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Institutional Section

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ELEVENTH ITEM ON THE AGENDA

Review of the implementation of ILO–ISO agreements

Purpose of the document

As decided by the Governing Body at its 323rd Session, this document reviews further developments in the pilot implementation of the Agreement between the International Labour Organization and the International Organization for Standardization authorized by the Governing Body and signed in 2013, as well as related activities between the two organizations, including under the 2005 Memorandum of Understanding between the International Labour Organization and the International Organization for Standardization in the field of social responsibility. The Governing Body is invited to decide whether to extend the pilot implementation of the Agreement for up to one year, if needed, and to review the matter in November 2016 (see draft decision in paragraph 14).

Relevant strategic objective: Cross-cutting.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: See paragraph 14.

Author unit: Office of the Deputy Director-General for Policy (DDG/P).

Related documents: GB.323/INS/11/2 and GB.323/INS/11/2(Add.); GB.323/INS/PV/Draft, paragraphs 188–199; GB.320/INS/14/4; GB.320/PV; GB.317/INS/13/7; GB.316/INS/15/7(Rev.); GB.316/PV(&Corr.); GB.310/PV; GB.309/PV; GB.298/15/5; GB.298/PV; GB.319/INS/INF/1.

1. At its 323rd Session in March 2015, the Governing Body decided to extend the pilot implementation of the Agreement between the International Labour Organization and the International Organization for Standardization signed in 2013 (the Agreement) for the time necessary for the effective participation of the Office in the development of ISO 45001 and up to one year, and to review the implementation of this Agreement and the 2005 Memorandum of Understanding between the International Labour Organization and the International Organization for Standardization in the field of social responsibility (the Memorandum of Understanding). It further expressed concern at continuing challenges in recent collaboration and requested the Director-General to seek to urgently resolve them with the International Organization for Standardization (ISO) through high-level contacts.
2. The Governing Body had authorized the 2013 Agreement on condition that, as provided under the terms of paragraph 4 thereof, “ISO standards ... should respect and support the provisions of ILS [international labour standards], including by using ILS as the source of reference with respect to ILO issues in case of conflict”, and that the ISO would consult with, and ensure, the ILO’s effective participation in the development of international standards as set out in paragraphs 5 and 6. As reported previously, the ISO has expressed the view that, under the terms of the Agreement, the ISO should ensure the systematic consideration of international labour standards in the process of standardization, but that ISO standards are not required to defer to international labour standards in case of conflict. The ILO maintains that this position is not consistent with the language of the Agreement, which specifies “using ILS as *the* source of reference ... in case of conflict” [emphasis added].
3. High-level contacts have been pursued over the past few months with a view to resolving this and other key issues. On 23 October 2015, a high-level meeting between the Chairperson of the ISO Technical Management Board (ISO/TMB) and the Deputy Director-General for Policy, with ISO Central Secretariat officials and a representative of the British Standards Institute (BSI), was held electronically. The principal aim of the meeting was to discuss the challenges that have arisen in relation to certain elements of the Agreement in the context of its pilot implementation through collaboration on developing ISO 45001. It was decided that discussion of the interpretation or modification of the Agreement would be deferred until the drafting of ISO 45001 had been completed, in order to be able to take into account the full experience gained during the drafting process, including any progress on the disputed issues. The ISO Central Secretariat officials and the BSI representative agreed to make a joint oral report together with the ILO to the next meeting of the ISO Project Committee 283 (the Project Committee) on the decision to defer the discussion. It was noted that the Governing Body’s approval would be needed for any proposed modification of or supplement to the Agreement, or any other proposal relating to the Agreement.
4. During the high-level meeting, a number of procedural questions were discussed, including the method by which the ILO would be consulted by the Project Committee and the ISO in the course of their editing of the Draft International Standard (DIS) version of ISO 45001, in order to avoid conflicts with international labour standards and ILO guidelines that could arise as a result of the editing process. The Project Committee had requested such consultation with the ILO in a resolution adopted at its most recent meeting. In giving effect to the resolution during the Project Committee editing phase, the ILO will review the DIS version after the Project Committee leadership has introduced its editorial changes. During the ISO editing phase, the ILO will be consulted by the ISO/CS on the comments of the ISO editors which are considered to potentially relate to international labour standards. The method for submission of the ILO’s high-level comments on the DIS for circulation to ISO members at the same time as other DIS ballot materials under paragraph 6(d) of the Agreement was also discussed.

