1683.** The Government member of Algeria, speaking on behalf of the Africa group, proposed an amendment to add a new clause to read “promote their access to technical and vocational training, in particular through ILO’s and other relevant stakeholders’ programmes, in order to enhance their skills and enable them to undergo further retraining in view of possible repatriation;”.
- 1684.** The representative of the Secretary-General advised the Committee that the word “other” in the sentence would have the effect of making the ILO appear as a stakeholder. In addition, he suggested that “ILO’s” should read “ILO”, which was simply a grammatical issue. He suggested removing “other” for the purposes of the discussion.
- 1685.** The Employer Vice-Chairperson supported the suggestion and proposed a subamendment to insert “voluntary” before “repatriation”.
- 1686.** The Worker Vice-Chairperson raised the concern that “further retraining” should not be linked to refugee repatriation. He introduced a subamendment to delete the phrase after “retraining” so that the sentence would finish with “further retraining”.
- 1687.** The Employer Vice-Chairperson supported the subamendment.
- 1688.** The Government member of Algeria, speaking on behalf of the Africa group, did not support the subamendment proposed by the Worker Vice-Chairperson. She supported the subamendment proposed by the Employers’ group to insert the word “voluntary”.
- 1689.** The Government members of Norway, United States, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Workers’ group.
- 1690.** The Government member of Angola, speaking on behalf of the Africa group, stressed that the reference to repatriation and reconstruction was to address the rebuilding of communities impacted by crisis through decent work. For that reason, his group could not support the Workers’ group’s subamendment. He introduced a further subamendment to insert “taking into account possible voluntary repatriation” after “further retraining”.
- 1691.** The Employer Vice-Chairperson supported the further subamendment proposed by the Government member of Angola, speaking on behalf of the Africa group.
- 1692.** The Worker Vice-Chairperson preferred to go back to the subamendment that his group had proposed as he believed a large majority had been in favour.
- 1693.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the further subamendment.
- 1694.** The Government members of Brazil and Pakistan supported the further subamendment.
- 1695.** The Government member of the United States asked for the views of the representative of the UNHCR regarding the technical and vocational training that was available to refugees in view of possible long-term repatriation.
- 1696.** The representative of the UNHCR stated that UNHCR and other partners undertook measures throughout the full cycle of displacement, including upon return, to promote livelihoods and access to the labour market. The goals of UNHCR and other partners were to contribute to the dignity of refugees while they were refugees and upon their return.

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**1697.** The further subamendment proposed by the Africa group to replace “in view of possible repatriation” by “taking into account possible voluntary repatriation” was adopted.

**1698.** The new clause before Paragraph 28(a) was adopted as amended.

Paragraph 28(a)

**1699.** The Government member of Angola, speaking on behalf of the Africa group, withdrew an amendment to delete “their access to” in Paragraph 28(a).

**1700.** Paragraph 28(a) was adopted.

Paragraph 28(b)

**1701.** The Employer Vice-Chairperson introduced an amendment to insert “certification” after “recognition” as certificates were not always recognized when refugees moved across borders.

**1702.** The Worker Vice-Chairperson supported the amendment.

**1703.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**1704.** The amendment was adopted.

**1705.** The Employer Vice-Chairperson introduced an amendment to insert “and qualifications” after “skills” as “skills” and “qualifications” were different. Whereas qualifications were official records which testified that a person had finished a specific course, skills were a person’s ability to perform a certain activity.

**1706.** The Worker Vice-Chairperson supported the amendment.

**1707.** The Government members of Norway and Switzerland supported the amendment.

**1708.** The amendment was adopted.

**1709.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to insert “in and among countries of origin, transit and destination” after “refugees”. Many countries could be affected by the movement of refugees and refugees’ certification should be recognized in all countries.

**1710.** The Worker Vice-Chairperson remarked that the reference to countries of origin, transit and destination should be inserted in the Part of the proposed Recommendation related to migrants; he would like to hear the views of Government members.

**1711.** The Government member of the United States stated that adding such wording would unnecessarily complicate the text; she did not support the amendment.

**1712.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment. She asked for any language issues to be referred to the Committee Drafting Committee.

**1713.** The Worker Vice-Chairperson and the Employer Vice-Chairperson did not support the amendment.

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**1714.** The amendment was not adopted.

**1715.** The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment to insert “access to” before “tailored training” to recognize that both governments and the private sector provided training opportunities.

**1716.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

**1717.** The Government members of Brazil and Canada supported the amendment.

**1718.** The amendment was adopted.

**1719.** Paragraph 28(b) was adopted as amended.

#### New clause after Paragraph 28(b)

**1720.** The Government member of Angola, speaking on behalf of the Africa group, withdrew an amendment to add a new clause to read “promote the recognition and validation of the skills and competences of refugees, through appropriate assessment tests, if necessary;”.

#### Paragraph 28(c)

**1721.** Paragraph 28(c) was adopted.

#### Paragraph 28(d)

**1722.** The Government member of Cuba, seconded by the Government member of Pakistan, introduced an amendment to replace “at a particular disadvantage” by “in a situation of vulnerability”. The reference to disadvantaged persons was not common and there was no definition of the term.

**1723.** The Worker Vice-Chairperson and the Employer spokesperson supported the amendment.

**1724.** The Government members of Norway, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

**1725.** The amendment was adopted.

**1726.** An amendment submitted by the Africa group to replace “at a particular disadvantage” by “vulnerable” was withdrawn.

**1727.** Paragraph 28(d) was adopted as amended.

#### Paragraph 28(e)

**1728.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to insert “, as appropriate,” after “facilitate”.

**1729.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

**1730.** The Government member of the United States supported the amendment.

**1731.** The amendment was adopted.

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- 1732.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to replace “such as social security benefits” by “and social security benefit entitlements”.
- 1733.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1734.** The Government member of Australia supported the amendment.
- 1735.** The amendment was adopted.
- 1736.** The Government member of Malta, speaking on behalf of the EU and its Member States, introduced an amendment to add “, in accordance with the national provisions of the hosting country” after “pensions”.
- 1737.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1738.** The Government members of Australia and Jordan supported the amendment.
- 1739.** The amendment was adopted.
- 1740.** Paragraph 28(e) was adopted as amended.
- 1741.** Paragraph 28 was adopted as amended.

## ***Paragraph 29***

### Chapeau

- 1742.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to replace “working refugees” by “refugees integrated in the labour market”. The original text was considered restrictive and the intention of the amendment was to broaden the scope to cover all refugees in the labour market.
- 1743.** The Employer Vice-Chairperson supported the amendment on the understanding that the amendment included refugee entrepreneurs.
- 1744.** The Worker Vice-Chairperson asked to hear from Government members.
- 1745.** The Government member of Angola, speaking on behalf of the Africa group, indicated that, in line with the statement made by the Employer Vice-Chairperson, refugees integrated in the labour market included entrepreneurs.
- 1746.** The Government member of Jordan did not support the amendment.
- 1747.** The Government member of Malta, speaking on behalf of the EU and its Member States, asked for clarification from the secretariat as to whether the amendment was more restrictive than the original text.
- 1748.** The deputy representative of the Secretary-General clarified that the amendment was not more restrictive; it was broader.

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- 1749.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1750.** The Government member of the United States, seconded by the Government member of Brazil and supported by the Government member of Argentina, proposed a subamendment to replace “refugees integrated in the labour market” by “refugees”. She noted that there was ambiguity as to who was integrated in the labour market.
- 1751.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1752.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1753.** The subamendment was adopted.
- 1754.** The amendment was adopted as subamended.
- 1755.** As a consequence, an amendment submitted by the Workers’ group to delete “working” fell.
- 1756.** The chapeau of Paragraph 29 was adopted as amended.

