



APPLYING INTERNATIONAL LABOUR STANDARDS TO CLIMATE CHANGE

ILO CONVENTION 122 ON EMPLOYMENT POLICY DEFINES A RIGHT TO A JUST TRANSITION¹

I. Why Convention 122 contains a legal foundation for “just transition” claims

A. What does Convention 122 aim to achieve?

ILO Convention 122 (Employment Policy Convention, 1964)² commits ratifying States (of which there are 117)³ to declare and pursue, as a central objective of national policy, an active employment policy aimed at achieving full, productive, and freely chosen employment for all who are available and seeking work, without discrimination. It requires States to integrate employment objectives into coordinated economic and social policy, to keep those measures under continuous review, and to implement them through concrete programmes adapted to national conditions. It further obliges governments to ensure that workers have real opportunities to acquire and use skills, to promote job quality rather than mere job availability, and to consult employers’ and workers’ organizations in the formulation and application of employment policy, thereby embedding social dialogue and democratic participation at the core of labour-market governance.

B. How does Convention 122 apply to just transition policy measures?

¹ At minimum, a Just Transition means a shift from unsustainable climate-harming industries while at the same time marshalling public resources to invest in clean energy. All work must be “decent work,” and workers and their representatives must be at the table with government and industry to negotiate the terms of the transition. The goal is a far more equal and sustainable society and economy, and where global temperature rises to well below 2C, the environment is protected and biodiversity is restored. Fundamentally, a Just Transition is rooted in international solidarity and cooperation.

² ILO Convention No. 122 (Employment Policy Convention, 1964)

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267:NO

³ ILO, Ratifications of Convention 122,

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312267

To be sure, Convention 122 was not drafted as a climate instrument in 1964, and it well predates “just transition” concepts and terminology. A review of the observations and conclusions of the supervisory system, including the Committee of Experts on the Application of Conventions and Recommendations, shows that the convention has not yet been developed to directly address just transition related issues. However, we believe that this is due largely to the fact that climate-related issues have not yet been squarely presented to the ILO supervisory bodies by its constituents. In our view, the core requirements of Convention 122 are broadly framed and can be used to support a just transition. Indeed, a “just transition” constitutes the set of employment-policy measures that states should take under the convention in the specific context of climate mitigation and adaptation, environmental protection, and other structural changes to reshape labour markets.

Further, treaties (including ILO conventions) are not static and must be read in the context of developing international law. Under well-established international law principles, treaties must be read in context and as part of the broader corpus of international law governing the same subject matter.⁴ Accordingly, the meaning and scope of a treaty’s provisions are informed by related treaties, subsequent instruments, authoritative interpretations, and evolving normative frameworks, particularly where they pursue shared objectives such as human rights, social justice, or sustainable development. This approach ensures coherence and avoids fragmentation, and allows older treaty obligations to be applied meaningfully to new and emerging challenges.

C. Relevant international instruments and interpretative guidance

In this light, the framing of Convention 122 in the climate context is strengthened in reference to other international instruments and interpretative guidance:

- *ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all (2015)*: These tripartite guidelines identify social dialogue, employment policies, skills, social protection, and rights as core components of “how” to manage the transition to a low-carbon future fairly.⁵
- *Paris Agreement, preamble (2016)*: The parties agree to take into account “the imperatives of a just transition of the workforce and the creation of decent work and

⁴ Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331. Article 31(3)(c) of the Vienna Convention on the Law of Treaties requires that treaty interpretation take into account “any relevant rules of international law applicable in the relations between the parties,” reflecting the systemic integration of international legal obligations.

⁵ ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies for all* (Geneva, 2015), <https://www.ilo.org/publications/guidelines-just-transition-towards-environmentally-sustainable-economies>

quality jobs”.⁶

- *ILO Centenary Declaration (2019)*: The Declaration notes in its first operative paragraph that we are at a time of “transformative change in the world of work, driven by ... environmental and climate change” and calls on all member states, at Section III C, to “promot[e] sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”⁷ The latter text is drawn directly from Convention 122.
- *UN General Assembly Resolution 76/300, The human right to a clean, healthy and sustainable environment (2022)*:⁸ The resolution anchors a just transition in the recognition of the human right to a clean, healthy, and sustainable environment, affirming that environmental protection is inseparable from the realization of human rights (including labour rights).⁹ It further provides that climate and environmental policies must be designed and implemented in ways that are inclusive, equitable, and participatory.
- *Committee on Economic, Social and Cultural Rights, General Comment No. 27 (2025)*:¹⁰ The General Comment situates a just transition within States’ ICESCR obligations by requiring governments to regulate and guide business activity so that climate-related economic restructuring does not undermine rights to work, social security, health, and an adequate standard of living. It underscores that human-rights due diligence, social dialogue, and effective remedies are essential to ensure that decarbonization and industrial transformation distribute costs and benefits equitably, protect workers and communities, and prevent the externalization of social harms along global supply chains.
- *Inter-American Court of Human Rights, Advisory Opinion 32/25 on the Climate Emergency and Human Rights (2025)*:¹¹ The opinion frames the climate emergency as requiring a human-rights-based just transition, obliging States to design mitigation and

⁶ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104, https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf

⁷ ILO, ‘Centenary Declaration for the Future of Work’ (adopted 21 June 2019) 108th Sess. ILC, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_711674.pdf

⁸ G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment (July 28, 2022), U.N. Doc. A/RES/76/300, <https://docs.un.org/en/a/res/76/300>

⁹ “Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the human rights of all, as recognized in different international instruments, and that additional measures should be taken for those who are particularly vulnerable to environmental degradation, noting the framework principles on human rights and the environment.”

¹⁰ Comm. on Econ., Soc. & Cultural Rights, General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development, U.N. Doc. E/C.12/GC/27 (Sept. 30, 2025), <https://digitallibrary.un.org/record/4092192?v=pdf>

¹¹ Advisory Opinion OC-32/25, Inter-Am. Ct. H.R. (ser. A) No. 32/25 (May 29, 2025), https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf

adaptation policies that protect workers, livelihoods, and communities while preventing disproportionate burdens on vulnerable groups. It emphasizes that climate action must be accompanied by social dialogue, labour protections, and international cooperation, ensuring that the shift to low-carbon economies advances equality, decent work, and intergenerational justice rather than deepening existing social and economic inequalities.

- *International Court of Justice, Advisory Opinion ‘Obligations of States in respect of Climate Change’ (2025):*¹² While the advisory opinion did not directly address legal questions related to the intersection of labour rights and climate change, the Court did address the broader question of the applicability of international human rights law and customary international law, finding “that the core human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (hereinafter ‘ICESCR’) of 16 December 1966 and the International Covenant on Civil and Political Rights (hereinafter ‘ICCPR’) of 16 December 1966, and the human rights recognized under customary international law form part of the most directly relevant applicable law.”¹³
- *ILO Recommendation 205:*¹⁴ ILO Recommendation No. 205 is notable because it addresses crisis situations arising from disasters, including those linked to climate change, while explicitly integrating the need for a just transition toward an environmentally sustainable economy into its guiding principles. Recommendation No. 205 is the first ILS to expressly reference the concept of “just transition.” This concept, further elaborated in the ILO’s 2015 Guidelines for a Just Transition, has gained recognition in various international forums but has not yet secured sufficient support within the ILO Governing Body to result in a dedicated binding instrument. Its inclusion in Recommendation No. 205 is therefore significant, as it formally links labour standards with climate-related economic transformation and underscores the centrality of work in responding to climate change.

D. Recommendations Nos. 122 and 169

Convention 122 is also supplemented by two recommendations, Nos. 122 and 169, which provide further guidance both as to the interpretation of the terms of the convention but also its practical application.

¹² *Obligations of States in Respect of Climate Change*, Advisory Opinion, I.C.J. Reports 2025, (July 23, 2025), www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf.

¹³ *Ibid*, para 145.