5. It is proposed that, once the drafting of ISO 45001 is completed and no later than November 2016, the Governing Body conduct an overall strategic review of the 2013 Agreement, on the basis of an analysis conducted by the Office, with a view to deciding whether to continue to apply the Agreement, to modify or supplement certain of its provisions, or to take other action.

Developments in relation to occupational safety and health management systems

6. Since the most recent report by the Office to the Governing Body in March 2015, the Project Committee, which is responsible for the development of the new ISO standard on occupational health and safety management systems (ISO 45001) has held two meetings and a number of electronic conferences to resolve some 2,400 members' comments on the second Committee Draft (ISO/CD2 45001). The Project Committee and its plenary Working Group met in Geneva, Switzerland (21–25 September 2015) after a preliminary meeting of Working Group task groups in Dublin, Ireland (29 June–3 July 2015). The ILO offered its headquarters facilities for the September meeting. This served to enhance Project Committee members' awareness of the ILO and of international labour standards. During the meeting, the Deputy Director-General for Policy made a presentation on the mutual benefits of aligning ISO 45001 with relevant international labour standards, which would, among other benefits, allow firms that comply with the ISO standard to also be in compliance with ratified Conventions, national labour laws and international best practice. The Acting Secretary-General of the ISO also made a presentation, and there was an exchange of views with Project Committee members. Following the event, a number of Project Committee members indicated to ILO experts that they had obtained a greater appreciation and understanding of the importance of the work of the ILO and of international labour standards. A Project Committee resolution at the close of the meeting thanked the ILO for hosting the meeting.
7. Among other outcomes, the Project Committee adopted a resolution to submit the text of the standard, as revised at the September meeting, to all ISO members for review and ballot as a draft international standard (DIS). The three-month ballot will seek approval for publication of the standard as presented. A further meeting of the Project Committee, to be scheduled for mid-2016, would address comments submitted on text during the DIS ballot. Depending on the result of the ballot and the number of comments received, ISO 45001 could be published as early as August 2016. A longer time frame is envisioned if a large number of comments are received during the ballot. In particular, if the comments raise points of a significant technical nature, the Project Committee will need to follow the final draft international standard (FDIS) process. In that event, work could continue until March 2017.
8. Moreover, the Project Committee adopted a resolution requesting its leadership and the ISO to edit the DIS in consultation with the ILO, with a view to avoiding conflicts with international labour standards such as those that arose in earlier drafts solely as a result of the editing process. The consultation process with the ILO is under discussion.
9. In addition, the Project Committee resolved to recommend to the ISO's Council Committee on Conformity Assessment (CASCO) that a set of competency requirements for the auditing and certification of occupational health and safety management systems should be developed as a new part of the ISO's requirements for bodies providing audit and certification of management systems (revised as ISO/IEC 17021-1: 2015). It further agreed to establish an Ad Hoc Group within the Project Committee for the purpose of creating a new work item proposal for submission to CASCO, in order to initiate this development activity. The Office proposes to monitor the development of this new work

item in order to assess the benefit of the engagement of the ILO in the process and the required resources, and to provide such information to the Governing Body, as necessary.

10. Since the Governing Body's discussion in March 2015, measured progress has been made in avoiding potential conflicts with international labour standards in the text of the ISO standard as a result of the ILO's sustained efforts. The Project Committee withdrew the resolution it had adopted in January 2015 on the definition of the term "workers' representative", and its Working Group inserted a note in the text referring users to their own national legal and other requirements in that regard, including collective agreements. The term "occupational disease" was reinserted as part of ill-health in a note on the definition of "injury and ill-health" in the draft standard. Most requirements on worker participation and consultation were consolidated in a subsection of the text. However, a number of important comments from the ILO, including calls for greater clarity on the provision of personal protective equipment at no cost to workers, were not accorded priority consideration. Consequently, it was not possible to reach a satisfactory resolution within the time available. As noted above, the text of the DIS will undergo further revision, based on comments received; therefore, any progress made in aligning the text with international labour standards will be confirmed only once the work on the text is completed and the final standard is approved.