Paragraph 29(a)

- 1757.** Paragraph 29(a) was adopted.

Paragraph 29(b)

- 1758.** The Worker Vice-Chairperson introduced an amendment to replace the clause with “adopt measures to guarantee to refugees freedom of association and collective bargaining; and” to address the Workers’ group’s concerns about social dialogue.
- 1759.** The Employer Vice-Chairperson did not support the amendment. In reference to the explanation provided by the Employers’ group in the discussion on the new Part on migrants after Part IX, she believed that the reference in the chapeau to fundamental principles and rights at work covered collective bargaining and participation in representative organizations of employers or workers.
- 1760.** The Government member of Angola, speaking on behalf of the Africa group, did not support the amendment. The original text was consistent with the text adopted in the new Part on migrants after Part IX and therefore similar text should be used.
- 1761.** The Government member of the United States did not support the amendment. Freedom of association and collective bargaining were rights covered by fundamental principles and rights at work.
- 1762.** The Government member of Jordan noted that the right to join a trade union was guaranteed in law.
- 1763.** The amendment was not adopted.
- 1764.** The Chairperson noted that the Committee had referred to the wording used in the new Part on migrants and a proposal had been made to replace “facilitate” by “enable”. If there was consensus in the room, that subamendment could be adopted.

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- 1765.** The Employer Vice-Chairperson and the Worker Vice-Chairperson agreed with the proposal.
- 1766.** The subamendment was adopted.
- 1767.** The Government member of Jordan introduced an amendment to insert “in accordance with relevant national laws” after “workers”. The amendment was seconded by the Government member of the Islamic Republic of Iran.
- 1768.** The Employer Vice-Chairperson did not support the amendment, as “relevant labour laws and regulations” were already referenced in the chapeau to Paragraph 29.
- 1769.** The Worker Vice-Chairperson did not support the amendment.
- 1770.** The Government members of the United States, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1771.** The amendment was not adopted.
- 1772.** Paragraph 29(b) was adopted as amended.

Paragraph 29(c)

- 1773.** The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, presented an amendment to replace “adopt legislative measures ... behaviour” by “adopt appropriate measures, including legislative measures and campaigns, that combat discrimination and xenophobic behaviour”. The intent was to capture the need to combat discrimination and also to broaden the scope by adding legislative measures and campaigns.
- 1774.** The Chairperson noted that the Committee had discussed at an earlier juncture changing “xenophobic behaviour” to “xenophobia” and that there was a subsequent amendment to replace “xenophobic behaviour” by “discrimination and xenophobia”. She asked the Government member of the United States if it would be acceptable to her to incorporate the subsequent amendment into the present amendment.
- 1775.** The Government member of the United States indicated that the change was acceptable.
- 1776.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1777.** The Government members of Australia, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1778.** The amendment was adopted.
- 1779.** As a consequence, an amendment, submitted by the Africa group, to replace “legislative” by “appropriate” fell.
- 1780.** The Worker members had submitted an amendment to replace “xenophobic behaviour” by “discrimination and xenophobia”. As the amendment had been integrated into the previous amendment, the amendment was adopted.
- 1781.** Paragraph 29(c) was adopted as amended.

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1782. Paragraph 29 was adopted as amended.

### **Paragraph 30**

1783. Paragraph 30 was adopted.

### **New Paragraph after Paragraph 30**

1784. The Government member of Jordan introduced an amendment to add a new Paragraph after Paragraph 30 to read “Members should support host countries to strengthen their capacity and build resilience, including through development assistance, by investing in local communities.” The amendment was seconded by the Government member of Pakistan. The intention was to include a Paragraph in the Part on refugees that was similar to the Paragraph in the Part on migrants.

1785. The Employer Vice-Chairperson supported the amendment.

1786. The Worker Vice-Chairperson requested to hear the views of Government members.

1787. The Government member of Malta, speaking on behalf of the EU and its Member States, asserted that there was no need for two similar Paragraphs to appear in the Parts on refugees and on migrants. The points had already been made in Paragraph 27, and the amendment would create repetition.

1788. The Government members of the Islamic Republic of Iran, and Angola, speaking on behalf of the Africa group, supported the amendment.

1789. The Government member of the United States did not support the amendment for the same reason relayed by the Government member of Malta on behalf of the EU and its Member States.

1790. The Employer Vice-Chairperson remarked that the wording was indeed similar and duplication should be avoided. She withdrew her support for the amendment.

1791. The Worker Vice-Chairperson proposed a subamendment to add “, as appropriate,” at the end.

1792. The Government member of Angola, speaking on behalf of the Africa group, pointed out that there was a difference of intention between Paragraph 27 and the proposed new Paragraph: while Paragraph 27 focused on host communities, the new Paragraph focused on host countries. He did not support the subamendment as it did not add any value to the wording.

1793. The Worker Vice-Chairperson withdrew the subamendment.

1794. The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to insert “, including local communities” after “host countries” and delete “by investing in local communities”.

1795. The Employer Vice-Chairperson did not support the subamendment as it would bring the wording of the Paragraph closer to that used in Paragraph 27.

1796. The Worker Vice-Chairperson did not support the amendment for the same reasons as those given by the Employer Vice-Chairperson.

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- 1797.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew the subamendment and did not support the amendment.
- 1798.** The Government member of Pakistan, supported by the Government member of Jordan, pointed out that Paragraph 27 did not address development assistance. If that could be resolved, all concerns would be met and the new Paragraph would not be necessary.
- 1799.** The Chairperson advised the Committee to continue its consideration of the proposed new Paragraph, rather than reopening the discussion on Paragraph 27.
- 1800.** The Government member of Cuba supported the amendment.
- 1801.** The Government member of Canada did not support the amendment.
- 1802.** The Government member of Brazil supported the amendment in the light of the explanation provided by the Government member of Angola.
- 1803.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.
- 1804.** The Government member of Malta, speaking on behalf of the EU and its Member States, had withdrawn a subamendment on the understanding that the amendment did not have the broad support of the Committee. Since that was no longer the case, she wished to reintroduce the subamendment to insert “including local communities” after “host countries” and delete “by investing in local communities”.
- 1805.** The Government member of Senegal asked whether it was possible to reintroduce a subamendment that had been rejected.
- 1806.** The Chairperson pointed out that the subamendment had been withdrawn, not rejected. According to the Standing Orders of the Conference, although a person who had withdrawn a subamendment could not reintroduce it, any other person entitled to take part in the discussions of the Committee could move to propose that subamendment.
- 1807.** The Government member of Angola, speaking on behalf of the Africa group and supported by the Government member of Jordan, said that the majority of the Committee had expressed a position in favour of the original amendment, which should therefore be adopted.
- 1808.** The Chairperson said that since no other delegation wished to introduce the subamendment previously proposed by the Government member of Malta on behalf of the EU and its Member States, she took it that the Committee wished to adopt the amendment.
- 1809.** The amendment was adopted.

### ***Second subtitle***

- 1810.** The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to delete in the subtitle before Paragraph 31 “Voluntary repatriation and”. That part of the subtitle was not relevant to the proposed instrument since voluntary repatriation was not within the scope of the ILO but under the purview of humanitarian agencies.
- 1811.** The Employer Vice-Chairperson asked to hear the views of Government members.
- 1812.** The Worker Vice-Chairperson also requested to hear the views of Government members. He mentioned that his group would not agree, however, to amend the subtitle, as that would

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have implications on the subsequent Paragraphs to be discussed. He therefore did not support the amendment.