¹⁴ ILO, *Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)*, (June 16, 2017), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3330503

ILO Recommendation 122 (1964)¹⁵ also gives concrete expression to elements that are implicit in Convention 122 and that lie at the heart of just transition arguments. It explicitly treats structural change as an employment-policy challenge (Arts. 8, 13, 15-18 and Annex). This approach encompasses today's processes of decarbonization and climate adaptation while emphasizing the need for evidence-based planning and continuous review. The Recommendation also foregrounds skills development and worker adaptation to changing economic needs, providing a clear normative bridge to reskilling and upskilling in the context of labour-market transitions (Arts. 5, 14, 15 and 20). It also recognizes the importance of social security and support for basic needs during periods of unemployment, underscoring income security as a core component of any just transition (Art. 7 and Annex). In addition, it reinforces the centrality of social dialogue and the autonomy of workers' and employers' organizations, strengthening both the substantive and procedural dimensions of a rights-based transition (Arts. 3, 6 and Annex). It also pays explicit attention to technological change and automation, confirming that the convention is designed to govern major, long-term economic transformations rather than mere cyclical fluctuations in employment (Arts. 20, 35 and Annex).

ILO Recommendation 169 (1984)¹⁶ the "Employment Policy (Supplementary Provisions) Recommendation" is also relevant. Recommendation 169 builds on the framework set out in Convention 122 and *Recommendation 122* by addressing the challenges arising from profound economic, technological, and structural change. It calls on States to anticipate and respond to employment effects associated with industrial restructuring, technological innovation, enterprise closures, and changes in production patterns, with particular attention to workers and regions at risk of displacement. It also underscores the importance of social dialogue, requiring consultation with employers' and workers' organizations in the design and implementation of policies addressing structural adjustment. Recommendation 169 specifies how employment policy should operate in periods of disruption, including through coordinated packages of employment measures, social protection, training, and regional or sectoral support. It reinforces and modernizes the Convention 122/ Recommendation 122 framework by making clear that employment policy must actively manage transitions to protect workers' livelihoods and social cohesion. The conditions addressed by ILO Recommendation 169 closely mirror the labour impacts of decarbonization and climate adaptation. It requires governments to anticipate displacement and adopt coordinated measures such as retraining, redeployment, income support, and regional development, rather than allowing workers and communities to bear transition costs alone. By emphasizing timely intervention, social dialogue with employers' and workers' organizations, and targeted support for affected regions and groups, Recommendation 169 reinforces the core just transition principles of fairness, participation, and protection.

¹⁵ ILO, Employment Policy Recommendation, 1964 (No. 122), (July 9, 1964), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312460:NO

¹⁶ ILO, Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), June 26, 1984, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312507:NO

Therefore, Convention 122 (read in conjunction with Recommendation 122 and Recommendation 169) requires proactive labour-market governance as states pursue climate and environmental action. This paper does not claim that Convention 122 “contains” an explicit right to a just transition. It does argue, however, that Convention 122’s obligations yield the core components of just transition as a matter of legal duty, especially when interpreted consistently with the various instruments, comments and opinions mentioned above. This is indeed confirmed by the Committee of Experts in its 2020 General Survey, finding,

The Committee considers that measures to address climate change should be taken into account in national transition plans, national development plans and national employment policies. The national employment policy, in coordination with other relevant national policies, should ensure the protection of workers who lose their jobs as a result of structural change. Such protection should consist not only of unemployment protection, but also the provision of skills training to strengthen employability through transitions, as well as appropriate incentives for the development of sustainable and innovative enterprises that create green jobs.¹⁷

We hope that unions will use this guidance in order to submit comments or complaints in order to develop the body of jurisprudence on Convention 122 to include clear obligations concerning climate change and a just transition. Below is an article-by-article analysis of Convention 122 as it relates to a just transition. Annex I provides an analysis as to how Recommendation 122 assists in the interpretation of Convention 122 as a just transition Instrument. Annex II does the same for Recommendation 169.

II. Convention 122: An Article-by-Article Analysis of its Substantive Provisions

A. The Preamble

The Preamble situates Convention 122 within the ILO’s constitutional commitments to avoid unemployment, raise living standards, and give effect to human dignity in conditions of economic security and equal opportunity. While the operative obligations sit primarily in Arts. 1–3 (discussed below), the Preamble clearly supports three important just transition propositions:

1. *Employment policy is a matter of social justice, not only economic management:* By linking employment policy to the ILO’s overarching objective of improving conditions of labour and securing dignity, security, and equal opportunity for workers, the preamble frames access to work as a matter of human welfare and rights. It reflects the post-war understanding that unemployment and underemployment are not merely market failures but social harms that undermine equality, stability, and democratic participation. In this way, the preamble supports the proposition that employment policy must be

¹⁷ ILO, Promoting employment and decent work in a changing landscape, 109th Sess. ILC, 2020, para 140, https://labordoc.ilo.org/discovery/delivery/41ILO_INST:41ILO_V2/1268239920002676

judged not only by its efficiency or growth outcomes, but by its capacity to advance fairness, inclusion, and social protection.

2. *Equality and security are embedded objectives:* In reiterating the principles of the Declaration of Philadelphia, the preamble makes clear that employment policy must be equitable and allow all human beings to “pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.” The impacts of climate change are often more severe for workers from communities that have been marginalized by the state. Further, policy choices as to the distribution of the costs (and benefits) of both action and inaction often put the onus on marginalized communities. The preamble helps justify a fair distribution of costs, benefits and opportunities, and further underscores that the foundations of a just transition must be based on dignity security and equality.
3. *Human-rights coherence:* The preamble, in referring to the Universal Declaration of Human Rights and the “wider framework of an international program,” underscores that Convention 122 sits alongside broader human-rights law on work and equality. This reinforces the interpretive integration with the ICESCR¹⁸ as well as UN environmental rights developments.

B. Article 1

Article 1 requires each Member to declare and pursue an active policy aimed at promoting full, productive and freely chosen employment. It further requires that the policy aim to ensure:

- Work for all who are available and seeking work;
- Employment is as productive as possible; and
- Freedom of choice of employment and the fullest opportunity for each worker to qualify for and use skills “without discrimination”

Article 1 is the strongest anchor for asserting a just transition obligation. It supplies substantive outcomes that a just transition policy must respect.

1. “Full employment”

Full employment under the Convention means that “there is work for all who are available for and seeking work.” As the 2010 General Survey explains, “this does not imply that there should be no unemployment at all... some degree of “frictional” unemployment is inevitable since even well-functioning labour markets cannot perform the task of matching workers to available jobs instantaneously... However, such frictional unemployment is short term in nature and should be

¹⁸ ILO, General Survey Concerning Employment Instruments (Geneva, 2010), paras 10-11 (noting in particular the linkages between Convention 122 and the ICESCR), <https://www.ilo.org/resource/conference-paper/ilc/99/report-iii-1b-general-survey-concerning-employment-instruments-light-2008>

distinguished from more serious forms of unemployment, such as long-term unemployment or mass unemployment.”¹⁹ Unemployment that is the result of labour-market restructuring caused by and/or necessary to address the climate crisis is not the “frictional” unemployment excluded from the scope of the convention but rather the more structural employment meant to be addressed by national economic policy. Article 1’s requirement to promote full employment should be read to support arguments that States must, for example, anticipate transition-driven displacement (e.g., fossil fuel phase-down, industrial restructuring) and adopt job-creation, placement, and activation measures for those impacted. Such an interpretation is also consistent with the tripartite ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all. Paragraph 29 of the Guidelines, entitled “Active labour market policies” in fact lists several measures that governments should undertake, in consultation with social partners, to generate employment. The CESCR’s interpretation of the right to work also reinforces that States must adopt and periodically review employment strategies, including measures aimed at “full and productive employment.”²⁰

2. “Productive employment”

Importantly, Convention 122 requires employment to be productive. This is also a core feature of the concept of a just transition. Article 1’s “productive employment” helps argue that, for example, a just transition policy should promote *quality* employment pathways (skills use, value-adding activities, long-term sustainability). Moreover, “green jobs” strategies should avoid a shift from higher quality to low-quality precarious work. Here again, the ILO Just Transition Guidelines provide detailed policy content. Paragraph 19 calls on states, in consultation with social partners, to (ii) adopt macroeconomic and growth policies that promote sustainable production and consumption patterns, create an enabling environment for sustainable enterprises and place full and productive employment and decent work for all at the centre of economic and social policies. These could include skills development, enterprise policies, labour rights, social protection, among others, that can give operational meaning to “productive employment” during environmental transitions. Paragraph 28 elaborates further, calling on states to “where applicable, make use of employment guarantee schemes and public works that also enhance resilience to climate change, rehabilitate natural resources and create new productive and sustainable assets.”

