

Statement of the Government of Finland

General comments

Finland recognises that many parts of the text of the recommendations are now more articulate and the way things are expressed is more logical. However, the new text has partly been drafted by moving paragraphs and combining sentences, which is why it is difficult to comment on the details. Some of the additions are formulated in the explanatory section but they have not been included as such in the revised draft conclusions.

In the comments below Finland draws attention to certain issues that are important for us, as well as presents some questions concerning sections that we find unclear or problematic.

ILO was requested to hold intersessional consultations regarding the most difficult questions in the text. In the report such consultations are offered upon request, but in this context no consultation plan is proposed. In the Finnish view ILO should still consider the need to hold such consultations.

Some of the proposals of the ILO Secretariat contain completely new formulations. Some of these are based on the tripartite technical meeting on 5–7 July 2016, where no agreement on the matter could be reached. Finland also considers that the Declaration for refugees and migrants adopted by the UN General Assembly in September should be taken into account in the draft. This concerns Part X (Refugees and Returnees), in particular. Finland considers that, at least regarding Part X, a specific consultation should be held as soon as possible.

Finland points out that also in the commentary a clear distinction should be made between official intergovernmental documents and the outlines /policy definitions and practices adopted or mutually agreed by various UN organizations.

Inclusion of Agenda 2030

It is suggested that, in order to provide relevant recommendations, the update of R71 will reflect the current global context. There are two notable, consequential omissions in the report as it is:

1) Reference to Agenda 2030 and the use of its language is missing from the revision. Given that the revision is conducted during the first year of the SDG implementation, it would seem necessary to align the revision with the globally agreed Sustainable Development Goals and the ambition of the holistic Agenda 2030.

Proposal: to include 2030 Agenda for Sustainable Development in the **Annex** (under UN instruments and documents)

2) In the Preamble, a reference to inequality as well as poverty and development is necessary. Conflicts and disasters can generate diverse forms of inequality. Inequality is a barrier to sustainable inclusive development. Evidence shows that, beyond a certain threshold, inequality harms growth and poverty reduction as well as the quality of relations in the public and political spheres

3) Explicit references to disability inclusive development and humanitarian responses. Persons with disabilities are referred to in Strategic Approaches where attainment of full, productive, freely chosen and decent employment is mentioned. However other sections do not refer to persons with disabilities (notably V. on Rights, Equality and Non-discrimination, VI. on Education, Vocational Training and Guidance, and VII. on Social Protection). The SDGs call for data disaggregation by gender, disability and age could be taken up by R71 so that persons with disabilities are systematically included (The World Humanitarian Summit, May 2016, and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action).

4) The nexus between humanitarian context and sustainable development. Employment and decent work, and the very concept of resilience are at the centre of the space that bridges humanitarian response and sustainable development and promotes peace. The current context where protracted humanitarian crises, and specifically conflicts, are on the rise, it is not useful to consider these two sectors as separate. While it may not be appropriate or possible for R71 to provide specific guidance on the matter, it would seem necessary to acknowledge more clearly the linkages and the role of employment and decent work.

5) Reference to the Outcome Document of the **High-level Meeting to Address Large Movements of Refugees and Migrants** 19 September 2016 (in the text and in the Annex).

Comments to the proposed recommendation

I. Objectives and Scope

1

- “Crisis situations arising from international and non-international armed conflicts and disasters”

Finland understands that, by this more narrow definition, crises such as health-related ones (Ebola, etc.) are excluded.

2 (c). ILO's role in crises

- “The term “crisis response” refers to all measures **on employment and decent work** taken in response to crisis situations arising from conflicts and disasters.”

The added value provided by of ILO concerning employment issues is relevant in all stages of a crisis from prevention to response and further to recovery and strengthening resilience. The definition responds to the need for closer interaction between humanitarian and development actors.

5. Compatibility of the recommendation with other international obligations of states:

The saving clause has been added “The provisions of this Recommendation are without prejudice to the rights and obligations of Members under international law, in particular international humanitarian law, international refugee law and international human rights law.” The relevant UN instruments are listed in the Annex. It is also explained that in the body of

the normative ILO instruments no reference is usually made to non-ILO instruments as this could require periodical revisions and create an additional burden.

Finland proposes that the inclusion of certain key agreements concerning refugees and human rights also in the body of the recommendations should be considered.

II. Guiding Principles

6 (e). Vulnerable groups

ILO proposes to “include specific measures to reduce the vulnerability of certain groups of the population in crisis situations, including **[but not limited to]** women, young persons, children, minorities and indigenous and tribal peoples, persons with disabilities, internally displaced persons and refugees”

Finland does not agree with the proposed formulation, which would imply vulnerability to be characteristic of women. The phrase should be reworded, keeping women separate from this list and referring to their vulnerability under special situations caused by crises. The same problem is repeated in paragraph 8b, where reference is again made to "the particular vulnerability of certain segments of the population".

III. Strategic Approaches

7. "A phased approach":

ILO proposes that this should be abolished. Finland considers, however, that this is concerned with bringing forth all stages of a crisis, including recovery, reconstruction and prevention, where various kinds of approaches and instruments would also be needed.

Finland considers that the term "phased approach" should be kept in the text and is not in favour of leaving it out.

7 (c). "environmentally sustainable economy"

Finland wishes to ask why in this point reference is made to the environmental perspective only? Finland considers that also in this point we should be concerned with sustainable development in general. The environment should be specifically addressed in some other context.

7. (I.) integration of persons formerly associated with armed forces:

“taking measures, as appropriate, for the **socio-economic reintegration of persons formerly associated with armed forces and groups** who have been affected by the crisis.”

Finland considers it important to retain this point.