- 1813.** The Government member of the United States did not support the amendment. She pointed out that the proposed Recommendation was primarily about providing guidance to member States, for whom the issue of voluntary repatriation was an important topic.
- 1814.** The Government member of Mexico agreed with the statement made by the Government member of the United States and did not support the amendment.
- 1815.** The Government members of Australia, Canada, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1816.** The Employer Vice-Chairperson did not support the amendment.
- 1817.** The amendment was not adopted.
- 1818.** The subtitle was adopted

### ***New Paragraph before Paragraph 31***

- 1819.** The Government member of Pakistan, speaking also on behalf of the Government member of the Islamic Republic of Iran, introduced an amendment to insert a new Paragraph before Paragraph 31 to read “All refugees have the right to return to their country and, in this regard, it is the primary responsibility of countries of origin to establish conditions which allow voluntary repatriation, in keeping with their obligation to accept the return of their nationals.” He said that it was important to provide an appropriate introduction to the section which addressed the rights of refugees to return to their countries. The intention was to put more emphasis on the obligations of countries of origin in creating the necessary conditions to allow the return of refugees.
- 1820.** The Employer Vice-Chairperson asked to hear the views of Government members.
- 1821.** The Worker Vice-Chairperson did not support the amendment, noting that the responsibility of member States for the return of refugees was not under the mandate of the ILO.
- 1822.** The Government member of Jordan supported the amendment.
- 1823.** The Government member of Pakistan clarified that the wording used for the amendment was based on the UNHCR General Conclusion on International Protection No. 77 (XLVI), 1995, which provided guidance to member States on how they should provide protection to refugees.
- 1824.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1825.** The Worker Vice-Chairperson reiterated that he did not support the amendment.
- 1826.** The Employer Vice-Chairperson supported the amendment.
- 1827.** The Government member of the United States pointed out that international law provided that everyone had the right to return to his or her own country, which was obliged to accept its own nationals. He proposed a subamendment, seconded by the Government member of Switzerland, to insert “countries of origin should work” after “in this regard” and to delete “it is the primary responsibility of countries of origin” and “in keeping with their obligation

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to accept the return of their nationals”. He noted that sometimes the conditions which prompted refugees to leave might not be under the control of the country.

- 1828.** The Worker Vice-Chairperson supported the subamendment.
- 1829.** The Employer Vice-Chairperson did not support the subamendment. It was important to keep the sentence “in keeping with their obligation to accept the return of their nationals”.
- 1830.** The Government member of Mexico supported the subamendment but queried whether it was within the scope of the ILO.
- 1831.** The Government member of Brazil stated that he was opposed to the original amendment proposed by the Government members of the Islamic Republic of Iran and Pakistan as it went beyond the ILO mandate. He pointed out that the issues would be discussed as part of the Global Compact on Refugees during the UN General Assembly in 2018. However, in a spirit of consensus, he supported the subamendment proposed by the Government member of the United States and suggested that the text should be anchored more clearly in the ILO’s mandate.
- 1832.** The Government member of Pakistan, in response to the observations of the Government member of Brazil, requested drafting assistance to find wording that embraced the ILO’s mandate. He suggested referencing labour markets.
- 1833.** The Chairperson consulted with a representative of UNHCR and suggested that reference could be made to “including labour market initiatives”.
- 1834.** The Government member of Pakistan introduced a subamendment, seconded by the Government member of the Islamic Republic of Iran, to insert “including labour market initiatives” after “... establish conditions”.
- 1835.** The Government members of Norway and the United States, supported the subamendment.
- 1836.** The Government member of Chile noted that the subamended text was very similar to Paragraph 31 and, therefore, was not necessary. He also felt that the way the subamendment was drafted covered text that went beyond the ILO’s mandate.
- 1837.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment, even though they preferred to keep “in keeping with their obligation to accept the return of their nationals”.
- 1838.** The Worker Vice-Chairperson agreed with the intervention from the Government member of Chile.
- 1839.** The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson and the Government member of Chile and on that basis withdrew her support for the entire amendment.
- 1840.** The subamendment proposed by the Government members of the Islamic Republic of Iran and Pakistan was not adopted.
- 1841.** The Worker Vice-Chairperson withdrew his support for the subamendment proposed by the Government member of the United States.
- 1842.** The subamendment proposed by the Government member of the United States was not adopted.

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**1843.** The Government member of Cuba stated that it was very important for Cuba when considering the return of refugees that it had to be done in compliance with national legislation. He proposed a subamendment to add “in accordance with national legislation” at the end of the sentence.

**1844.** The subamendment was not seconded.

**1845.** The amendment was not adopted.

### ***Paragraph 31***

**1846.** The Government member of Angola, speaking on behalf of the Africa group, had intended to introduce an amendment to replace the text of Paragraph 31 with “Members should collaborate to facilitate the reintegration of returnees in the labour market with the assistance of international organizations, in particular, that of the ILO.” The amendment only made sense if the title changed and, as that was not the case, he withdrew the amendment.

**1847.** The Government member of the Islamic Republic of Iran, speaking also on behalf of the Government member of Pakistan, introduced an amendment to delete “When the security situation in the country of origin of refugees has improved sufficiently,”. As the decision to voluntarily repatriate was a voluntary one, the text was considered superfluous and vague.

**1848.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment for the same reasons given by the Government members of the Islamic Republic of Iran and Pakistan.

**1849.** The Employer Vice-Chairperson asked to hear the views of Government members.

**1850.** The Worker Vice-Chairperson stated that the text submitted to the Committee was useful and he did not support the amendment.

**1851.** The Government member of Jordan supported the amendment and noted that it was often difficult to determine when a security situation had improved sufficiently, as the actual security situation might vary in different parts of a country and such judgements were likely to be subjective.

**1852.** The Government member of Pakistan asked the social partners to reconsider their positions in light of the discussion.

**1853.** The Government member of Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**1854.** The Employer Vice-Chairperson said that, having listened to the discussion, she did not support the amendment and that, in taking that decision, she was reassured that the subsequent amendment proposed by the Workers’ group, to delete “security”, would serve to address her remaining concerns.

**1855.** The amendment was not adopted.

**1856.** The Worker Vice-Chairperson withdrew an amendment to delete “security”.

**1857.** The Government member of Angola, speaking on behalf of the Africa group, withdrew two amendments. One had sought to replace “the voluntary repatriation ... labour market reintegration” by “the reintegration of returnees” and the other to delete “when the security ... sufficiently”.

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1858. Paragraph 31 was adopted as amended.

### ***New Paragraph before Paragraph 32***

1859. The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to insert a new Paragraph to read “Members should collaborate with the ILO and other relevant stakeholders to develop specific programmes for returnees to facilitate their vocational training and reintegration in the labour market.” The Paragraph was intended to strengthen the role of the ILO in the context of the overall Recommendation. The ILO and other relevant stakeholders needed to become more involved in assisting the reintegration of returnees into the labour market.

1860. The Chairperson obtained agreement to delete “other” before “relevant”, for the sake of clarity.

1861. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

1862. The Government member of the United States supported the amendment. She noted that it related to a valued area of the ILO’s technical assistance.

