



## Governing Body

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Institutional Section

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### ELEVENTH ITEM ON THE AGENDA

## Report of the Director-General

### Second Supplementary Report: Developments in the relationship between the ILO and the International Organization for Standardization (ISO), including in the field of occupational safety and health

#### Purpose of the document

This document reviews the pilot implementation of the agreement between the ILO and the International Organization for Standardization (ISO) authorized by the Governing Body and signed in 2013, and other aspects of the ILO's relationship with ISO. The Governing Body is invited to decide whether to extend the pilot implementation of the agreement for up to one year, and to set a further review of the matter for no later than March 2016 (see draft decision in paragraph 19).

**Relevant strategic objective:** Cross-cutting.

**Policy implications:** None at the moment.

**Legal implications:** None at the moment.

**Financial implications:** None at the moment.

**Follow-up action required:** See paragraph 19.

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

**Related documents:** 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 320th Session in March 2014, the Governing Body decided to extend for one year the pilot implementation of the ILO–ISO agreement signed on 6 August 2013, and to review the implementation of the agreement at its 323rd Session. It noted in particular that collaboration on occupational safety and health management systems (OSH–MS) was under development and provided guidance on priorities and challenges to be taken into account in continued piloting of the agreement.
2. As a condition of collaboration, the Governing Body had required that the ILO and ISO arrive at a clear and shared understanding of their respective competencies.<sup>1</sup> The Governing Body’s authorization of the agreement in 2013 was further conditioned on the agreement of ISO that ISO standards respect and not conflict with relevant international labour standards and guidelines (hereinafter “international labour standards”), and that the ILO be afforded an effective presence when participating within the relevant ISO committee/body concerned.<sup>2</sup> These two commitments were also agreed in the 2005 Memorandum of Understanding between the ILO and ISO in the field of social responsibility, which was successfully implemented in drafting ISO 26000, ISO’s guidance standard on social responsibility.<sup>3</sup>
3. This document assesses the ILO’s experience to date in implementing the agreement within the specific context of collaboration with ISO in ISO Project Committee (ISO/PC) 283 on occupational health and safety management systems. It evaluates the potential for future collaboration, both in that field and beyond, taking into account the Governing Body’s aims for ILO–ISO collaboration, constituents’ guidance on challenges and priorities concerned, and the discussion last June with the ISO Secretary-General in which the ILO Director-General focused on the need for progress in the pilot participation in ISO/PC 283 in line with the Governing Body decision.
4. This evaluation of the pilot implementation focuses on progress in achieving the following objectives: consistency of ISO standards with international labour standards, including definitions and terminology; the effective presence of the ILO in the ISO committee or body concerned; the complementarity and added value of ISO standards to ILO mechanisms that already exist; the safeguarding of ILO’s leadership in global policy setting and activities on labour matters, including occupational safety and health standards; and the prudent use of ILO resources in achieving the objectives of the ILO’s core mandate.

<sup>1</sup> GB.309/18/4 (Nov. 2010); GB.310/17/7 (Mar. 2011). See also GB.316/INS/15/7(Rev.), para. 3; GB.310/PV, para. 262.

<sup>2</sup> GB.320/INS/14/4, para. 1; GB.317/INS/13/7 (Mar. 2013), para. 4; GB.316/PV(&Corr.), para. 320; GB.310/PV, para. 262; GB.309/PV, para. 363; GB.298/PV, para. 295. The ILO *Guidelines on occupational safety and health management systems, ILO–OSH 2001* are useful as a basis for practical tools and workplace programmes.

<sup>3</sup> That collaboration differed in several ways from the current work on ISO 45001. In the ISO 26000 work, ISO rules were applied flexibly to the ILO in an ad hoc ISO body that involved a broad range of stakeholders. The standard, unlike ISO 45001, was not for certification.