IV. Employment Generation

11. Labour market programmes for disadvantaged groups, incl. refugees

'Members should develop and apply active labour market policies and programmes with a particular focus on disadvantaged and marginalized groups and those who have been made particularly vulnerable by crisis, **including refugees and internally displaced persons**.

Finland considers it important to retain this paragraph.

V. Rights, Equality and Non-discrimination

ILO has divided the paragraphs concerning refugees and internally displaced persons into two different paragraphs and parts. The reasoning for this is that, while working life issues concerning refugees are international questions, IDPs are governed by the national working life regime, which is also the interpretation adopted by UNHCR. It is suggested that IDPs (support the livelihoods, strengthen the capacity of host communities, facilitate the voluntary return) be added under Part IV 'Employment generation'.

Finland considers the proposed formulation as acceptable.

13.

Finland proposes to include inequality within Point 13 as follows:

"In responding to discrimination and inequality associated with or exacerbated by crisis situations...."

- to align this critical section on discrimination with Agenda 2030 and acknowledge the three inherent human dimensions (and their intersections) that require attention - gender, age and disability.

13 (d)

*Paragraph could be strengthened by reference to "**all gender-based violence**".*

This would acknowledge that current data on violence against women stops at 50 i.e. 20% of the world's women are not counted. This is a critical acknowledgement in crisis contexts where the risk of gender based violence dramatically increases.

13 (g)

Paragraph could be amended to suitably include the right of all persons with disabilities to education, vocational guidance, training, employment - not only those disabled as a result of conflict or disaster. Noting that persons disabled as a result of conflict or disaster should be provided with full opportunities for rehabilitation.

X. Refugees, internally displaced persons and returnees

ILO proposes on pages 24-26 of the Report V (1) new paragraphs 24-36, which would cover the sections concerning refugees and returnees.

ILO stresses in the report that in view of the global refugee situation leaving out the paragraphs concerning refugees is not possible.

The text proposed by ILO is directly from the text of the technical expert meeting of 5-7 July 2016, which was not available at the Labour Conference in June.

Finland considers that using the text of the expert meeting as such as the basis for the recommendation is problematic because:

- 1) the group of participants at the expert meeting was quite limited and there was no full consensus on the content of the text;
- 2) constructive basic elements should be found for further discussions;
- 3) the text is much too long and needs to be shortened;
- 4) on the other hand, the section on returnees is very short compared to the text on refugees; a better balance between these two issues is needed;
- 5) in the report there is no mention of the group "other forcibly displaced" discussed at the meeting. Even if there is no commonly accepted definition for this term, leaving this out would exclude from the recommendations all forcibly displaced persons who are not covered by the definitions for refugees or returnees;
- 6) some of the formulations are textually problematic (see e.g. the points below).

29.

"Consistent with the provisions in Parts VI and VII, Members should take steps to **facilitate the portability of work-related entitlements** (such as social security benefits, including pensions), skills accreditation and skills recognition **of refugees between countries of origin, transit and destination.**"

Finland considers that it is not fully clear what this means. Finland considers it important that when constructing the social protection measures Members also take account of the refugees who have entered the country and in the long term try to take joint action to develop procedures by which the rights of those coming to countries as refugees would be met in order for social justice to be fulfilled.

33.

Members should provide predictable, sustainable and adequate **development assistance** to support least-developed and developing countries that continue to host a large number of refugees and **to ensure the continuation of their development.**

Finland considers this requirement as too general.

Statements from the Labour Market Organisations

The Central Organization of Finnish Trade Unions (SAK) The Confederation of Unions for Professional and Managerial Staff in Finland (Akava) The Finnish Confederation of Professionals (STTK)

The central organizations of wage earners and salaried employees SAK, Akava and STTK consider that the proposed text provides a sufficient basis for the second reading of the matter at the Labour Conference. However, there are some comments and opinions on the text of the recommendations.

The central organizations of wage earners and salaried employees consider addressing refugees and returnees separately in Part V as appropriate. The position of internally displaced persons and provisions on them differ from this target group and keeping them separate clarifies the matter, as pointed out in the report.

The role of labour market organizations is being expressed in various parts of the text with varying emphasis. Besides assisting enterprises and workers, the matters addressed in the specific part on labour market organizations include the collective bargaining process and other forms of social dialogue. It is stated that Members should recognise the vital role of labour market organizations in the matters concerned in the recommendations. In certain other parts the states only need to hear labour market organizations. The central organizations of wage earners and salaried employees consider that Finland should strongly emphasise the role of tripartite negotiations in matters relating to employment, education and social security.

The way the role is seen varies in the new Part V included by ILO, to which comments were specifically asked.

- According to paragraph 26 a), Members should *guide* employers' and workers' organizations on the access of refugees to labour markets.
- Paragraph 27 states that Members should *develop and implement*, where possible, together with employers' and workers' organizations, national employment policies that include refugees.
- Paragraph 34 stresses that Members should *acknowledge* the important role of employers' and workers' organizations to promote and support refugees' inclusion into work and society.

In the opinion of the central organizations of wage earners and salaried employees what is the most important is cooperation among different stakeholders in finding means to promote employment. Labour market organizations have a key role in this, also extending to the tools by which efforts are made to ensure equal treatment, also with regard to wages and salaries.

The central organizations of wage earners and salaried employees find some shortcomings in the matters addressed. The part on social refers to the need to ensure basic security and health care and social services. However, persons affected by a crisis often need specialised treatment of illnesses or health care, including psychological rehabilitation. The impact of crises on mental health is completely lacking in the text. The central

organizations of wage earners and salaried employees wish to stress this as an important perspective also in terms of integration and employment. Support for women's entry to the labour market through family leaves and organising the care of children should also be included in the recommendations.