

Statement of the International Labour Office on pending ISO proposals for further activity on social responsibility (SR)

The International Labour Office (ILO) directs this communication to ISO and its national standards bodies (NSBs) to recommend that they decline the proposals pending under two current ISO initiatives:

- the ISO *Proposal for a new field of technical activity in social responsibility* (“SR Proposal”) subject to a vote by 10 October 2017, and
- the “*Proposal for a limited revision to the ISO 26000 guidance standard*” submitted to the ISO Technical Management Board (ISO/TMB) for decision at its 18-24 September 2017 meeting.

The ILO’s reasons follow.

1. A broad range of existing international labour standards and policies relevant to social responsibility (SR) already balance public and private interests involving rights, employment, and social protection from local to global market operation.¹ The proposed ISO new field of technical activity in SR is likely to confuse public and private actors by introducing inconsistencies with country-level regulatory and policy frameworks that give effect to the objectives of existing SR-relevant international labour standards and policies. Moreover, the proposed additional ISO standards risk to undermine ISO 26000, which already creates a bridge between these existing international labour standards and policies and ISO technical guidance.²
2. Despite its apparent intent to exclude labour issues, the scope of activity defined by the SR Proposal includes many issues addressed in international labour standards and policies. The new field of activity in SR, as proposed, would cover all areas involved in the field of SR except those dealt with by other technical committees. The ISO 26000 chapters on Human Rights and Labour Practices address respectively: child labour, forced labour, non-discrimination in employment and occupation, freedom of association and collective bargaining; and employment and employment relationships, conditions of work, social protection, and social dialogue. Building on the ISO 26000 guidance standard, the TC/SR would “consider all types of ISO deliverables; including requirements” for certification.³ Even where issues “are close to the scope of other TCs”, the SR Proposal states that the TC/SR “will first . . . suggest a joint working group”, noting ISO/PC 283 on occupational health and safety management systems as an example. However, operating as a liaison organization in ISO/PC 283, the ILO has noted serious deficits in the draft standard’s relationship to international labour standards on occupational safety and health management.

¹See, e.g. ILO Tripartite Declaration on Multinational Enterprises and Social Policy (rev. 2017) which guides the relevant international and local stakeholders in applying the principles of these minimum decent work standards in international commercial and investment settings.

² The ILO participated in the drafting of ISO 26000 in the special multi-stakeholder working group established directly under the TMB (WGSR). ILO participated not as a liaison organization but with a status defined by the 2005 Memorandum of Understanding between the ILO and the ISO in the field of social responsibility.

³ Proposing to build such requirements would appear to contradict the decision that ISO 26000 should not be used for certification as confirmed in the surveys of NSBs in 2013 and 2017.

3. The proposed revision to ISO 26000 risks to have a broader impact than intended, including on international labour standards and policies. Although the recommended scope of the revision focuses on “recent changes in international authoritative documents”, additions or deletions to the text or annexes of ISO 26000 depend for approval and consensus on the “responsible committee”; whether a TC or a PC, only ISO bodies will participate as members and take decisions.
4. Both of the proposed SR initiatives, if accepted, are expected to follow the regular ISO committee model which does not permit effective participation of wide-ranging interests or facilitate the use of existing relevant international labour standards and policies as a basis. The SR Proposal seeks to establish a new ISO Technical Committee on Social Responsibility (TC/SR) whose work would include revising ISO 26000. If the SR Proposal fails but the revision exercise is accepted, the ISO/TMB is likely to establish an ISO Project Committee (PC) rather than the revision process with the “balanced stakeholder engagement... that characterized the development of ISO 26000:2010” as recommended by the multi-stakeholder ISO 26000 Post Publication Organization (PPO). There are grounds for serious concern that the operation of an ISO PC⁴ will not give effect to the stakeholder participation needed for a credible revision in this field of SR; this is evidenced by the recent experience of ISO/PC 283 on occupational health and safety management systems (ISO 45001) which revealed a gross disparity between trade union organizations and Government stakeholders on the one hand, and ISO-based industry actors, on the other hand.⁵ Although the TMB working group that developed ISO 26000 used a participatory multi-stakeholder expert format, ISO governance has subsequently determined that special participation models may compromise future standards supporting regulation and public policy,⁶ which would include SR standards.
5. The operating rules for ISO technical and project committees would undermine the potential value of ISO activity in the field of SR by favouring recourse to unduly commercial interests in the ISO standards’ development and implementation.⁷ Under the operating rules, only NSBs can be TC or PC members, thus excluding full and equal participation of the wide range of stakeholders in fields like SR⁸ that are vital to the perceived legitimacy of the standards produced. Liaison organizations representing non-ISO stakeholders are excluded from decision-making power since only Committee members can vote in the Committee and in formal ISO voting processes on Draft versions