1863. The Government members of the Islamic Republic of Iran, Jordan and Mexico supported the amendment.

1864. The amendment was adopted.

### ***Paragraph 32***

1865. The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to delete” including” in order to make the text clearer.

1866. The Employer Vice-Chairperson supported the amendment.

1867. The Worker Vice-Chairperson asked to hear the views of Government members.

1868. The Government members of Argentina, United States, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment as it would serve to restrict the scope of collaboration.

1869. The Government member of Chile did not support the amendment. He asserted that autonomy and initiative should rest with member States and that the existing wording left all options for international collaboration open and would be better left unchanged.

1870. The Worker Vice-Chairperson said that he preferred to keep the existing text.

1871. The amendment was not adopted.

1872. Paragraph 32 was adopted.

### ***Paragraph 33***

1873. The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to insert “In the spirit of the principle of responsibility and burden sharing,” at

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the start of the Paragraph. To be consistent with previously agreed text, he subamended the wording to “in the spirit of the principle of burden- and responsibility-sharing”.

- 1874.** The Government member of Pakistan concurred that the subamendment was consistent with previously agreed text.
- 1875.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1876.** The Government members of Argentina, Islamic Republic of Iran, and Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1877.** The Government member of the United States supported the subamendment and proposed a further subamendment, seconded by the Government member of Norway, to replace “in the spirit of” with “taking into account”.
- 1878.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment.
- 1879.** The Government members of the Islamic Republic of Iran, and Angola, speaking on behalf of the Africa group, supported the further subamendment.
- 1880.** The further subamendment was adopted.
- 1881.** The amendment was adopted as subamended.
- 1882.** The Chairperson suggested that two identical amendments, submitted by the Worker members and the Government members of Norway and the United States, be discussed together.
- 1883.** The Worker Vice-Chairperson introduced his group’s amendment to delete “opportunities for”. He explained that it concerned only the English version of the text.
- 1884.** The Employer Vice-Chairperson supported the amendment.
- 1885.** The Government member of the United States supported the amendment.
- 1886.** The amendments were adopted.
- 1887.** The Employer Vice-Chairperson withdrew an amendment to delete “full” after “opportunities”.
- 1888.** The Employer Vice-Chairperson introduced an amendment, to ensure consistency with agreed wording used elsewhere in the proposed Recommendation, to insert “employment” after “chosen” and replace “employment” by “work” after “decent”.
- 1889.** The Worker Vice-Chairperson supported the amendment.
- 1890.** The Government members of Argentina, Australia, Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1891.** The amendment was adopted.
- 1892.** Paragraph 33 was adopted as amended.

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**1893.** Part X was adopted as amended.

## **Part XI. Prevention, mitigation and preparedness**

### ***Title***

**1894.** The title was adopted.

### ***Paragraph 34***

#### Chapeau

**1895.** The Government member of Malta, speaking on behalf of the EU and its Member States, withdrew an amendment to insert “both formal and informal, as appropriate,” after “other stakeholders”.

**1896.** The chapeau was adopted.

#### Paragraph 34(a)

**1897.** Paragraph 34(a) was adopted.

#### Paragraph 34(b)

**1898.** Paragraph 34(b) was adopted.

#### Paragraph 34(c)

**1899.** The Worker Vice-Chairperson introduced an amendment to insert “prevention and” at the beginning of the clause. The text addressed preventative measures and the intention was to improve responses of businesses. That was at the heart of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the Universal Declaration of Human Rights, 1948.

**1900.** The Employer Vice-Chairperson supported the amendment.

**1901.** The Government member of the United States supported the amendment.

**1902.** The amendment was adopted.

**1903.** The Worker Vice-Chairperson introduced an amendment to insert “the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and” after “taking into account”. It was important to reference both the public and the private sectors as both were affected by crises. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy addressed the issue of risk.

**1904.** The Employer Vice-Chairperson supported the amendment.

**1905.** The Government members of Norway, and Angola, speaking on behalf of the Africa group, supported the amendment.

**1906.** The amendment was adopted.

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**1907.** Paragraph 34(c) was adopted as amended.

**1908.** Paragraph 34 was adopted as amended.

**1909.** Part XI was adopted as amended.

## **Part XII. International cooperation**

### ***Title***

**1910.** The title was adopted.

### ***Paragraphs 35 and 36***

**1911.** Paragraphs 35 and 36 were adopted.

### ***Paragraph 37***

**1912.** The Worker Vice-Chairperson introduced an amendment to replace the Paragraph with the following text: “In crisis response for the creation of decent and productive jobs, business development and self-employment, Members should cooperate to promote development assistance and private sector investment, provided the criteria for sustainable development are respected and guarantees of financial and fiscal transparency presented.” The proposed Recommendation was silent on the role of the public sector, particularly relating to public and private development programmes. The Mbeki report, *Illicit Financial Flows: Report of the High Level Panel on Illicit Financial Flows from Africa*, indicated that substantial amounts of development aid were lost through illicit activities, and there was a need to combat tax evasion and money laundering. Transparency was vital to correcting social imbalances.

**1913.** The Employer Vice-Chairperson did not support the amendment and noted that the document focused on crisis situations, while the proposed text redirected the focus and was unnecessary.

**1914.** The Government member of the United States supported the amendment. She said that she was puzzled, however, by “criteria for sustainable development” and “guarantees of”. In times of crisis, there was a need to be mindful of creating restrictions on employers; flexibility was required.

**1915.** The Government members of Canada and New Zealand understood the sentiments expressed, but did not support the amendment.

**1916.** The Government member of Malta, speaking on behalf of the EU and its Member States, proposed a subamendment to delete “guarantees of” and replace “presented” by “is guaranteed”.

**1917.** The Worker Vice-Chairperson supported the subamendment.

**1918.** The Employer Vice-Chairperson did not support the subamendment.

**1919.** The Government member of Australia did not object to the subamendment. He expressed concern, however, about the notion of guarantees in crisis situations.

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- 1920.** The Government members of Islamic Republic of Iran, Switzerland, and Angola, speaking on behalf of the Africa group, did not support the subamendment.
- 1921.** The Government members of Argentina and Brazil supported the subamendment.
- 1922.** The subamendment was not adopted.
- 1923.** The Worker Vice-Chairperson proposed a subamendment to read “Members should cooperate to promote development assistance and private and public sector investment that are transparent and socially, economically and environmentally responsible in crisis response for the creation of decent and productive jobs, business development and self-employment.”
- 1924.** The Employer Vice-Chairperson emphasized that the original text was very important to the Employers’ group and, therefore, they did not support the subamendment.
- 1925.** The Government members of Argentina, Australia, Chile, Colombia, Cuba and New Zealand did not support the subamendment.
- 1926.** The subamendment was not adopted.
- 1927.** The amendment was not adopted.
- 1928.** The Worker Vice-Chairperson introduced an amendment to insert “public and” after “assistance and”. The intention was to be consistent in the context of international cooperation and make reference to public and private sector investment in crisis responses, in particular in light of UN General Assembly Resolution 69/313 adopted on 27 July 2015: Addis Ababa Action Agenda of the Third International Conference on Financing for Development.
- 1929.** The Employer Vice-Chairperson asked to hear the views of Government members.
- 1930.** The Government members of Argentina, Brazil, Chile, Colombia, Islamic Republic of Iran, Saudi Arabia, United States, Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1931.** The amendment was adopted.
- 1932.** The Employer Vice-Chairperson introduced an amendment to delete “decent and” after “creation of”. The intention was to improve the consistency of the text as the term “decent” did not add value in the context. The term “decent” was usually accompanied by “work” whereas the text focused on productive jobs.
- 1933.** The Worker Vice-Chairperson did not support the amendment. Decent work was part of international cooperation and was also part of the title of the Recommendation.
- 1934.** The Government members of Chile, Norway and Saudi Arabia did not support the amendment.
- 1935.** The Employer Vice-Chairperson pointed out that the term “work” was not included in Paragraph 37. It was for that reason that the amendment proposed to delete the reference to “decent”.
- 1936.** The amendment was not adopted.