3. “Freely chosen employment”

The requirement that employment be freely chosen has been interpreted to comprise two elements: “first, the absence of compulsion to undertake work that has not been freely chosen or accepted; and, secondly, the opportunity to acquire qualifications and to use one’s skills and

¹⁹ Ibid., para 37.

²⁰ U.N. Comm. on Econ., Soc. and Cultural Rights, General Comment No. 18: The Right to Work, U.N. Doc. E/C.12/GC/18 (Feb. 6, 2006), para 2 (explaining that these measures “shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment, under conditions safeguarding fundamental political and economic freedoms to the individual”), <https://www.refworld.org/legal/general/cescr/2006/en/32433>

endowments free from any discrimination.”²¹ The first element includes a prohibition against forced or compulsory labour, as set forth in Conventions 29 and 105.²² Forced or compulsory labour is unfortunately all too common in the manufacturing supply chains of many so-called green goods, including in the mining of minerals necessary to manufacture solar cells²³ and batteries powering EVs.²⁴ As such, Convention 122 requires states to ensure that there is no use of forced or compulsory labour in the production of goods or services that are related to transitional measures. Article 1’s could also be used to resist “coercive transitions” where workers are pushed into inferior, unsafe, or involuntary work. While the focus of the convention is on the workers in the state’s own jurisdiction, one could also argue that states have an obligation to also prohibit the trade or importation of goods made with forced or compulsory labour in green supply chains, as such goods and services could unfairly compete with like domestic goods or services, and undermine state policies to promote quality employment under Convention 122.²⁵

The second element, the opportunity to acquire qualifications and to use one’s skills and endowments free from any discrimination, is equally important. As such, states should make available skills development programs to help workers adapt to changing economic needs in the context of climate change. The existence of social security and support for basic needs during periods of unemployment are also critical to allowing workers to find productive work that matched their skills (whether before or after re-skilling or upskilling). As General Comment 27 explains,

Measures should ensure that workers in transition-affected sectors have access to vocational training, career guidance, reskilling and other support to facilitate their transition to green jobs. Employment generation should also be promoted, including by expanding public services and through ecosystem restoration initiatives. States Parties should recognize and support workers in the informal economy contributing to climate resilience and a circular economy and take measures to facilitate their transition to formal employment.²⁶

²¹ Fn. 18, *supra*, para 48.

²² *See, e.g.*, Report of the Committee of Experts on the Application of Conventions and Recommendations, *Report III (Part A), 113th Session, ILC, Geneva, 2025, Observation, China -- Convention 122*, https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4418145,103404

²³ Alan Crawford & Laura T. Murphy, *Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing* (2023), <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/over-exposed/crawford-murphy-et-al--over-exposed-november-2023.pdf>

²⁴ Siddharth Kara, *Blood Batteries: The human rights and environmental impacts of cobalt mining in the Democratic Republic of the Congo* (Aug. 2025), <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2025/august/blood-batteries.pdf>.

²⁵ For an explanation of the legality of such import restrictions under WTO rules, see <https://www.ilawnetwork.com/wp-content/uploads/2022/03/WTO-Law-Aspects-of-Import-Prohibitions-on-Products-and-Services-Made-Using-Forced-Labour-Layout-3-3-2022-1.pdf-2-1.pdf>

²⁶ General Comment 27, *supra* fn. 10, para 50.

In short, Convention 122 (and the ICESCR) supports the proposition that workers should have *real options*, not nominal ones—i.e., choices supported by training, income support, and non-discrimination in order to be considered a just transition.

4. Non-discrimination

The principles of a just transition also foreground fairness. Groups who contributed least to the problem of climate change are often among the most negatively impacted. These groups often include indigenous workers, racial and ethnic minorities, women workers, migrant workers, and persons with disabilities. These people should not bear the disproportionate costs of any transition. Indeed, a just transition would call for members of such groups to have access to job opportunities and training “without discrimination” to ensure that economic transitions do not simply reinforce pre-existing inequalities. Indeed, CESCR General Comment 27 provides:

In designing and implementing mitigation and adaptation measures, States Parties must ensure that these are disability-inclusive and address structural discrimination or inequality, paying particular attention to the rights of individuals and groups in vulnerable situations.²⁷

Some states may enact preferential access to opportunities as a means to address historical discrimination, a practice consistent with ILO Convention 111.

5. Conclusion

Article 1 can ground claims that workers and unions affected by transition have a right to:

- access new decent work opportunities as carbon-intensive sectors decline;
- non-discriminatory access to reskilling and emerging sectors;
- employment choices that are real and supported by state policy; and
- macroeconomic and industrial policy alignment with employment outcomes in the transition.

C. Article 2

Article 2 requires each Member, by methods appropriate under national conditions, to:

1. Decide on and keep under review, within the framework of a coordinated economic and social policy, measures to attain Article 1 objectives; and
2. Take steps needed, including when appropriate the establishment of programmes, for applying those measures.

A just transition is a governance problem that requires aligning climate, industrial, fiscal, skills, and social protection policies around employment and equity outcomes. Article 2 is pivotal as it

²⁷ Ibid., para 16.

requires states to apply a coordinated whole of government approach, and to keep these programs under review.

1. “Coordinated economic and social policy”

Climate transitions require deliberate and sustained coordination across multiple ministries, including energy, finance, labour, education, and industry. Article 2’s insistence on a coordinated and coherent national employment framework strengthens the argument that employment and labour impacts cannot be treated as secondary considerations or addressed only after climate policies have been adopted. Rather, labour market implications must be integrated into climate policy design from the outset. This includes anticipating sectoral restructuring, assessing job displacement risks, planning for retraining and redeployment, and aligning fiscal and industrial strategies with the objective of full, productive, and freely chosen employment. In this way, Article 2 supports the proposition that climate governance and employment policy are legally interconnected, not institutionally separate domains.

Under contemporary conditions of rapid decarbonization and technological transformation, the development of comprehensive “just transition plans,” whether at the national or sectoral level, represents a necessary means of implementing Convention 122 obligations. Such plans operationalize coordinated policymaking by linking macroeconomic strategy, industrial policy, social protection systems, skills development, and active labour market measures within a unified framework. This approach is fully consistent with the ILO Just Transition Guidelines, which emphasize coherent policy frameworks and institutional coordination as essential to ensuring that environmental sustainability advances alongside decent work. By embedding employment objectives into climate action strategies, governments fulfil Convention 122 in the context of structural economic change.

2. “Keep under review”

Climate policy is inherently iterative, as technological developments, market dynamics, and environmental conditions evolve over time. Article 2’s obligation of continuous review reinforces the principle that employment policy must be regularly assessed and adjusted in light of changing circumstances. In the context of a just transition, this supports a standard of ongoing monitoring and recalibration. Governments must systematically track job losses and job creation associated with decarbonisation measures, assess whether new employment opportunities are decent and sustainable, and ensure that labour market outcomes align with the objective of full, productive, and freely chosen employment. Climate governance, therefore, cannot be static; it must incorporate mechanisms for evidence-based review and responsive policy correction.

This review obligation also requires close attention to distributional impacts. Policymakers must monitor how climate measures affect different regions, sectors, genders, and historically marginalised groups, and must be prepared to revise policies where outcomes deviate from full-employment and equity objectives. Such an approach aligns with the rights-based

framework for sustainable development articulated in the Committee on Economic, Social and Cultural Rights' General Comment No. 27 (2025), which situates economic, social and cultural rights within environmental sustainability and recognises that structural reforms are often necessary to address entrenched inequalities. By embedding continuous assessment, transparency, and corrective action into climate policy, states operationalise both employment obligations and broader ESC rights commitments in a manner consistent with contemporary human rights law.

3. "Programmes" as a basis for concrete entitlements

Article 2's explicit reference to the adoption of concrete programmes is particularly significant because just transition commitments frequently falter when States rely on broad policy rhetoric without embedding those commitments in institutional mechanisms. By requiring governments to pursue active employment policies through coordinated and practical measures, Article 2 reinforces the principle that transition planning must move beyond aspirational language and into structured implementation. In the context of decarbonisation and structural economic change, this provision supports the argument that States are expected to operationalize transition objectives through identifiable and resourced programmes rather than ad hoc or purely declaratory initiatives.