⁴A Project Committee operates under the same general composition and rules as a TC but is assigned a new work item not falling within the scope of an existing TC and may be disbanded after the standard is published or transformed into a technical committee. ISO/IEC, Directives, Part 1, Consolidated ISO Supplement, – Procedures specific to ISO (8th ed. 2017), Annex K (Normative).

⁵The PC has proceeded with its work despite the severe disparity in stakeholder representation and even though the New Work Item Proposal for that Committee had suggested a tripartite dimension to its participation and the PC structure was intended to “support an effective combination of stakeholder engagement”. ISO, Additional guidance from the TMB on stakeholder engagement, at 13.

⁶E.g., Principles for developing ISO and IEC Standards related to or supporting public policy initiatives, ISO/IEC, Directives Annex SO (Informative) at SO.2.

⁷ Proposals for new fields of work, like the SR Proposal, list the countries where the subject of the proposal is important to their national commercial interests. ISO/IEC Directives, C.4.8.1.

⁸ The seven categories listed in the SR Proposal are: industry and commerce, including SMEs, Government, Consumers, Labour, Academy and research bodies, Standards application, and Non-governmental organizations, including SMOs.

of standards.⁹ Although ISO's rules favour consensus decision-making, in Committee work this principle operates in favour of the dominant ISO Committee members over the much smaller and significantly under-represented group of non-ISO stakeholders. In addition, practical barriers deter ISO engagement of non-ISO stakeholders, including the costs and resources required to participate in ISO committee meetings held around the world, and the use of English only to review up to thousands of comments on draft text. Although the TMB has encouraged NSBs to engage stakeholders in development of standards "where there is significant public interest" and include experts from stakeholder groups in their ISO working groups,¹⁰ there is no requirement that the NSBs do so, and no provision for financial support for stakeholders in need.

6. The regular ISO model has not succeeded in using existing relevant international labour standards and policies as a basis for ISO activity. No ISO directive requires Committees to do so, even in SR-related activity where respect for workers' rights is central. The legitimacy of existing relevant international labour standards and policies derives from the equal participation of Governments and the most representative organizations of workers and employers of the 187 member States in developing and applying them.¹¹ Using these standards and policies as a basis for the ISO activity would help fulfil the tripartite-agreed objectives.

7. In conclusion, while the credibility of ISO standards on SR depends vitally on being aligned with the objectives of existing international labour standards and policies developed on a tripartite basis, there are grounds for concern that the proposed ISO initiatives on SR may diverge from the objectives of those standards and policies. The resulting negative impact on progress toward decent work and sustainable development constitutes the type of "impacts of its decisions and activities" for which organizations are expected to be socially responsible under ISO 26000:2010. The ILO therefore recommends that NSBs and the ISO/TMB decline the SR Proposal as well as the revision of ISO 26000.

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⁹For ballots on the two most mature draft versions of the standard (DIS and FDIS), ISO members are requested to consult national mirror committees that include other stakeholders and to "define one position" for voting purposes. ISO/IEC Directives, 1.1.2. Decisions on other drafts and in committee work are taken alone by NSBs with the responsibility of "ensuring that their technical standpoint is established taking account of all interests concerned at national level". ISO/IEC Directives, Part 1, Foreword, Item C.

¹⁰ ISO/TMB, Additional guidance from the TMB on stakeholder engagement, at 10. In any event, working group experts do not vote on TC or PC level decisions or in ballot votes on draft standards.

¹¹ In developing and applying ILO instruments that address SR issues, Governments share power equally with workers' and employers' organizations in tripartite processes based on procedures for verification of representativity of the stakeholders concerned. The ILO processes accommodate an open, transparent and accountable means that favours consensus decisions on documents that are translated in up to eight meeting languages to facilitate participation across a range of countries and interests.