## Developments in relation to OSH–MS

5. Since the last report on participation in ISO/PC 283,<sup>4</sup> the Committee enlarged its mandate to include a guidance annex as part of ISO 45001 on occupational health and safety management systems.<sup>5</sup> A second meeting of the PC in March–April 2014 addressed numerous comments on a working draft (WD) of ISO 45001 and a third meeting in late January 2015 was held to settle more than 2,500 comments on a Committee Draft (CD). A fourth meeting is expected in July 2015 to resolve comments on the draft from the third meeting. If ISO members vote in favour of a draft international standard prior to the fourth meeting and adopt an accelerated schedule, the drafting work could finish as early as the end of 2015 or possibly early 2016.<sup>6</sup>
6. Through participation in ISO meetings and electronic correspondence, the ILO has endeavoured to contribute the information on international labour standards needed to ensure that ISO 45001 respects and does not conflict with relevant provisions. In particular, the ILO submitted written comments before meetings on specific texts that would need adjustment to avoid conflict with international labour standards, and on additional concepts relevant to OSH-MS such as occupational disease. In the ISO meetings, the ILO explained the relevance of international labour standards provisions on which its comments were based, and its positions on other comments that involved ILO issues.
7. The ILO's participation in the PC has been undertaken in close consultation with the constituents and with particular regard to relevant ILO standards, guidelines and related action.<sup>7</sup> Committee work has proceeded in interaction with representatives of the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC).<sup>8</sup> Representation of workers' organizations in the PC is very limited. Among the 70 delegates at the last meeting, only a handful were from trade unions. Even business interests are represented primarily by auditors and certification bodies rather than representatives of enterprises.
8. In the course of the third meeting in January 2015, some welcome progress was made in aligning certain text sections with relevant international labour standards, including the terms "worker", "workplace", "risks/OH&S<sup>9</sup> risks", and the relationship between law, collective bargaining agreements and voluntary codes. The word "act" which had focused on worker behaviour was deleted from the draft definition of hazard. Visibility for the

<sup>4</sup> GB.320/INS/14/4, paras 3–7.

<sup>5</sup> The title of PC 283 is now "Occupational health and safety management systems – Requirements with guidance for use".

<sup>6</sup> ISO internal processes involve a further period of at least six months for editing, processing and publication.

<sup>7</sup> ISO members voted for the PC on the basis of a New Work Item Proposal (NWIP) Justification Study which said (p. 5): "A critical issue is the need to have representation from governmental interests, industrial interests, and particularly those representing labour organizations' interests, in order to replicate the tripartite system under which many OH&S regulations are developed."

<sup>8</sup> The IOE and ITUC have liaison status in PC 283; the ITUC has sent representatives; the IOE has sent general written comments.

<sup>9</sup> The PC voted to use the term occupational health and safety (OH&S) rather than occupational safety and health (OSH). At the ILO's proposal, a note was added to clarify that the two terms have the same meaning.

important role of worker participation and interests in an OSH–MS was reinforced by references in the text. The cooperation of several drafting group leaders contributed to progress.

9. Despite the notable progress, challenges remain to be overcome to ensure that ISO 45001 respects and does not conflict with international labour standards. At its third meeting, the PC adopted a resolution that conflicts with core international labour standards on who can represent workers in an OSH–MS. The ILO was not consulted before the text was circulated and opposed it at the vote. The definition of “representative” in the resolution conflicts with basic requirements on the subject in international labour standards and the *ILO Guidelines on Occupational Safety and Health Management Systems, ILO–OSH 2001*. The new wording provides that a representative is elected or appointed in accordance with national law, regulations and practice to represent workers’ interests but fails to specify that such a representative must be freely selected by workers or by trade unions or their members. In addition, the scope of matters to be represented appears to be limited to “workers’ interests as they relate to the OH&S management system”, a phrase that in context could exclude other worker representatives, where they exist, as well as workers’ interests as they relate to broader OSH issues. If unchanged, the resolution could undermine the vital role of worker participation in the range of relevant issues that would arise under an OSH–MS. Thus, further discussion is needed to draw the drafters’ attention to these points and assist in their consideration of suitable wording consistent with international labour standards and ILO–OSH 2001.
10. At the ILO’s request, the ISO Technical Management Board (ISO/TMB) reviewed the ILO’s communication highlighting recent developments in ILO–ISO collaboration at its February 2015 meeting and its request to the TMB to facilitate effective cooperation by confirming that international labour standards will take priority in any conflict and by ensuring that necessary follow-up action is taken. In response to the ILO’s offer to send a high-level delegation to the ISO/TMB meeting, ISO suggested a follow-up meeting in March with the Chair of the TMB, for which arrangements are pending.

## Other developments in ILO–ISO relations

11. In relation to ISO 26000, the ILO participates in a post-publication organization (PPO) advisory group. With ILO support, the PPO, in which the IOE and ITUC also participate, recommended against revision of ISO 26000 but set the next systematic review to occur in three not five years. The PPO also oversees preparation of documents linking ISO 26000 with the OECD Guidelines for Multinational Enterprises and the UN Guiding principles on business and human rights. ILO work in the PPO involves no financial implications.
12. In follow-up to the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), the ILO worked closely with ISO/IEC JTC-1 SC 37 – biometrics to help develop the standard ISO/IEC 24713-3:2009 Information technology – Biometric profiles for interoperability and data interchange – Part 3: Biometrics-based verification and identification of seafarers, from 2004 to 2009, and thereafter attended committee meetings. The conclusions of the tripartite meeting of experts concerning Convention No. 185, held 4–6 February 2015, relevant to this work are before the Governing Body at this session.<sup>10</sup>

<sup>10</sup> GB.323/LILS/4.

