



June 19, 2020

Mr. Joe Bhatia
President and CEO
American National Standards Institute
1899 L Street, NW, 11th Fl.
Washington, DC 20036

Dear Mr. Bhatia,

The U.S. Council for International Business (USCIB) writes to strongly encourage ANSI to reject the AFNOR proposal to revise ISO 26000, develop one or more implementation guidelines or standards and create a new Technical Committee (TC) on Social Responsibility.

Our concerns echo those expressed in statements to ISO from the International Labor Organization (ILO) Secretary-General Guy Ryder (Annex 1), the International Labor Office (Annex 2), and the joint statement from the International Organization of Employers (IOE) and the International Trade Union Confederation (ITUC) (Annex 3). Further development of the AFNOR proposal would break hard-won consensus and jeopardize the impact of ISO 26000; require unnecessary output of resources among stakeholders that would be better used for implementation and innovation in the field of social responsibility; and create divergence with authoritative international standards.

ISO 26000 has provided companies of all sizes valuable guidance on the underlying principles of social responsibility. The scope of subject-matter within ISO 26000, and that it is not intended or appropriate for certification purposes or for regulatory or contractual use, were carefully and painstakingly negotiated features of the guidance. Re-starting a years-long and bureaucratic process to revise ISO 26000 would damage its impact by reversing the consensus reached in its initial drafting. In particular, establishing a TC would enable a proliferation of standards with provisions that may not be appropriate for businesses, nor useful for advancing human rights.

Moreover, the proposal would require stakeholders to use considerable resources that would be better utilized for implementation and innovation in the field of social responsibility. Not only would

organizations be required to use significant resources throughout the revision process, turning ISO 26000 into a certifiable standard would also greatly increase compliance and audit costs for businesses. This risks turning compliance into a box checking exercise, rather than an iterative process of addressing constantly evolving, salient human rights risks in complex supply chains. The nature of respecting human rights through due diligence exercises requires a degree of flexibility to innovate impactful solutions that only ISO 26000 in its current form would allow.

Finally and most importantly, the proposed TC would divert focus from and undermine universally accepted standards on human rights and labor issues. International standards and guidelines – including the UN Guiding Principles on Business and Human Rights, ILO Conventions, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises – have been carefully developed over the years through multi-stakeholder processes, and standards continue to be developed in areas where there are gaps. Moreover, guidance and tools from the ILO, UN and OECD are publicly available at no cost, enabling all stakeholders, regardless of resources or lack thereof, to participate in this vitally important work stream. The ANFOR proposal is superfluous, unnecessary, and unwelcome. While ISO is well placed to deliver technical standards, actual expertise on human rights and labor lies with the UN and the ILO.

We strongly recommend against revisions to ISO 26000, development of one or more implementation guidelines or standards, and the creation of a new TC on Social Responsibility. We would be pleased to further discuss our comments with you. If you have any questions, or would like to discuss the above points further, please contact me at probinson@uscib.org. I look forward to hearing from you.

Sincerely,

American Apparel & Footwear Association

Information Technology Industry Council

National Retail Federation

Responsible Business Alliance

Retail Industry Leaders Association

United States Chamber of Commerce

United States Council for International Business

Cc:

- Mr. Joseph Tretler, Jr, Vice President for International Policy, ANSI
- Mr. Steven Cornish, Senior Director for International Policy, ANSI



International Labour Office

The Director-General

- 8 MAY 2020

Dear Secretary-General,

The ILO has noted that ISO/TS/P 289 - the proposal for a new field of technical activity in social responsibility put forward by the Association française de normalisation (AFNOR) - is under consideration by the ISO Technical Management Board (ISO/TMB) and national standards bodies (NSBs).

As you may know, the ILO played a leading role during the development of ISO 26000:2010 under the 2005 MOU signed by ISO and the ILO; and welcomed it as an important contribution to the field of social responsibility.

We are concerned however that the accomplishments of ISO 26000:2010 stand to be called into question by the proposed revision. We would like to convey our concerns to the TMB and NSBs for their consideration prior to their vote, and we would request therefore that you circulate the attached ILO statement.

We appreciate your cooperation and remain at your disposal.

Yours sincerely,

A handwritten signature in black ink that reads 'Guy Ryder'. The signature is written in a cursive, flowing style.