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1937. Paragraph 37 was adopted as amended.

### **Paragraph 38**

1938. Paragraph 38 was adopted.

### **Paragraph 39**

1939. The Government member of Angola, speaking on behalf of the Africa group, introduced an amendment to insert “or access, as appropriate” after “integration” for coherency in the text as access to the labour market was important.

1940. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

1941. The Government members of Turkey, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

1942. The Government members of New Zealand and the United States did not support the amendment. Access to the labour market was encapsulated within labour market integration. The Paragraph referred to the role of the ILO in providing assistance to Members.

1943. The amendment was adopted.

1944. Paragraph 39 was adopted as amended.

### **Paragraph 40**

1945. The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment to insert “voluntary and” before “systematic”. The Paragraph made reference to technology, which should be exchanged on a voluntary basis.

1946. The Worker Vice-Chairperson asked to hear the views of other Government members.

1947. The Employer Vice-Chairperson supported the amendment.

1948. The Government members of Colombia, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.

1949. The Government member of the Islamic Republic of Iran did not support the amendment.

1950. The Government member of Angola, speaking on behalf of the Africa group, did not support the amendment. The scope of the text was broader than technology. In situations of crisis, reference to the term “voluntary” was not needed.

1951. The Government member of New Zealand supported the amendment and pointed out that it was not restricted to situations of crisis. It could refer to any situation, including the prevention of crisis.

1952. The Government member of Cuba did not support the amendment. It was clear that any exchange had to be voluntary.

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**1953.** The Worker Vice-Chairperson supported the amendment in light of the discussion.

**1954.** The amendment was adopted.

**1955.** Paragraph 40 was adopted as amended.

### ***Paragraph 41***

**1956.** Paragraph 41 was adopted.

**1957.** Part XII was adopted.

## **Part XIII. Other provisions**

### ***Title***

**1958.** The title was adopted.

### ***Paragraph 42***

**1959.** Paragraph 42 was adopted.

### ***Paragraph 43***

**1960.** The Employer Vice-Chairperson introduced an amendment to delete the entire Paragraph which would result in the deletion of the Annex from the proposed Recommendation. She recalled that during the discussions the Employers' group had introduced various amendments in an attempt to remove any reference to the Annex. The Annex was not needed in the Recommendation as reference to relevant instruments was made in the text of the Recommendation. The Annex contained instruments that were irrelevant or outdated and, more importantly, it included references to documents that were not supported by the Employers' group. It would be contradictory if the Employers' group supported the instruments that it had previously opposed. She appealed to the Committee to seriously consider the amendment. The discussion had the potential to affect the Employers' group's support for the document, whereas there was commitment to have a Recommendation that enjoyed the support of the tripartite constituents.

**1961.** The Worker Vice-Chairperson did not support the amendment. He recalled that the Annex had been debated at length during the previous year and a consensus had been reached to keep it in the proposed instrument. As the text had been discussed thus far with the understanding that certain instruments would be referenced in the Annex, removing it altogether would have major implications for certain Parts already discussed.

**1962.** The Government members of Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.

**1963.** The Government member of New Zealand did not support the amendment. The provisions of the instruments contained in the Annex only applied to member States who had ratified or were bound by those instruments.

**1964.** The amendment was not adopted.

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- 1965.** The Employer Vice-Chairperson introduced an amendment to delete the first two sentences of Paragraph 43. The aim was to emphasize the fact that the Annex was only to be considered as a reference. In addition, it was not acceptable to the Employers' group that it might be revised only by the Governing Body of the ILO and in the absence of a tripartite discussion.
- 1966.** The Worker Vice-Chairperson did not support the amendment. He recalled the discussions of the Committee in 2016 when the text had been approved with references to the Annex. The Annex was only a reference and there were no reasons to amend the original text.
- 1967.** The Government members of Argentina, Brazil, Islamic Republic of Iran, and Angola, speaking on behalf of the Africa group, supported the amendment.
- 1968.** The Government members of New Zealand, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1969.** The Government member of the United States noted that the wording was similar to that used in the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). She sought clarification from the secretariat as to the procedure for revising the Annex if the amendment was adopted.
- 1970.** The Legal Adviser explained that the wording originated from the List of Occupational Diseases Recommendation, 2002 (No. 194), which contained an Annex with a list of occupational diseases that should be regularly reviewed and updated through tripartite meetings of experts convened by the Governing Body. Similar wording had later been used in the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), and Recommendation No. 204. If the first two sentences of Paragraph 43 were to be removed, the Annex could only be revised through the adoption of a new Recommendation by the Conference.
- 1971.** The Government member of the United States did not support the amendment; it was important to retain some flexibility for future revisions of the Annex.
- 1972.** The Government members of Australia and Norway did not support the amendment.
- 1973.** The Government member of Guatemala supported the amendment.
- 1974.** The Employer Vice-Chairperson underscored that the process which had led to the wording used in the proposed instrument was flawed. As it was originally used for a list of occupational diseases which indeed needed constant revision, it had been used mistakenly in other subsequent Recommendations with a different scope and had thereby created a precedent. That was unacceptable from the Employers' group's perspective.
- 1975.** The Government member of Algeria supported the amendment. While she understood the reasoning behind the content of the Paragraph, it was up to the Conference, a more inclusive forum, to decide whether the instrument would need to be updated, not to the Governing Body of the ILO.
- 1976.** The Government members of Canada and Switzerland did not support the amendment. It was important to keep a degree of flexibility in the revision of the Annex.
- 1977.** The amendment was adopted.
- 1978.** The Employer Vice-Chairperson introduced an amendment to add "The documents contained therein may or may not be relevant depending on the circumstances." after the last sentence of Paragraph 43. She recalled that she had raised the matter a number of times, even

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in her opening statement. She also recalled that the Annex had been discussed in 2016. The real concern for the Employers' group was that some documents or instruments contained in the Annex were not relevant for crisis situations.

- 1979.** The Worker Vice-Chairperson did not support the amendment as it added no value to the text.
- 1980.** The Government members of Indonesia, and Angola, speaking on behalf of the Africa group, did not support the amendment.
- 1981.** The amendment was not adopted.
- 1982.** Paragraph 43 was adopted as amended.
- 1983.** Part XIII was adopted.

## **Annex**

### ***Title***

- 1984.** The Employer Vice-Chairperson introduced an amendment to the title of the Annex to insert “that may be” between “United Nations” and “relevant”. She reiterated that the Employers' group felt that not all instruments and documents that were listed in the Annex were relevant to the proposed Recommendation.
- 1985.** The Worker Vice-Chairperson did not support the amendment.
- 1986.** The Government members of Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1987.** The Government members of New Zealand and the United States supported the amendment.
- 1988.** The amendment was not adopted.
- 1989.** The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment to insert “and documents” after “Instruments” in the heading “Instruments of the International Labour Organization”. The rationale was the same as for a subsequent amendment and the intention was to align the text because the part of the Annex referring to the United Nations mentioned “United Nations instruments and documents”. Not all texts mentioned under the ILO heading in the Annex were instruments.
- 1990.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.
- 1991.** The Government members of Angola, speaking on behalf of the Africa group, and Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1992.** The amendment was adopted.
- 1993.** The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment to insert “and documents” after “Other instruments” in the third sub-heading under the heading “Instruments of the International

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Labour Organization”. The rationale was exactly the same as that provided for the previous amendment.