13. The Office has completed the review noted in its last report on the value and impact of the 35 remaining ILO liaisons in ISO committees and subcommittees.<sup>11</sup> The technical departments have concluded that it would be worthwhile to maintain B liaison status, for information purposes, in two committees and to shift from A to B liaison status in nine other committees.<sup>12</sup> The remaining 24 liaisons would be withdrawn. B liaison status is particularly useful in cases where standards produced by the committees are referenced in ILO codes of practice, and does not involve active engagement, thus avoiding financial implications.
14. ISO standardization is proceeding on other potentially relevant subjects as noted in the last report<sup>13</sup> but thus far without ILO's participation given the limited focus of pilot implementation of the accord. In particular, the ILO deferred a request by the secretariat of ISO/PC 277, AFNOR (French standards body), to participate in the development of an ISO standard on sustainable procurement which addresses labour matters, pending results of this pilot's review by the Governing Body. The work on ISO/CD 20400 on sustainable procurement is still under development at the Committee draft stage and involves liaison organizations that include ITUC.<sup>14</sup> ISO has also proceeded with standards relating to human resource management, all of which are still in the draft stage.<sup>15</sup> In the field of outsourcing, ISO has published a guidance standard ISO 37500:2014.
15. The 2013 ILO–ISO agreement also provides that the ILO will receive a monthly list of “new work items” from ISO to identify new ISO standardization activities of relevance to the ILO. However, the mechanism has proven to be impractical and inefficient. The monthly list contains only titles of items from which it is difficult to ascertain whether an item is relevant and the hundreds of titles received each month make request and review of the full proposals very time consuming. The need to find a more targeted solution has been raised with ISO and is pending.

## Conclusions and observations

16. Experience with piloting ILO–ISO collaboration under the 2013 agreement has shown that significant effort from the ILO results in closer adherence of ISO standards to international labour standards and greater accountability of ISO to the terms of the agreements it has made with the ILO. However, progress is still needed to assure that PC 283 gives priority to international labour standards in case of conflict and ensures the ILO's effective presence under ISO operating methods. This would involve, for example, an arrangement with ISO for effective ILO access to all drafting exercises that affect ILO issues, and ISO's circulation of ILO comments at every drafting and voting stage to inform voting members

<sup>11</sup> GB.320/INS/14/4, paras 8–9.

<sup>12</sup> ISO/TC 8 – Ships and marine technology; ISO/TC 43 – Acoustics; ISO/TC 96 – Cranes; ISO/TC 159 – Ergonomics; ISO/TC 173 – Assistive products for persons with disability; ISO/TC 159/SC 1 – General ergonomics principles; ISO/TC 159/SC 5 – Ergonomics of the physical environment; ISO/TC 23/SC 17 – Manually portable forest machinery; ISO/TC 43/SC 1 – Noise; ISO/TC 85/SC 2 – Radiological protection; ISO/TC 94/SC 4 – Personal equipment for protection against falls.

<sup>13</sup> GB.320/INS/14/4, para. 10.

<sup>14</sup> ISO: *Guidelines for addressing sustainability in standards* (guidance for drafters) is already published. ISO Guide 82:2014 (24 Feb. 2014).

<sup>15</sup> See the standards under development noted in GB.320/INS/14/4, note 9. ISO has also begun work on terminology for human resource management.

and experts. Under the 2013 agreement, the ILO's comments may be circulated to ISO voters at either the Draft International Standard (DIS) or Final Draft International Standard (FDIS) stage; during the pilot, ISO/CS offered to circulate the ILO's comments at the ballot stage of the potential ISO 45001 CD as well, which was appreciated.

17. The aim of the pilot as it relates to PC 283 and ISO 45001, while being progressively realized, is yet to be achieved. Effective participation by the ILO involves a substantial investment of staff time and resources. In light of these observations, the Governing Body may wish to continue collaboration with ISO, without financial implications, on the development of ISO 45001 for up to one year, and subject to such further conditions as the Governing Body may decide.
18. In the light of the above, the Governing Body is invited to provide its views on the progress made in achieving the objectives of ILO–ISO collaboration, including those set out in paragraph 4 above.

### **Draft decision**

19. *Noting the progress and continuing challenges of recent collaboration with the International Organization for Standardization (ISO), the Governing Body decides:*
  - (a) *to extend the pilot implementation of the ILO–ISO agreement of 2013, for the time necessary for the ILO's effective participation in the development of ISO 45001 and up to one year; and*
  - (b) *to review the implementation of the ILO–ISO agreements no later than March 2016.*