In practical terms, this means adopting active labour market programmes such as job placement services, wage subsidies, and job-matching mechanisms designed to facilitate re-employment; investing in public infrastructure and public employment initiatives in regions disproportionately affected by industrial decline; and developing training and requalification programmes, particularly for workers in carbon-intensive or declining sectors. It also requires targeted measures for communities facing concentrated economic disruption, including tailored regional development strategies and strengthened social protection. The broader international climate framework reinforces this programmatic approach. Within the UNFCCC process, the "just transition of the workforce" has become an established element of climate policy dialogue and technical work, providing persuasive support for the view that structured, forward-looking programmes are an integral component of responsible climate governance rather than optional add-ons. The Belem Action Mechanism adopted at COP30 in 2025 is now the authoritative roadmap under the UNFCCC.²⁸

4. Conclusion

Article 2 can be used to argue that States have a legal obligation under Convention 122 to institutionalize just transition through coordinated planning, periodic review, and concrete programmes, especially where climate action is expected to cause structural labour-market changes. This conclusion is bolstered by one of the few observations of the CEACR on

²⁸ *Belém Action Mechanism on Just Transition: A Breakthrough for Workers at COP30*, Int'l Trade Union Confederation (Nov. 24, 2025), <https://www.ituc-csi.org/belem-action-mechanism-on-just-transition>, <https://www.ituc-csi.org/belem-action-mechanism-on-just-transition>

Convention 122 related to climate change. In the case of New Zealand, the CEACR took note of Just Transitions Partnerships in Taranaki and Southland that were established to “proactively manage the effects of the potential closure of large regional employers and to enable just transitions for these workers and communities.” Further, the Committee noted with *interest* a tripartite initiative, the Future of Work Tripartite Forum, “to identify just transition priorities for New Zealand workforces in response to future of work megatrends and economic shocks focusing on at-risk workforces and communities.” ***The Committee welcome[d] such integrated policies and measures meant to harness the potential offered by the combination of employment and social protection policies to promote future-of-work-related transitions and decent work creation through participatory and inclusive processes anchored in effective social dialogue.***²⁹ (emphasis in original)

D. Article 3

Article 3 requires that representatives of persons affected by measures—particularly employers and workers—be consulted on employment policies “with a view to taking fully into account their experience and views and securing their full co-operation.” Just transition is widely understood as impossible without meaningful social dialogue. Article 3 makes consultation a treaty obligation, not mere best practice.

1. Social dialogue as part of the “right” to a just transition

A defensible right to a just transition includes procedural components: affected workers and communities must have a say in decisions that restructure their livelihoods. Article 3 supports the argument that durable, legitimate climate action requires consultation and cooperation—precisely because employment policy is a major goal and because labour markets are central to social stability. As such, Article 3 can ground claims that:

- climate/industrial policies with major employment consequences require structured consultation;
- transition plans must be designed with trade unions and employers (and arguably extended stakeholder processes, as “persons affected”);
- consultation must be meaningful enough to “fully take into account” views, not symbolic.

The ILO Just Transition Guidelines repeatedly emphasize social dialogue as central to legitimacy and fairness in transition decision-making.

2. Human-rights participation norms

²⁹ Report of the Committee of Experts on the Application of Conventions and Recommendations, *Report III (Part A), 113th Session, ILC, Geneva, 2025, Observation, New Zealand -- Convention 122*, https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNT_RY_ID:4367666,102775

Contemporary environmental human-rights developments support participatory approaches. UNGA 76/300's recognition of the right to a clean, healthy and sustainable environment strengthens the proposition that environment-related decisions implicate human rights and thus require robust governance measures. General Comment 27 makes explicit the linkage between a just transition and collective bargaining.

Collective bargaining can be an effective mechanism for integrating environmental and climate-related concerns into workplace agreements, including provisions that ensure workers' access to relevant environmental information, the right to refuse work that poses serious environmental risks or violates environmental legislation, protection for whistle-blowers reporting environmental harm, occupational safety and health, sustainable transportation benefits, training on just transition, protection during climate-related disasters, and support for green procurement practices.³⁰

Similarly, IACTHR OC-32/25, referring to the ILO Guidelines, held that "as part of the strategies and policies to meet the challenges of the transition to sustainable economies and the impacts of climate change on employment, States should, among other measures: (i) encourage the participation of employers' and workers' organizations, such as trade unions, in the definition and implementation of just transition policies".³¹ This finding acknowledges the necessary role of the social partners in designing the measures necessary to address climate impacts. The Court further underscored the need for states to protect the right to freedom of association, as the right is necessary to permit negotiations over transition measures with unions.

Additionally, the UN Secretary General's 2025 Report to the Human Rights Council, *Synthesis report on opportunities, best practices, actionable solutions, challenges and barriers relevant to just transition and the full realization of human rights for all people*, underscored the importance of social dialogue, finding,

Union organizing, which has historically been pivotal in advocating the right to work and to just and favourable labour conditions, should be protected in transition-related decision-making, planning and implementation, including through laws that enshrine the rights to strike and to join and form associations, including trade unions, and the freedoms of opinion and expression, and protect against anti-union discrimination.³²

3. Conclusion

Article 3 provides a strong foundation for asserting that the right to a just transition necessarily includes procedural rights of participation for workers, employers, and affected groups,

³⁰ General Comment 27, *supra* fn. 10, para 54.

³¹ Advisory Opinion, *supra* fn. 11, para. 446.

³² U.N. Human Rights Council, *Synthesis report on opportunities, best practices, actionable solutions, challenges and barriers relevant to just transition and the full realisation of human rights for all people*, U.N. Doc. A/HRC/60/52 (Sept. 5, 2025), para 47, <https://www.ohchr.org/sites/default/files/2025-09/a-hrc-60-52-aev.pdf>

particularly through representative trade unions and employers' organisations. It establishes that employment policy measures adopted in the context of economic or environmental transitions must be developed through meaningful social dialogue, rather than imposed unilaterally. In this way, social dialogue becomes not merely a policy preference but a condition of legitimacy for employment-related decisions taken during structural change. Article 3 also supports the principle of cooperative policy design, requiring governments and social partners to work together to anticipate, prevent, and mitigate inequitable burdens arising from transition processes.

III. Cross-cutting synthesis: what “right to a just transition”³³ can plausibly mean under Convention 122

A. Substantive components (Articles 1–2)

Articles 1 and 2 establish the substantive core of employment policy obligations and provide a strong legal foundation for framing a just transition as a matter of enforceable commitment rather than political discretion. First, with respect to employment security and opportunity, States are required to pursue active policies that ensure the continued availability of work opportunities as traditional sectors decline and new sectors emerge. In the context of decarbonisation, this means anticipating structural change and adopting measures that prevent large-scale, unmanaged unemployment. It is not sufficient to allow market forces alone to determine outcomes. Rather, governments must shape labour-market conditions so that workers displaced from carbon-intensive industries have real, accessible pathways into emerging sectors.

Second, Articles 1 and 2 require that the employment generated through transition be productive and of high quality. The objective is not merely to replace jobs numerically, but to ensure that new employment meets standards of decency, stability, and adequate remuneration. A just transition cannot lawfully consist of substituting secure, collectively bargained employment with precarious, informal, or low-wage work. Third, the principle of freedom of occupational choice requires that workers not be compelled—whether through economic coercion or institutional failure—to accept inferior employment. Instead, States must support meaningful choice through effective training systems, labour-market institutions, and income supports that allow workers to transition without sacrificing dignity or security. Fourth, equality and non-discrimination are integral to transition policy. Access to training, recruitment, placement services, and new employment opportunities must be guaranteed without discrimination on prohibited grounds. Moreover, States must address structural disadvantages that risk excluding historically marginalised groups from emerging green sectors. Finally, Articles 1 and 2 make clear that employment policy obligations cannot be satisfied through aspirational statements alone. Governments are required to adopt concrete programmes and measures adapted to national conditions. In the transition context, this entails

³³ Jeff Vogt & Ruwan Subasinghe, *It's Time to Start Talking About a Human Right to a Just Transition*, Equal Times (Oct. 14, 2021), <https://www.equaltimes.org/it-s-time-to-start-talking-about-a>

identifiable strategies, budgetary commitments, and institutional mechanisms designed to secure full, productive, and freely chosen employment as economies undergo climate-driven transformation.