- 1994.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1995.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the amendment.
- 1996.** The amendment was adopted.
- 1997.** The Employer Vice-Chairperson introduced an amendment to delete “Employment Relationship Recommendation, 2006 (No. 198)” under the “Employment policy and promotion” side heading. She indicated that, as she had previously mentioned, there were certain instruments or documents that were contained in the Annex that did not receive any support from the Employers’ group. The group felt very strongly about that and there were three texts that were of crucial importance to them.
- 1998.** The Chairperson informed the Committee that there were concerns with regard to the Annex that needed to be addressed. In consultation with the Employer and Worker Vice-Chairpersons, and taking into account informal consultations with representatives of regional groups, she proposed that the Committee, by consensus, should discontinue the discussion on the Annex, and that the Annex should be removed. She clarified that, as part of that proposal, the proposed amendments to the Annex would be considered withdrawn. She further clarified that if the Committee agreed on moving forward on the proposal by the Chairperson and the Vice-Chairpersons, the Committee Drafting Committee would review and delete references to the Annex in the relevant Paragraphs of the Recommendation. All other negotiated text would remain unaffected.
- 1999.** The Government member of the Islamic Republic of Iran supported the proposal by the Chairperson. He expressed appreciation for the progress made to update an instrument which was of significant importance to many countries. He acknowledged the efforts and flexibility of the members of the Committee that had aided progress despite diverging views.
- 2000.** The Government member of Malta, speaking on behalf of the EU and its Member States, noted that if the proposal was a way to reach consensus, she supported the amendment.
- 2001.** The Government member of the United States supported the amendment to remove the Annex with a view to obtaining the support of the Employers’ group for the proposed Recommendation. She expressed her frustration regarding the situation. An alternative measure that would have allowed Government members to make references to relevant instruments in footnotes would not have been preferable. She recalled that her Government had supported the deletion of the Annex during negotiations in 2015 in the Committee on the Transition from the Informal to the Formal Economy and had revised their position after listening to the Africa group. She proposed that the Office should publish an online list of instruments and references relevant to employment and decent work for peace and resilience that could provide guidance to member States working in crisis situations arising from conflicts and disasters.
- 2002.** The Government member of Pakistan supported the proposal by the Chairperson as he did not want to obstruct the consensus. He noted that the Annex provided guidance and created links between issues relevant to refugees and other international instruments and references relevant to employment and decent work for peace and resilience. He stated the importance of the Annex, which could have filled a gap in knowledge and provided a good reference.

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He agreed with the suggestion made by the Government member of the United States that the Office should publish a list of instruments and documents.

- 2003.** The Government member of Australia supported the proposal in a spirit of consensus. He agreed with the proposal made by the Government member of the United States regarding the publishing of a list.
- 2004.** The Government member of New Zealand supported the proposal in the interest of consensus. He noted that his position had remained neutral regarding the Annex which only served as a reference to provide guidance.
- 2005.** The Government member of Chile, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), supported the proposal. He pointed out, however, that the general position of GRULAC was in support of the Annex as a reference document.
- 2006.** The Government member of Norway supported the proposal in line with the comments provided by the Government members of Pakistan and the United States .
- 2007.** The Government member of Angola, speaking on behalf of the Africa group, supported the proposal in the spirit of consensus. Although the Africa group considered the Annex useful for reference purposes, he acknowledged that Members had differing positions with respect to the instruments listed in the Annex. Considering the adoption or non-adoption of instruments, Members should not set a precedent for future discussions through the deletion of the Annex. He also supported the proposal for the Office to publish an online list.
- 2008.** The Government member of Cuba expressed his support for the position of GRULAC. Speaking on behalf of his Government, he added that the Annex was an important part of the Recommendation and would serve as a reference for the application of the Recommendation. He had therefore submitted an amendment to include in the Annex a reference to UN General Assembly Resolution 46/182 on Strengthening of the coordination of humanitarian emergency assistance of the United Nations, adopted in 1991. That Resolution contained guidelines for humanitarian assistance. He explained that it would be highly relevant to his country in the application of the Recommendation. He asked the Office to include UN General Assembly Resolution 46/182 in the relevant instruments and references that might be prepared to provide guidance to Members.
- 2009.** The Government member of Pakistan wished to note for the record that he supported the statement made by the Government member of Cuba.
- 2010.** The Government member of Angola, speaking on behalf of the Africa group, supported the stated view of the Government member of Cuba to include UN General Assembly Resolution 46/182 in the list.
- 2011.** The Worker Vice-Chairperson noted that discussions regarding the deletion of the Annex had already taken place at the plenary in 2016. After lengthy deliberations, there had been a consensus to continue the discussions to reach a mutually agreed instrument including the Annex. The Workers' group regretted to see that the inclusion of the Annex had been called into question by the Employers' group simply because they did not agree with some of the references. He stated that there was a responsibility to promote instruments which related to employment and decent work in the transition to peace. Such instruments were fundamental for the workers of the world. The Workers' group did not wish a precedent to be set. He recalled that all the instruments listed in the Annex were pertinent and concerned all member States. In view of the consensus and the support given by Government members, however, he confirmed that he supported the deletion of the Annex and the withdrawal of the amendments related to it.

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- 2012.** The Employer Vice-Chairperson stated that the Employers' group believed in the ILO and its tripartite nature, and was committed to uphold its Constitution. She stressed that the instrument developed by the Committee needed to be applied in full. She was grateful to the Committee for recognizing the position of the Employers' group and highlighted their belief in social dialogue and the spirit of tripartism. She supported the deletion of the Annex and withdrew all the relevant amendments.
- 2013.** The Chairperson announced that the Committee was moving to delete the Annex by consensus, and that the amendments would be considered withdrawn. The Committee Drafting Committee would delete all references to the Annex in the text of the Recommendation.
- 2014.** The Legal Adviser drew the Committee's attention to an issue of legal drafting in Paragraph 6, which had been raised and discussed in the Committee Drafting Committee. The Paragraph incorporated what was known as a "saving clause", namely wording that sought to prevent any conflict between a given instrument and other bodies of law, in the present case, international humanitarian law and refugee law. Similar clauses were found in the Indigenous and Tribal Peoples Convention, 1989 (No. 169), regarding the term "peoples" and in the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), regarding "refugees and stateless persons". Paragraph 6 had been amended to include "international labour standards", and that could lend itself to confusion by associating in the same Paragraph a clause aiming at preventing conflict with binding obligations arising from international treaties outside the ILO, with a provision addressing the interrelationship between international labour instruments. International labour standards were mutually reinforcing and did not affect each other's normative value. As it stood, Paragraph 6 could undermine the coherence of instruments by indicating that one international labour standard might contradict another, and consequently lower the protection afforded by other international labour standards. He concluded that if the Committee was satisfied with the secretariat's explanations being reproduced in the provisional records in their entirety, the Committee could accept to take out the reference to "international labour standards" from Paragraph 6 on the clear understanding that nothing in the Recommendation could be interpreted in a manner that would have the effect, real or implied, of lowering the level of protection afforded by other relevant international standards.
- 2015.** The Government member of Angola, speaking on behalf of the Africa group, requested further clarification from the secretariat, and asked for the Paragraph to be presented again. He questioned why "international labour standards" should be removed but not the further specific references which related to international law. He wished to better understand the implications of keeping "international labour standards" in the text. He also questioned whether procedurally the Committee could remove part of a Paragraph that had already been adopted.
- 2016.** The Legal Adviser explained that retaining the reference to "international labour standards" in Paragraph 6 was problematic for different reasons. First, it would imply that one international labour standard might lower the protection afforded by another. The Committee Drafting Committee understood that it had not been the intention of the authors of the amendment to produce such an effect. Secondly, the saving clause referred to rights and obligations arising under international law; however, the proposed instrument was a Recommendation and did not give rise to any obligations aside from the Members' submission and reporting obligations under article 19 of the ILO Constitution. Thirdly, unless similar wording was included in future instruments, they could be understood as containing provisions potentially in contradiction with the protective coverage of provisions of other instruments. The Legal Adviser recalled that, as originally drafted, the Paragraph only sought to ensure that member States did not find themselves in a position of conflict between the provisions of the Recommendation and relevant principles and rules of

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international humanitarian and refugee law contained in international treaties to which they were party.