Guy Ryder

cc: Mr Roberto Suarez, Secretary-General, International Organization of Employers (IOE)

Ms Sharan Burrow, General Secretary, International Trade Union Confederation (ITUC)

Mr Sergio Mujica
Secretary -General

International Organization for Standardization ISO
Central Secretariat
1214 VERNIER

Statement of the International Labour Office on ISO/TS/P 289

The International Labour Office (ILO) directs this communication to the ISO Technical Management Board (ISO/TMB) and national standards bodies (NSBs) to recommend that they decline ISO/TS/P 289, the proposal for a new field of technical activity in social responsibility put forward by the Association française de normalisation (AFNOR). The proposal is comprised of the following:

- Revision of ISO 26000:2010
- Development of one or more implementation guidelines or standards to support the integration of social responsibility in all types of organizations
- Development of guidelines or standards on specific social responsibility issues

The ILO recognizes the contribution of ISO 26000 on Social Responsibility. ISO 26000 provides a comprehensive overview of the existing international instruments on social responsibility and gives useful guidance on how the principles contained in these instruments can be implemented in organizations of all sizes and ownership structures, as well as across sectors. The International Labour Office contributed extensively to the drafting of the text and encouraged national standards bodies to vote in favour of its adoption.' Many national governments, the International Organization of Employers (IOE) and the International Trade Union Confederation (ITUC) also dedicated significant time and resources to its development.

The credibility of ISO 26000 stems from the fact that the content is almost entirely based on authoritative international instruments and frameworks that were developed through representative processes. The current text aligns fully with international labour standards and the ILO *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, as well as the other major international guiding instruments in the field of social responsibility, including the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*. The revision of the text and development of additional guidelines risks upending the existing global consensus achieved in the ISO 26000 process. Furthermore, unnecessary changes and additions will likely introduce inconsistencies with other instruments as well as country-level regulatory and policy frameworks such as National Action Plans on business and human rights, confusing both public and private actors.

Additionally, the proposal to develop an "ISO 26000 series", if accepted, is expected to follow the regular ISO committee model of establishing a Project Committee (PC), which does not permit effective participation of representative organizations. Under the operating rules, only ISO NSBs can be TC or PC members, thus excluding full and equal representation and participation of the wide range of stakeholders in fields covered under SR that are vital to the legitimacy of instruments and guidance in this area. Liaison organizations representing non-ISO stakeholders would be excluded from decision-making power since only Committee members can vote in the Committee and in formal ISO voting processes on Draft versions of standards. ISO 26000:2010 tried to overcome this challenge with a hybrid approach that asked each NSB to appoint experts from six stakeholder groups. While that approach expanded participation beyond the traditional ISO expert model, it was a half measure since it still left control with the NSBs and was applied very unevenly from country to country: some NSBs allowed each stakeholder group to elect their own representative, but others simply assigned experts to stakeholder groups whether they truly represented that group or not.. Without the ability of stakeholder groups to elect their own representatives and the participation of representative organizations in a revision and/or development of supplemental guidelines, the legitimacy of any standards or guidelines will be undermined and their validity eroded. This would contradict the recommendation of the multi-stakeholder ISO 26000 Post Publication

Organization (PPO) that any revision process be undertaken only with the “balanced stakeholder engagement... that characterized the development of ISO 26000:2010”.

In conclusion, the credibility of ISO 26000 is based on the fact that it is aligned with existing international labour standards and instruments developed through representative processes. As a result, there are grounds for concern that any new ISO instruments on SR produced through ISO’s expert-based (vs. representative) committees may diverge from the content and objectives of those authoritative standards and instruments. 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 ISO/TS/P 289.

Geneva, 4 May 2020

[’] The ILO participated in *the* drafting of ISO 26000 in the 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.



A powerful
and balanced
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IOE-ITUC Statement on the ISO AFNOR proposal May 2020

Employers and Workers were among the founding constituents of the International Labour Organization (ILO) more than 100 years ago, committing to the values of social justice and decent work. Our commitment to fundamental principles and rights at work, the ILO Social Justice Declaration, the UN Guiding Principles on Business and Human Rights and other instruments for responsible business conduct and human rights remains firm and guides our work.

Both organisations, representing tens of millions of companies and hundreds of millions of workers, oppose the proposal to create corporate social responsibility standards by a new ISO Technical Committee.

Firstly, there is the danger that this proposed Technical Committee would undermine and create divergence of universally accepted and carefully negotiated standards on human and labour issues. Existing standards on human and labour rights have been developed by Governments in consultation with stakeholders, including trade unions and employers, over a number of years and continue to be developed in areas where there are gaps.

Secondly, there is real concern that this proposal would result in the privatisation of social standards. The competence and responsibility for standard setting on human and labour rights, including responsible business conduct, at the international level lies within the ILO and the UN. Authoritative international standards and guidelines – including the UN Guiding Principles on Business and Human Rights, ILO Conventions, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises – have been carefully developed, in multi-stakeholder processes, and the guidance tools are publicly available at no cost. Whereas ISO standards are subject to copyright protections and must be purchased.

Thirdly, from an organisational perspective, while ISO convenes small expert groups to address discrete technical issues, its model and membership is not appropriate for addressing larger social issues, including human rights, which require truly representative processes.

ITUC and IOE therefore urge ISO and its member standardisation bodies to decline creating a new Technical Committee on Social Responsibility. We would ask that you inform ISO members around the world that this is our commonly held position.