B. Procedural components (Article 3; reinforced by contemporary climate-rights developments)

Article 3 establishes the procedural dimension of employment policy obligations and provides a strong legal foundation for embedding participation and accountability within just transition governance. First, social dialogue is not merely advisory but integral to lawful policy formation. Workers' and employers' organisations must be consulted in a meaningful and timely manner so that the lived experience of affected groups informs the design, implementation, and evaluation of transition measures. Effective consultation ensures that employment policies reflect sectoral realities, anticipate regional impacts, and incorporate practical solutions grounded in workplace knowledge. In this way, Article 3 transforms participation from a discretionary political choice into a structural requirement of legitimate transition planning.

Second, contemporary climate-rights jurisprudence reinforces this procedural obligation through a due diligence and prevention logic. The recognition that environmental harm implicates human rights—particularly economic, social, and labour rights—requires States to adopt preventive governance strategies rather than reactive responses. The Inter-American Court of Human Rights has emphasized that States must exercise due diligence to prevent foreseeable harm, including environmental degradation that affects vulnerable populations. Applied to climate transitions, this prevention principle strengthens the case for participatory planning processes that identify risks early, mitigate adverse employment consequences, and avoid disproportionate burdens on particular communities. Inclusive planning is therefore not only democratically desirable but legally coherent with evolving human rights standards.

Third, Article 3 implies a requirement of policy coherence. Employment policy cannot be compartmentalized from macroeconomic, industrial, environmental, and social protection policies. Coordinated governance across ministries and institutions is necessary to ensure that climate measures align with employment objectives and equity commitments. A “whole-of-government” approach to just transition planning—integrating economic strategy, labour-market institutions, education systems, and social security frameworks—thus emerges as the natural mode of implementation. Contemporary human rights bodies have increasingly emphasized the need for coherent, rights-based policymaking in sustainable development contexts, reinforcing the view that participatory, coordinated transition governance is both a procedural obligation and a condition for substantive justice.

C. Conclusion

Convention 122 can credibly serve as a treaty-based foundation for asserting key elements of a right to a just transition, particularly through its core substantive and procedural provisions. Article 1 supplies the substantive core by requiring States to pursue full, productive, and freely

chosen employment without discrimination—objectives that directly mirror the central outcomes sought by a just transition. Article 2 provides the governance and implementation framework, obliging States to embed employment objectives within coordinated economic and social policy, to keep those measures under continuous review, and to give them effect through concrete programmes, thereby closely matching the institutional architecture required for effective just transition planning. Article 3 supplies the procedural core by mandating consultation with employers’ and workers’ organizations, embedding social dialogue as a legal obligation rather than a discretionary policy choice. Taken together, these obligations are reinforced and given contemporary specificity by subsequent and related international instruments, including the Paris Agreement’s express recognition of the imperatives of a just transition of the workforce, the ILO Just Transition Guidelines’ elaboration of operational policy content, authoritative CESCR interpretations of the right to work, and broader UN developments linking environmental sustainability to human rights and economic, social and cultural rights.

IV. Recommendations for Reporting and Representations: Practical issues as to raise under Convention 122

A Convention 122-based assertion of a right to a just transition can be framed as a set of reviewable failures of state action. Below are some of the issues that have most frequently arisen with regard to state climate policies. Trade unions may wish to raise these or other scenarios as violations of Convention 122.

- Failure to plan or coordinate (Article 2)

A State may be found in breach of Article 2 of Convention No. 122 where it adopts climate, environmental, or industrial transition measures without integrating them into a coordinated framework of employment, economic, and social policy. Article 2 requires employment objectives to be pursued within a coherent policy architecture and kept under continuous review, yet transition decisions are often taken in sectoral silos without corresponding labour-market planning. Where governments announce phase-outs, closures, or restructuring without parallel employment strategies, programmes, or institutional coordination, they fail to treat employment policy as a central and organizing objective. This lack of coordination undermines the Convention’s requirement that employment policy guide and shape broader economic decision-making, rather than merely respond to its consequences after the fact.

- Failure to prevent foreseeable unemployment (Article 1).

Article 1 obliges States to pursue an active policy aimed at full employment, which necessarily includes preventing foreseeable and avoidable job loss arising from planned structural change. Where sectoral closures or regulatory reforms predictably result in unemployment, but the State fails to adopt compensatory job-creation measures, placement services, or income-support pathways, unemployment cannot be characterized as accidental or unavoidable. In such cases, the State has not merely failed to achieve full employment, but has failed to actively

pursue it, as required by the Convention. Foreseeable unemployment linked to deliberate policy choices therefore provides a particularly strong basis for arguing non-compliance with Article 1.

- Failure to provide accessible training and skills pathways (Articles 1–2).

A transition that displaces workers without providing accessible, adequately funded, and non-discriminatory training and reskilling opportunities undermines both the substantive and governance obligations of Convention 122. Article 1’s guarantee of freely chosen employment presupposes that workers have genuine opportunities to qualify for new forms of work, while Article 2 requires States to establish programmes necessary to achieve that objective. Where training systems are under-resourced, geographically inaccessible, or structured in ways that exclude older workers, women, informal workers, or marginalized communities, freedom of occupational choice becomes illusory. Such failures convert structural transition into forced labour-market exit or downward mobility, contrary to the Convention’s core aims of equality and productive employment.

- Failure of consultation and social dialogue (Article 3).

Article 3 requires States to consult employers’ and workers’ organizations in the formulation and application of employment policy, a requirement that takes on heightened importance in the context of just transition. Where transition measures are designed unilaterally, announced without prior engagement, or subject only to perfunctory consultation, the State fails to secure the cooperation and incorporate the experience of those most affected. This procedural failure not only violates Article 3 in itself but also weakens the effectiveness and legitimacy of transition policies, increasing the risk of inequitable outcomes and social conflict. Meaningful social dialogue is thus not an optional accompaniment to transition policy, but a legal condition for compliance with Convention 122.

- Failure to ensure quality and productive employment (Article 1, read with ILO standards).

Finally, a State may violate Article 1 where transition policies result in the replacement of stable employment with precarious, informal, or unsafe work, rather than promoting productive employment. The Convention requires not just the availability of work, but work that is productive and allows workers to make full use of their skills. Where “green” or transition-related jobs are characterized by short-term contracts, low pay, weak labour protections, or poor occupational safety, the State cannot claim to be fulfilling its employment policy obligations. Read together with broader ILO standards on decent work, this failure supports the argument that a just transition requires attention to job quality, not merely job counts, and that employment outcomes inconsistent with dignity and security fall short of Convention 122’s requirements.

ANNEX I

HOW RECOMMENDATION 122 STRENGTHENS THE “JUST TRANSITION” READING OF CONVENTION 122

Paragraph 1:

Paragraph 1(1) restates the central obligation in “recommendation” form, an active policy for full, productive and freely chosen employment, while helpfully adding language as to the purpose of such policy: stimulating growth and development, raising living standards, meeting manpower needs, and overcoming unemployment/underemployment. Paragraph 1(2) repeats the “full, productive, freely chosen/non-discrimination” formulation while Paragraph 1(3) requires due account of development level and the “mutual relationships” between employment objectives and other economic and social objectives, pursued by methods appropriate to national conditions and practice. Recommendation 122 strengthens the case that employment policy is inherently about managing structural economic transformation. The added reference to *development, living standards, and manpower requirements* at 1(1) supports framing employment policy as integral to a just transition, including as: (i) a component of overall socio-economic development strategy; and (ii) a duty to ensure labour-market institutions align with new “manpower” needs as economies decarbonize. The emphasis on “mutual relationships” and methods adapted to national practice supports the argument that while states have flexibility in means, they do not have flexibility in objectives (full, productive and freely chosen employment and equality).