- 2017.** The Government member of Cuba said that although he understood the legal concerns, he considered it unfortunate that the matter had not been raised during the Committee's deliberations on the Paragraph in question. He stated that if concern had been voiced earlier, the Paragraph might have been dealt with differently. Care should be taken to ensure that such an issue did not arise again in future.
- 2018.** The Government member of Malta, speaking on behalf of the EU and its Member States, in light of the explanation provided by the Legal Adviser, supported the suggestion to delete "international labour standards".
- 2019.** The Government member of the United States supported the proposal based on the explanation given and its potential future implications. She agreed with the statement made by the Government member of Cuba regarding not setting a precedent.
- 2020.** The Government member of Brazil expressed concern that the point had not been raised earlier during the discussions. The intervention of the Legal Adviser at the present should not set a precedent for the secretariat to introduce changes to agreed text in future. He would not stand in the way of consensus but urged that such a situation should not be allowed to arise again.
- 2021.** The Government member of New Zealand supported the proposal although the timing was unfortunate. He assured the Committee that the secretariat had not changed the text but had brought it to the Committee for consideration. It was entirely reasonable that when an important issue was identified, it should be addressed in the most timely manner.
- 2022.** The Government member of Angola, speaking on behalf of the Africa group, thanked the Legal Adviser for the clarification, and supported the proposed deletion. The timing was unfortunate and he emphasized that there was a need to respect procedures consistently.
- 2023.** The representative of the Secretary-General explained that although the timing was unfortunate, the Committee Drafting Committee could bring up issues it identified in the text until the closure of the Committee's discussions. He encouraged the parties present to support the proposed deletion in order to ensure that the Recommendation stood on a sound legal basis in view of the explanation provided by the Legal Adviser. He accepted responsibility and assured the Committee that the secretariat would ensure that such issues were brought to the attention of a Committee more promptly in future.
- 2024.** The Government member of Australia supported the proposed deletion.
- 2025.** The Government member of Argentina expressed concern about the procedure and the autonomy of the Committee. She noted that the issue should have been addressed earlier in the Committee's proceedings but supported the deletion of the reference to international labour standards.
- 2026.** The Government member of Mexico welcomed the explanation provided by the Legal Adviser and the comments made by the representative of the Secretary-General. He supported the proposed deletion.
- 2027.** The Government member of Senegal acknowledged the sincerity of the Legal Adviser, and confirmed that the point had been raised at the Committee Drafting Committee at an early stage and had been discussed on several occasions. He commended the relaxed and positive

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atmosphere that had prevailed in the work of the Committee Drafting Committee and supported the proposed deletion.

**2028.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the proposed deletion.

**2029.** The reference to “international labour standards” in Paragraph 6 was deleted.

**2030.** Paragraph 6 was adopted as amended.

## **Adoption of the proposed Recommendation**

**2031.** The proposed Recommendation was adopted as amended in its entirety, subject to any changes by the Committee Drafting Committee.

**2032.** The Chairperson congratulated the Committee for the spirit of dialogue and goodwill in which it had conducted its proceedings. It had resulted in a stronger instrument and provided assurance that the Recommendation would be approved by the Conference plenary. The proposed Recommendation reflected a consensual agreement on one of the most challenging contemporary issues: crisis prevention and response from the perspective of employment and decent work. While opinions had differed on certain issues, everyone present would without doubt acknowledge the excellent cooperation and tripartite consensus that had underpinned the Committee’s work. The new instrument, the Employment and Decent Work for Peace and Resilience Recommendation (No. 205), 2017, which served to broaden the scope of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), which it would supersede, would address crises arising from conflicts and disasters. The new Recommendation would provide member States with updated guidance on a range of measures to address crisis response for recovery and reconstruction, as well as prevention and resilience from the perspective of employment and decent work. It was the only comprehensive international standard on the topic. The proposed Recommendation would be voted on in Conference plenary, and all delegations were urged to participate.

## **Consideration of the draft resolution concerning employment and decent work for peace and resilience**

**2033.** The Government member of the United States, speaking on behalf of the group of industrialized market economy countries (IMEC), introduced a draft resolution.

**2034.** The Chairperson moved to adopt the draft resolution in its entirety and asked to have any proposed amendments.

**2035.** The Employer Vice-Chairperson requested to amend paragraph 2(a) to delete “/or” to read “conflicts and disasters to give effect”.

**2036.** The Government member of Australia supported the amendment; “conflicts and disasters” was also the term used in the preamble of the Recommendation

**2037.** The Government member of Cuba supported the amendment.

**2038.** The amendment was adopted.

**2039.** The Government member of Cuba proposed an amendment to the preamble of the draft resolution, seconded by the Government member of Pakistan, to add a new paragraph after

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the second preambular paragraph to read “Recognizing that achieving social justice is essential to reach universal and lasting peace,”. Universal peace was also based on other elements.

- 2040.** The Chairperson reminded the Government member of Cuba that the text was based on adopted text from the preamble of the Recommendation.
- 2041.** The Government member of Cuba confirmed that he was aware of that.
- 2042.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment proposed by the Government member of Cuba.
- 2043.** The Government member of Angola, speaking on behalf of the Africa group, supported the amendment.
- 2044.** The Government member of the United States did not support the amendment.
- 2045.** The amendment was not adopted.
- 2046.** The Government member of Pakistan proposed an amendment to paragraph 2(a), seconded by the Government member of Angola, on behalf of the Africa group, to delete “in countries affected by crises arising from conflicts and/or disaster”.
- 2047.** The Worker Vice-Chairperson supported the original text in the draft resolution. The resolution was only a formality to introduce the Recommendation. The draft Recommendation had been adopted and he therefore encouraged Committee members to support the draft resolution in its entirety.
- 2048.** The Chairperson clarified that the Government member of Pakistan wished for countries not directly affected by conflict or disaster to be taken into account.
- 2049.** The Government member of Pakistan noted that the Office had yet to decide how extra-budgetary resources were to be allocated. The proposed amendment was to ensure that it would apply to all countries, not only those affected by crisis or disasters. He reassured the Committee that the amendment was introduced with the aim of getting the most from the Recommendation.
- 2050.** The representative of the Secretary-General observed that given that the proposed clause in the draft resolution was directed at the ILO Governing Body and the Office, the proposed amendment was relevant. It would allow the Office to raise extra-budgetary resources in collaboration with and for all member States, including development partners, countries hosting refugees and not only those countries affected by a crisis.
- 2051.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 2052.** The amendment was adopted.
- 2053.** The resolution was adopted as amended.