Other developments in relations

11. In relation to ISO 26000 on social responsibility, the ILO continues to participate in the work of the Post Publication Organization Strategic Advisory Group (PPO-SAG), which is mainly focused on tracking usage and developing standardized promotional materials for national standards bodies and others who organize introductory trainings to encourage more organizations to use ISO 26000. In particular, the ILO submits comments on materials produced as they relate to ILO issues, in order to ensure that they accurately reflect the ILO instruments relevant to ISO 26000. The PPO-SAG held a global meeting in Stockholm from 20 to 21 October 2015, shortly after a conference hosted by the Swedish Standards Institute on ISO 26000 and the global social responsibility agenda, at which the relationship between ISO 26000, other ISO standards such as ISO 20400 on sustainable procurement and non-ISO standards such as the United Nations Guiding Principles on Business and Human Rights were discussed. In addition, the role and use of ISO 26000 by small and medium- enterprises and other organizations were discussed at a half-day workshop. The ILO participated in both events as part of the ongoing application of the 2005 Memorandum of Understanding with the ISO, paragraph 2.3 of which provides that "international labour standards adopted by the ILO will take priority in any case of conflict in the context of ... any promotion ... of any ISO International Standard in the field of [social responsibility]".
12. As noted in the March 2015 report to the Governing Body, ISO standardization is proceeding on other potentially relevant subjects, without the participation of the ILO in view of the Governing Body's decision to limit the piloting of the new agreement to the development of the proposed ISO 45001. Currently, the development of ISO 20400 on sustainable procurement is at the DIS stage; as reported in March 2015, the ILO deferred a request to participate, received from the national standards body convening the effort, pending the outcome of the pilot. A number of human resource management standards have also progressed to the DIS stage; this field of activity was already the subject of an

ISO request for the ILO's views on collaboration in the matter.¹ The ILO has received another request from a convener to participate in the development of a standard on minimum requirements for the certification of products from sustainable marine fishery (ISO 19565). For the time being, the ILO has provided references to publicly available information such as international labour standards and guidelines, and has declined to engage in the standards development process in accordance with Governing Body instructions.

Conclusions and observations

13. The aim of the pilot as it relates to ISO 45001, while progressing, is yet to be achieved. The continued participation of the ILO, without financial implications, would be required to provide the inputs necessary to align the standard with the provisions of the relevant international labour standards or, if need be, to explain the inconsistencies in the final published standard. Under paragraph 6(d) of the 2013 Agreement between the ILO and the ISO, the ILO's opinion of how the draft relates to relevant provisions of international labour standards and related ILO action may be annexed to the ballot materials at either the DIS or FDIS stage. The ILO proposes to circulate its comments at the DIS stage in order to enable ISO members to understand at that stage the extent to which the draft aligns with international labour standards and what, if any, unresolved conflicts with international labour standards remain.

Draft decision

14. *Noting the progress in recent collaboration and the developments relating to the upcoming high-level contacts, the Governing Body decides:*
 - (a) *to extend the pilot implementation of the 2013 Agreement between the International Labour Organization and the International Organization for Standardization for the time necessary for the ILO's effective participation in the completion of ISO 45001, including for the circulation of an Office opinion annexed to the ballot materials of ISO 45001, and up to a period of one year; and*
 - (b) *to review, on the basis of an analysis conducted by the Office, the pilot implementation of the 2013 Agreement at its 328th Session (November 2016).*

¹ See GB.309/18/4 and GB.309/PV, para. 363; GB.310/17/7 and GB.310, para. 262. For relevant topics in this field, see GB.320/INS/14/4, footnote 9. See also http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_tc_browse.htm?commid=628737 [on 19 October 2015].