Paragraph 2:

Employment-policy aims should be clearly and publicly defined, wherever possible as quantitative targets for economic growth and employment. This bolsters the argument that Convention 122’s “active policy” is not satisfied by vague aspiration. Paragraph 2 supports demanding measurable just transition employment targets (jobs created in new sectors; placement targets for displaced workers) as well as transparency and public accountability (critical where transition burdens are contested).

Paragraph 3:

Paragraph 3 provides that employers and workers (and their organizations) should be consulted in formulating policies for the development and use of human capacities. Their cooperation should be sought in implementation, in the spirit of the Consultation (Industrial and National Levels) Recommendation, 1960. It makes social dialogue central specifically to human capacities—skills, training, deployment—i.e., the heart of a just transition program. It also frames consultation as not merely informational but aimed at cooperation in implementation, supporting arguments that just transition is a co-governance project, not a unilateral executive program.

Paragraph 4:

Employment policy should be based on analytical studies of the current and future labour force, employment, unemployment, and underemployment; adequate resources should go to statistics, studies, and distribution of results. This is important for climate-transition advocacy because it supports an evidence-based duty, namely that States should anticipate labour displacement and design mitigations based on rigorous analysis. In just transition terms, Paragraph 4 means: transition impact assessments (sectoral, regional, demographic); monitoring and publication of transition labour impacts; and data transparency to enable social dialogue and accountability. Access to information is further bolstered by regional agreements such as the Aarhus Convention (Europe) and the Escazú Agreement (Americas).

Paragraph 5:

Paragraph 5 provides that members should recognize the importance of developing means of production and human capacities (education, vocational guidance and training, health services, housing) and maintain balanced expenditures across these needs. Members should assist workers—including young people and new entrants—in finding suitable productive work and adapting to changing needs of the economy. It expressly points to other ILO standards on vocational guidance/training and employment services. Paragraph 5 is one of Recommendation 122's strongest bridges to a "right to just transition," because it explicitly endorses a state duty to help workers adapt to economic change, and it identifies the policy toolkit: education, training, guidance, employment services, and social supports (health/housing).

This supports a legal claim that, when decarbonization shifts labour demand, States must provide reskilling/upskilling pathways; employment services and placement; special support for youth and new entrants so transitions do not lock in generational inequality; and a balanced public-investment approach (skills + social infrastructure).

Paragraph 6:

Employment policy should be coordinated with and carried out within overall economic and social policy, including planning/programming where used. Each Member should examine the relationship between employment measures and other major economic/social decisions, so they become mutually reinforcing, consulting employers and workers and respecting their autonomy/responsibility. This provision supports the call for an integrated just transition governance: climate, industrial, fiscal, and social policy must be aligned with employment objectives. The autonomy language supports a robust social dialogue model consistent with just transition principles (worker voice, collective bargaining, democratic participation).

Paragraph 7:

Where people seek work but it is not anticipated to be available soon, states should examine and explain publicly how their needs will be met. Members should, to the fullest extent

permitted by resources and development level, adopt measures (taking account of international social security standards and Paragraph 5) to help unemployed/underemployed persons meet basic needs for themselves and dependants during unemployment and adapt to opportunities for further useful employment. Paragraph 7 requires a policy response where jobs are not forthcoming. This is a strong foundation for asserting that a just transition includes: transparency about expected job losses and timelines; income maintenance/social protection during transition; and active support to enable retraining and re-employment. In decarbonization contexts (e.g., coal phase-out regions), Paragraph 7 supports an argument that the State must do more than announce closures; it must also announce and implement how affected workers' basic needs and re-employment pathways will be secured.

Paragraph 8:

Employment problems attributable to fluctuations, structural changes, and inadequate activity should be dealt with through: (a) general economic measures; and (b) selective measures directly connected with individual workers or categories. This again anchors treating climate transition as within the Convention 122/ Recommendation 122 framework. Decarbonization and adaptation are quintessential structural changes. As such, Paragraph 8 supports the claim that States must use: macro measures (investment, industrial policy, fiscal policy) and selective measures (targeted supports for displaced workers/regions).

Paragraph 9:

Choice and timing of measures should be based on careful study of causes, distinguishing different unemployment types. Paragraph 9 supports the idea that structural, transition-driven unemployment requires tailored responses (retraining, relocation supports, regional development), not only cyclical stimulus.

Paragraph 10:

General long term economic measures should promote a continuously expanding, reasonably stable economy as the best environment for selective measures. Paragraph 10 bolsters arguments that just transition requires long-term policy certainty and macroeconomic stewardship—including public investment and stable frameworks so that selective measures such as retraining succeed. It can be used to support claims that abrupt, unmanaged transition shocks violate the logic of an “active” and coherent employment policy.

Paragraph 11:

Paragraph 11 anchors just transition in counter-cyclical and stabilizing macroeconomic governance: when unemployment/underemployment threatens due to inadequate activity, governments should act promptly to adjust private consumption, investment, and public spending, and they should have the legal authority to do so at short notice. In transition contexts (e.g., decarbonization shocks, climate-disaster disruptions, or policy-driven

restructuring), this supports the proposition that States must not “let the market sort it out” and then offer after-the-fact relief; rather, they should use fiscal and investment tools to prevent avoidable job loss and dampen volatility. It also implies that a just transition requires institutional readiness—legal and administrative capacity to deploy stabilizers quickly—so that workers are not forced to absorb the costs of poorly timed transition measures.

Paragraph 12:

Paragraph 12 recognizes that some labour-market instability is predictable and sector-specific, and it instructs States to plan measures to even out seasonal employment—either by smoothing demand or creating complementary jobs. In a just transition frame, this supports designing bridging employment and income strategies for workers whose jobs fluctuate or who are concentrated in climate-sensitive seasonal sectors (agriculture, tourism, fisheries, construction) and for communities where climate adaptation changes seasonal patterns. It reinforces that employment policy should actively manage foreseeable instability, which parallels the just transition premise that structural and climate-linked disruptions must be buffered by planned supports, not treated as individual misfortune.

Paragraph 13:

Paragraph 13 requires measures to prevent unemployment/underemployment arising from structural change – perhaps one of the most direct hooks in Recommendation 122 related to a just transition. It defines structural change broadly (shifts in demand, new supply sources including lower-cost imports, new production techniques, and labour force changes) and states two clear objectives: (a) obtain the greatest benefit from economic/technical progress, and (b) protect affected groups and individuals from financial or other hardship. This is the policy architecture of a just transition: structural transformation measures (decarbonization and climate adaptation) must simultaneously ensure that those whose livelihoods are disrupted are protected through planned measures, rather than bearing uncompensated losses.

Paragraph 14:

Paragraph 14 operationalizes just transition as a package of concrete programmes to help workers find and prepare for new jobs and avoid production losses from unfilled vacancies. It specifies the core toolkit: (a) effective employment services, (b) training and retraining for lasting employment in expanding occupations, and (c) coordination of housing policy with employment opportunities, including relocation grants. In the just transition context, this would refer to job-matching, funded reskilling/upskilling into emerging sectors, and mobility supports so workers can actually access new opportunities. It also underscores that transition policy must be institutional and adequately financed, not merely aspirational.

Paragraph 15:

Paragraph 15 treats youth unemployment as a priority and insists that youth employment services, guidance, and training must take full account of structural change to align young people's capacities with the economy's changing needs. In just transition terms, this speaks to intergenerational equity, meaning that the transition should not only compensate displaced workers but also create pathways for young people into new sectors and ensure that training systems anticipate the skills demanded by decarbonized and climate-resilient economies. It also supports the claim that a "just transition" is as much about future opportunity creation as it is about mitigating current displacement.

Paragraph 16:

Paragraph 16 calls for meeting the needs of categories who encounter special difficulties due to structural change or other reasons, including older workers, disabled persons, and those who have difficulty changing residence or occupation. This supports the just transition principle that universal measures are often insufficient: transitions disproportionately harm certain groups, so equity requires targeted design (e.g., accessible training, accommodations, tailored placement services, income supports that recognize mobility constraints). It also frames just transition as preventing structural change from becoming a mechanism of exclusion or forced labour-market exit for workers with constrained choices.

Paragraph 17:

Paragraph 17 adds a clear geographic dimension in order to direct special attention to employment and income needs of lagging regions and areas where structural changes affect large numbers of workers. This directly corresponds to current concerns about "coal regions," refinery towns, or mono-industrial communities facing concentrated job losses. It supports the argument that just transition is not only individual reskilling but also regional economic diversification, infrastructure investment, and targeted development to prevent regional decline and social dislocation.