## **Closing statements**

- 2054.** The Employer Vice-Chairperson thanked the Worker Vice-Chairperson and his team. She acknowledged the difficult issues governments were confronted with when having to address

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the plight of refugees and returnees, as well as the challenges faced by migrants in countries in crisis. The fact that an agreement had been reached on those two fundamental issues was a demonstration of the importance of the proposed instrument. She also thanked the Committee Drafting Committee for their excellent work, and the interpreters for their crucial role in ensuring effective communication and good understanding. She appreciated the support given by international organizations, most notably the UNHCR. The real work lay ahead. Employers would use the new instrument to promote peace, reconstruction and resilience through employment and decent work. The instrument also promoted entrepreneurship, employability and lifelong learning under the ILO sustainable enterprise agenda. She called upon Committee members to vote unanimously for the Recommendation.

- 2055.** The Worker Vice-Chairperson thanked the secretariat for all the work carried out and the Government representatives for their willingness to discuss matters. He also thanked the Employer Vice-Chairperson and the Chairperson for their frank exchanges in the Committee and appreciated the support from the Workers' group and the Bureau for Workers' Activities. He recalled their expectations since the first discussion in June 2016 and the research that had gone into finding a broad consensus for the adoption of a new instrument. The various reports prepared by the Office had reflected the concerns expressed by governments and the social partners in a balanced way. It was essential that the new instrument focused on employment and decent work and contained concrete provisions on social protection, including social security, workers' protection and occupational safety and health, social dialogue and rights at work. Central to the content of the instrument was the role and importance of public services and the public sector, a just transition towards environmentally sustainable economies, due diligence in global supply chains present in crisis-affected countries, and clear references to fundamental principles and rights at work for all refugees and other forcibly displaced persons. Looking back, he considered that expectations had been successfully met even though some gaps remained; that was the nature of all negotiation processes. The new instrument would highlight the purpose of decent work in the transition to peace, as well as in disaster resilience. It would only be effective if supported and materialized in the field by tripartite constituencies, with the support of the ILO. Its effectiveness also relied upon the development of strategies and plans which led to sustainable development and strengthened resilience in times of crisis, and the realization and respect of the rights of workers.
- 2056.** The Government member of Angola, speaking on behalf of the Africa group, congratulated the Chairperson on her leadership and concerted efforts to ensure constructive dialogue between all groups and regions, as well as steering the work of the Committee to its conclusion. He thanked the Vice-Chairpersons for their flexibility and willingness to engage in social dialogue and take on board the concerns of the Africa group. He expressed his gratitude for the fruitful discussion and understanding which had prevailed to allow for the insertion of a new Part on migrants. While migrant workers contributed to the economic and cultural development of countries of origins and destinations, they were the most vulnerable in crisis situations as they were often not protected under existing international mechanisms and were not covered by frameworks and programmes on crisis response. In that regard, the Africa group had substantial experience regarding the impact of crises on migrants. The recovery of economies which relied on migrant workers was made more difficult when there were massive outflows.
- 2057.** The Government member of Malta, speaking on behalf of the EU and its Member States, commended the Committee's efforts to reach an agreement on a draft Recommendation that should help countries in crisis to take the necessary employment and social measures to help workers to preserve their livelihoods and communities to recover from crisis and become more resilient. Decent work and fundamental principles and rights at work were at the centre of the ILO's strategy to address crises arising from conflicts and disasters. That included support to institutions to build and uphold the rule of law, to develop the capacities of

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entrepreneurs, SMEs and the social partners, as well as that of civil society, for prevention and as long-term responses to crises. She hoped that the concerns expressed by a number of countries concerning refugees and returnees were sufficiently taken into account. She hoped that the Recommendation expressed the commitment to promote, protect and respect human rights and fundamental freedoms of all migrants regardless of their status, while at the same time allowing Members to take into account their national legislations on labour rights. She concluded by thanking the Chairperson, the Vice-Chairpersons and the government representatives for their constructive cooperation, as well as the secretariat for all its work and assistance.

- 2058.** The Government member of Mexico, speaking on behalf of GRULAC, congratulated the Chairperson on the efficient manner in which she conducted the work and brought it to conclusion. He recalled that even if two weeks of negotiations seemed long, it had taken three-quarters of a century to revise Recommendation No. 71, and was just in time for the ILO's centenary celebration. The instrument would have a positive impact on other international debates and organizations, as well as on the lives of many people around the world.
- 2059.** The Government member of Argentina thanked the Committee for the good work. She emphasized that the draft Recommendation was a real tool that was available to achieve peace and that it needed to be made effective by acting upon the recommendations provided in it.
- 2060.** The Government member of Pakistan, speaking on behalf of ASPAG, thanked the Chairperson for her leadership in bringing the discussions to a successful conclusion. He also thanked the representative of the Secretary-General for his presence throughout the Committee and the secretariat for their tireless work. He expressed his gratitude to the government representatives and social partners for the efforts made to reach a consensus, and to the international organizations for their expert contributions.
- 2061.** The Government member of Norway thanked the Committee and all its members, including the interpreters, for their constructive spirit. She pointed out that the discussions were timely and at the heart of the ILO's work. She expressed hope that the instrument would become a useful tool for the ILO and its member States to make a real impact on the world of work.
- 2062.** The representative of the Secretary-General pointed out what had been achieved should not be underestimated since the Organization was the only global forum that brought together diverse partners, including the social partners and governments. He highlighted the exceptional leadership of the Chairperson in balancing the differing views of the social partners. The work of the Committee showed the ability and strength of the tripartite approach. He thanked the Committee Drafting Committee for their exceptional commitment. Once adopted at the plenary, the instrument would provide a powerful tool to the ILO and its constituents as well as to other partners that faced situations of crises, conflicts and disasters. Together with the ILO's tripartite constituents and other international and regional organizations, the instrument provided an excellent platform for the ILO to take the lead in relation to that area of work for joint and coordinated efforts across the humanitarian and development responses to crises. The outcome of the Committee's work would have extraordinary positive ramifications for the world of work in the years to come.
- 2063.** The deputy representative of the Secretary-General appreciated the extraordinary engagement of the Committee and thanked the Chairperson for her extraordinary and skilful leadership in the pursuit of consensus. She thanked the Vice-Chairpersons and the representatives of government regional groups, in their commitment to the preparations for the discussion on the instrument over the two-and-a-half years of the standard-setting process. The draft Recommendation took into account all the concerns and priorities that

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had been expressed. They enriched the draft Recommendation and strengthened the consensus behind the instrument. She promised the active engagement of the ILO and concrete action to support the ILO constituents in the implementation of the instrument once it had been adopted.

**2064.** In closing, the Chairperson thanked the Officers of the Committee for their excellent cooperation and the government members for their interest and attendance. She also praised the coordination efforts of the regional groups. She commended the constructive and collaborative spirit of the Committee and stated that the spirit of compromise had prevailed. She further thanked the Reporter, the representatives of UNHCR and UNISDR and the other UN organizations that had addressed the Committee. Despite the divergent views which had surfaced at times during the discussions, the final text of the draft Recommendation was a vibrant reflection of the strength of the ILO's tripartite approach. She also gratefully acknowledged the essential role played by the secretariat in preparing and facilitating the process towards an agreement on the text.

Geneva, 16 June 2017

*(Signed)* L. Hasle  
Chairperson

L. Sephomolo  
Employer Vice-Chairperson

M. Guiro  
Worker Vice-Chairperson

C. Luco  
Reporter