Paragraph 18:

Paragraph 18 addresses structural changes of exceptional magnitude and calls for accompanying measures to avoid large-scale, sudden dislocation and to spread impacts over a reasonable period, with early consideration (after consultation) of temporary and exceptional means to facilitate adaptation. This is a core foundation for just transition arguments against abrupt policies and for phased transition design, bridging measures, and temporary supports for a smoother adjustment. It also emphasizes timing and advance planning. Where change is foreseeable and large, governments must act early to cushion impacts.

Paragraph 19:

Paragraph 19 requires establishing appropriate machinery with clearly defined responsibilities to promote and facilitate adaptation of production and employment to structural change as

addressed in paragraphs 13–18. For a just transition, this paragraph supports creating dedicated institutions (inter-ministerial bodies, tripartite councils, sectoral transition boards, regional commissions) with clear mandates to plan, coordinate, and monitor transition measures. It also strengthens accountability arguments. If responsibilities are defined, failure to act becomes more clearly attributable and reviewable.

Paragraph 20:

Paragraph 20 recognizes that technological progress and productivity gains create possibilities for more leisure and intensified educational activities and suggests measures like hours reduction without wage loss, longer paid holidays, and later labour-force entry combined with more education/training. In a just transition context, this supports the idea that productivity gains from technological and green innovation should be shared socially, not captured solely as profit or used to justify layoffs. It also legitimizes working-time policies and expanded education as part of managing transition impacts—tools that can spread available work, support retraining, and reduce displacement harms while maintaining living standards.

Paragraph 21:

Paragraph 21 emphasizes that in developing countries employment policy must be essential to promoting growth and fair sharing of national incomes. For a just transition, this underlines that climate transitions in lower-income contexts must be development-compatible and distributively just. This means that policies should not impose climate constraints without ensuring growth in decent work and equitable income distribution. It also supports arguments linking job creation, poverty reduction, and fairness in sharing the gains of transformation.

Paragraph 22:

Paragraph 22 requires seeking the views and active participation of employers and workers in elaborating and applying national economic development policy and aspects of social policy, consistent with consultation standards. This strengthens the procedural core of just transition: it is not enough to design transition policies technocratically; rather, they require social dialogue and participatory legitimacy, especially where reforms affect wages, working conditions, sectoral priorities, or public investment. Paragraph 22 also supports claims that just transition planning should be tripartite and integrated with broader social policy choices.

Paragraph 23:

Paragraph 23 speaks to contexts where scarce employment opportunities reflect capital shortages. States should expand domestic savings and encourage inflows of financial resources from other countries and agencies to increase productive investment, without prejudicing sovereignty or economic independence, and should coordinate investments regionally where desirable. In just transition terms, this maps onto climate finance and development finance debates: transitions require resource mobilization for productive investment and job creation

but should avoid conditionalities that erode policy space or impose austerity that undermines employment objectives. It also supports regional cooperation for transition investment that can expand decent work opportunities.

Paragraph 24:

Paragraph 24 urges establishment of industries (public or private) grounded in available raw materials and power, responsive to changing domestic/foreign demand, using modern techniques and research to create long-term employment, with attention to diversification and balanced regional development. For just transition, this provides a policy rationale for green industrial policy: building industries aligned with new demand (renewables, efficiency, low-carbon manufacturing), using research and modern methods, while ensuring regional balance and diversification so that transition does not concentrate prosperity in a few hubs.

Paragraph 25:

Paragraph 25 calls for exploring expansion of employment through producing more labour-requiring goods/services and promoting labour-intensive techniques where they efficiently use resources. In a just transition frame, this supports designing transition pathways that maximize decent work creation, especially where unemployment is high, by combining technology choices with employment outcomes. It also helps argue that “green growth” strategies should not be evaluated solely by emissions metrics but also by whether they generate employment-rich development consistent with productivity and efficient resource use.

Paragraph 26:

Paragraph 26 calls for broad-based employment creation: fuller use of industrial capacity (including multiple shifts with worker amenities and training), and creation/support of handicrafts and small-scale industries that adapt to technological and market change, encouraging co-operatives, complementary relations between small and large industry, and new outlets for products. For a just transition, this paragraph supports inclusive transition strategies that strengthen SMEs, co-operatives, and local supply chains, ensuring that smaller enterprises can adapt to green standards and market shifts rather than being displaced. It also legitimizes policies that spread transition benefits through diverse firm sizes and ownership forms, supporting resilience and distributive fairness.

Paragraph 27:

Paragraph 27 requires, within an integrated national policy, special emphasis on a broadly based programme to promote productive rural employment. Such programmes should rely as fully as possible on local efforts, grounded in study of rural underemployment and using research/pilot projects. Paragraph 27 highlights agriculture/animal husbandry and institutional measures including agrarian/land reforms, land tenure improvements, land taxation reform, credit, marketing facilities, and co-operatives. In just transition terms, this could underscore the

often-overlooked need of a rural just transition toward climate-resilient livelihoods. Adaptation and mitigation measures must be tied to decent rural employment and institutional reforms that address structural inequality (land tenure, access to credit, markets). It also emphasizes participation (“relying...on the efforts of the persons concerned”), supporting community-led transition planning.

Paragraph 28:

Paragraph 28 calls on countries with rapid population growth to study economic, social, and demographic factors and adopt policies that better balance growth of employment opportunities with growth of the labour force. In just transition terms, this supports the proposition that transition planning must be demographically appropriate: the green transition must generate job creation at a scale sufficient not only to replace displaced employment but also to absorb new entrants. It also reinforces the need for integrated social and economic policies that ensure sustainable development and climate resilience do not come at the cost of chronic unemployment or underemployment.

ANNEX II

HOW RECOMMENDATION 169 STRENGTHENS THE “JUST TRANSITION” READING OF CONVENTION 122

ILO Recommendation 169 was adopted to supplement Convention 122 by elaborating how States should operationalise a comprehensive and rights-oriented employment policy in conditions of structural economic change. While Convention 122 establishes binding obligations to pursue full, productive and freely chosen employment, Recommendation 169 provides interpretive guidance on how those obligations should be implemented in practice. Read together, the instruments strengthen the case that a “just transition” is not an external political concept imported into employment law, but a logical and contemporary application of the Convention’s core commitments in periods of economic restructuring, including decarbonisation and environmental transformation.

Paragraph 1:

Recommendation 169 begins by stating that the promotion of full, productive, and freely chosen employment under Convention 122/Recommendation 122 “should be regarded” as the practical realization of the right to work. This directly strengthens “just transition” framing by making explicit that employment policy is not merely economic but a vehicle for realizing a rights-based entitlement. A just transition claim can therefore plausibly be pleaded as a rights-implementing obligation in contexts of structural change such as decarbonization.

Paragraph 2:

Paragraph 2 links full recognition of the right to work to the implementation of economic and social policies whose purpose is promoting full, productive, freely chosen employment. This strengthens the argument that climate/industrial transition policy must be designed within a coordinated economic-social framework (mirroring Convention 122, Article 2) and that employment outcomes are a primary objective—not a collateral effect—of transition governance.

Paragraph 4:

Paragraph 4 calls for special attention to efficient means of increasing employment and production, and for policies/programmes facilitating the increased production and fair distribution of essential goods and services and fair distribution of income, “with a view to satisfying the basic needs of the population.” This is highly “just transition” resonant: it supports an argument that transition policy must be evaluated through distributional justice, ensuring that the benefits and burdens of structural transformation are shared fairly and that basic needs are protected.

Paragraph 5:

Paragraph 5 provides that the policies/plans/programmes referenced should be drawn up and implemented “in consultation and co-operation” with employers’ and workers’ organizations and other representative organizations, including particularly rural organizations. This provision strengthens the procedural pillar of just transition: it supports a claim that meaningful participation is required not only from peak social partners but also from representative bodies of affected groups and communities—especially where transition impacts are place-based and affect rural livelihoods.

Paragraph 6:

Paragraph 6 states that economic and financial policies at both national and international levels “should reflect the priority” attached to the goals of employment, basic needs, and fair distribution. This helps plead a just transition argument against “macro-overrides” (austerity, investment policy, climate finance conditionality) by anchoring the proposition that employment and social outcomes must remain priority constraints in economic decision-making—especially salient in externally financed transition packages.

Paragraph 7:

Paragraph 7 requires that the policies/plans/programmes aim at eliminating discrimination and ensuring equal opportunity and treatment in access to employment, conditions, wages and income, vocational guidance and training, and career development. This is crucial for just transition claims because transition impacts and opportunities are often distributed unequally (by gender, age, disability, migration status, region). Paragraph 7 supports arguing that just transition measures must be equity-proofed, ensuring equal access to green/transition jobs, training, and advancement.

Paragraph 10:

Paragraph 10 is explicit that Members should adopt policies/measures to “facilitate adjustment to structural change at the global, sectoral and enterprise levels” and the re-employment of workers who lose jobs due to structural and technological change. This is the most direct bridge to climate-related just transition: decarbonization and adaptation are paradigmatic structural changes, and this Paragraph supports a claim that States must ensure adjustment policies and re-employment pathways for displaced workers. Paragraph 10 adds that States should “safeguard” employment or facilitate re-employment where workers are affected by sale, transfer, closure, or relocation of a company/establishment/equipment. This supports just transition arguments where decarbonization triggers closures or relocations (e.g., fossil fuel facilities, heavy industry), grounding claims for protective measures: advance planning, mitigation of job losses, and reliable re-employment support.

Paragraph 11:

Paragraph 11 identifies collective agreements as a method to give effect to employment policies, including agreements on safeguarding employment, the economic and social consequences of restructuring/rationalisation, reorganisation and reduction of working time, protection of particular groups, and information sharing. For just transition, this supports the proposition that social dialogue is not merely consultative—it can be bargaining-based, enabling negotiated solutions on redeployment, working-time reduction, and protections for vulnerable groups during transition.

Paragraph 15:

Paragraph 15 calls for measures responding to the needs of categories frequently having difficulty finding lasting employment (women, youth, disabled persons, older workers, long-term unemployed, lawfully resident migrant workers). This bolsters just transition arguments by affirming that employment policy must include targeted supports for groups who are most likely to be excluded from new transition opportunities or disproportionately harmed by displacement.

Paragraph 16:

Paragraph 16 enumerates measures including education and vocational guidance and training; a training system linked to work; counselling and employment services; regional and sectoral job creation; “programmes of adjustment to structural change”; continuing training and retraining; rehabilitation; voluntary mobility assistance; and self-employment and cooperatives. These are important elements of a just transition policy architecture.

Paragraph 17:

Paragraph 17 calls for youth-specific engagement and training measures, alternating training/work schemes, improved quality of training, easing school-to-work transitions, research on employment prospects as the basis for training policy, and OSH protections for young workers, along with monitoring to ensure beneficial effects. For just transition, this supports a claim that transition plans must include intergenerational fairness and robust pathways for young workers into emerging sectors, not only compensation for displaced older workers.

Paragraph 19:

Paragraph 19 requires “full and timely consultations” on the formulation, application, and monitoring of measures/programmes (especially for youth and disadvantaged persons) between authorities, employers/workers, and other concerned organizations. This provision strengthens a procedural “right to just transition” by emphasizing not only design-stage consultation but also monitoring—a key demand in transition governance where impacts evolve over time.

Paragraph 20:

Paragraph 20 states that facilitating technology development should be a major element of development policy, aimed at creating employment opportunities and satisfying basic needs; technology policies should improve working conditions, reduce working time, and include measures to prevent loss of jobs. This maps neatly onto “green industrial policy” arguments: technology-driven decarbonization must be accompanied by labour safeguards—job-loss prevention, decent conditions, and (where appropriate) working-time measures.

Paragraph 21:

Paragraph 21 calls for research on selection/adoption of new technologies and their effects on the volume/structure of employment, conditions, training, job content, and skill requirements, and involvement of independent research institutes. This supports just transition demands for evidence-based assessment, including labour-impact forecasting of decarbonization technologies and industrial shifts.

Paragraph 22:

Paragraph 22 emphasizes ensuring education/training systems—including retraining—offer opportunities for workers to adjust to altered employment requirements resulting from technological change; best use of skills; and elimination of negative effects on employment and on OSH, including by incorporating OSH at the design stage. This strengthens a just transition argument that skills and OSH safeguards must be embedded ex ante in technology deployment (including “green” technologies).

Paragraphs 23–24:

Paragraphs 23-24 urge promoting appropriate new technologies and ensuring consultation with workers organizations and encourages employers/workers and undertakings to disseminate information on technological choices, promote linkages between large and small firms, and set up relevant training programmes. This reinforces both the participation and capacity-building planks of just transition, especially in supply chains that include SMEs.

Paragraphs 25–26:

Paragraphs 25-26 encourage collective agreements on the social consequences of new technologies and calls on undertakings to inform and consult workers in advance, promote better organization of working time and distribution of employment, prevent/mitigate adverse effects, and promote investments that encourage employment and satisfy basic needs. These Paragraphs are particularly useful for just transition claims because they support enterprise/sector-level “transition bargaining” and mitigation duties when technological shifts (such as technologies introduced in the process of decarbonization) have major workforce impacts.

Paragraphs 27–29:

Paragraphs 27-29 call on employment policy to recognize the informal sector as a job provider, implement employment promotion programmes, improve informal enterprises' access to markets, credit, infrastructure, training, expertise, and improved technologies, and facilitate progressive integration while extending regulation carefully. This supports just transition arguments in contexts where “green transitions” risk excluding informal workers. A just transition must be economy-wide, enabling informal workers and enterprises to access training, technology, and markets rather than being displaced by formal-sector decarbonization policies. Of course, these Paragraphs must also be read in conjunction with Recommendation 204 on the formalization of the informal economy.

Paragraphs 30–31:

Paragraph 30-31 recognize the importance of small undertakings and local employment creation initiatives, and calls (after consultation) for measures improving complementary relationships with other undertakings, working conditions, and access to markets, credit and technology. This supports just transition strategies built around local industrial diversification, SME upgrading, and community-based employment creation, which are core to transition in mono-industrial regions.

Paragraphs 32–34:

Paragraphs 32-34 emphasize balanced regional development to mitigate social and employment problems and calls for measures—after consultation with affected populations and social partners—to promote employment in underdeveloped, backward, and declining industrial/agricultural areas, with examples including infrastructure/services, mobility supports, training/retraining, and community participation. This is directly applicable to “coal regions,” refinery towns, and other transition-impacted areas. It supports the argument that just transition must be place-based and participatory, with targeted investment and training.

Paragraph 35:

Paragraph 35 endorses socially viable public investment and public works programmes to create/maintain employment and meet basic needs in high-unemployment areas, with safeguards: consultation, voluntary recruitment, conditions consistent with labour law and OSH, and facilitation of vocational training and retraining, including for those who must change jobs due to “structural changes in production and employment.” In the climate context, this Paragraph supports the concept of “just transition funds” and public investment packages: job creation, decent work conditions, and retraining tied explicitly to structural change.

Paragraphs 36-38:

Paragraphs 36-38 recognizes global interdependence and calls for joint policies to promote a fair distribution of the social costs and benefits of structural adjustment and a fairer international distribution of income and wealth, including reducing adjustment costs for workers concerned. These Paragraphs support claims that transition justice includes not only domestic measures but also international cooperation so that workers and developing countries are not made to absorb disproportionate transition burdens. The trade-related provisions in these Paragraphs could also serve as the basis for trade policies which promote labour rights and environmental sustainability. Paragraph 38 in particular could serve as the basis for state policies regarding the transfer of green technology, and other measures that could support employment generation in climate sustainable enterprises.

Conclusion:

Taken together, Recommendation 169 deepens and clarifies the substantive and procedural obligations embedded in Convention 122. It provides detailed guidance on anticipation, programmatic intervention, quality of employment, regional equity, social dialogue, and policy coherence—all core elements of modern just transition frameworks. As such, it significantly strengthens the interpretive case that Convention 122 supplies a treaty-based foundation for asserting a right to a just transition in the context of climate-driven economic transformation.