

ETUC standardisation newsletter - November - December 2021

Dear colleagues and friends,

The ETUC is pleased to send you its newsletter on standardisation that will keep you regularly updated on the ETUC's activities in the field of standardisation. It will deliver information on European and international standardisation direct to your desktop. If you wish additional information and/or documents related to the news mentioned below, feel free to contact us at standards@etuc.org.

**Management System Standards are used all over
the world**



Over the last decade, the collection of management system standards (MSS) has expanded enormously. Going back forty years, one of the first MSS was ISO 9001 "Quality Management Systems". Gradually, this standard has become a

“marketing tool” for companies and organisations to show their ability to provide “quality” products and services (which is a mis-concept, as the standard only guarantees an identical level of production/output). The ISO 9001 use was further stimulated by increased reference in (public) tenders and as policy tool for regulatory purposes (new legislative approach, in Europe). Today, there is a large collection of MSS, covering fields such as environmental, safety, energy, OSH, etc. MSS address the way a company/organisations is organised. As such, workers and trade unions are directly affected. This is one of the main motivations for the ETUC to be involved in the revision of ISO 45001, an Occupational Health and Safety MSS. Proof of compliance against the MSS is done by certification bodies. Companies/organisations pay these certification bodies to check compliance, similar as financial auditors check – against a fee – the financial accounts of companies/organisations. Prior to the compliance check (by certification bodies), a whole ecosystem of MSS consultants provide assistance (against a fee), to turn an organisation in line with ISO 9001 (or any other MSS). As a result, getting certified can be expensive, especially for small companies/organisations (and they must investigate if there is a “return on investment” in this certification). For twelve MSS, ISO has published the 2020 statistics on the number of – estimated – valid certificates (see [here](#)). As the table shows, there are almost 1.000.000 compliance certificates against ISO 9001, with China taking a major chunk of the certificates. The fairly recent ISO 45001 OSH MSS, to which the ETUC contributes, is the third most popular MSS. Turning ISO 45001 in a workers friendly MSS standards is one way to improve working conditions in companies, worldwide, including China.

The ETUC commissioned a study on the access conditions for trade unions to national mirror committees in the European Standardisation System



The regulation on European standardisation (1025/2012) has certainly contributed to making the European Standardisation System more inclusive, by providing the legal requirements that facilitate the representation of underrepresented stakeholders including trade unions in standards-setting activities. Indeed, the regulation requires the European Standardisation Organisations (ESOs) to “*encourage and facilitate an appropriate representation and effective participation of all relevant stakeholders, including SMEs, consumer organisations and environmental and social stakeholders in their standardisation activities*” (article 5).

While at the European level, significant efforts have been deployed to facilitate the direct access of societal stakeholders, trade unions still face many challenges when trying to participate at the national level. This is highly relevant as it is in fact the National Standardisation Bodies (NSBs) who hold the voting rights in both the European and international standardisation systems. They designate the experts to the European and international working groups who will be drafting the standards; they define the national positions, submit new standardisation proposals, co-finance the ESOs, sell the standards and ultimately define the ESOs political orientations. In this view, **the inclusiveness of the European standardisation system is largely dependent upon the participation of all interested stakeholders, including trade unions, at national level, that is within the mirror committees at NSB level.**

The ETUC therefore commissioned a study on the access conditions, which aims at looking in more detail at the barriers trade unions face when trying to engage

in national standardisation activities. The study will focus on the access conditions to the process (i.e., standardisation) and on the access to the documents (i.e., standards) at national level.

The objectives of the study are:

- To inform national trade unions and other interested parties about the effective access conditions to standardisation work in their country, with the view of supporting and fostering active participation at national level.
- To identify best practices and obstacles regarding access conditions to mirror committees.
- To provide recommendations to diffuse identified best practices and to lower barriers to participation.
- To incentivize harmonization of the national operating procedures of CEN-CENELEC members.

The contract to carry out the ETUC study was awarded following a call for tender at the beginning of October, and the final report is expected by the beginning of 2022.

The ETUC attended the Stakeholder Workshop on the Task Force *"Timely delivery of European standards for a Green and Digital, Single and Global Market"*



The European Commission and the European Standardisation Organisations (ESOs) are looking at possible strategic and operational solutions, and wish to involve all interested stakeholders in the process, in order to solve the challenges the European standardisation system is currently facing, especially considering the rather new strategic dimension of standardisation and its use in other regions of the world for geopolitical reasons. Since 2018, with the introduction of the new Harmonised Consultants (HAS) system, combined with the CJEU ruling on the James Elliot case that recognises the legal effects produced by Harmonised Standards, the citation of harmonised standards has slowed down. This situation has jeopardized the European Standardisation System; on one hand, it impedes the proper implementation of the different legislations underpinned by harmonised standards, and on the other hand it creates uncertainty for industry. Following the initiative *Updating the 2020 New Industrial Strategy* from 5 May 2021, the European Commission and the European Standardisation Organisations (ESOs) have formed a task force (TF), composed of 5 representatives of the ESOs, 1 from the EFTA secretariat and 12 from the European Commission, representing the most relevant DGs working on standardisation: Grow, Connect, Energy, Sante and Defence and space. The TF covers all aspects related to the timely availability of standards for the single market, i.e. including the citation of harmonised standards, but also the standards supporting strategic sectors at EU level because they can potentially enable the Green and Digital transitions.

The objective of the task force is to come up with a set of concrete actions to help the European Standardisation System (ESS) ensure the timely delivery of the standards considered crucial. This workshop, held on 16 November, was organised to provide feedback to all the interested stakeholders on the solutions/concrete actions identified by the Task Force. In ETUC's views, one of the main challenges the European Standardisation System faces today is the contradictory approach to standardisation adopted in different regions of the world. The ESS follows a bottom-up approach, traditionally managed by technical experts, that is contrasting with the strategic use of standardisation for geopolitical purposes in other regions of the world, where the standardisation needs are defined by public authorities for political and strategic ambitions, so following a top-down approach. The ETUC understands the geopolitical challenges of standardisation but reiterates that standards should not be instrumentalised to shift regulatory power to private actors. Moreover, when the need to improve the public and private partnership is highlighted, the ETUC believes it is important to underline that standardisation should focus on technical issues and should not address socio-political areas which fall in the remit of the social partners and/or legislator. The ETUC looks forward to the upcoming publication of the European standardisation strategy where the envisaged way forward and solutions advocated by the European Commission will be further detailed.

**The ETUC participates in ETUI training course on
Artificial Intelligence**



The ETUC STANDardisation team was invited to speak at the ETUI training course “**AI at the workplace**’ held on 25 November in Brussels. In its intervention, the ETUC first explained the link between the proposal for an AI Act and standardisation, and further outlined the trade unions’ participation in the development of AI standards at present, taking a closer look at the ISO/IEC draft standard 38507 “Governance implications of the use of Artificial Intelligence by organizations”. The aim was to look at the latter before and after the ETUC input was considered to provide a concrete example of how trade unions’ participation can improve the content of standards. The ETUC’s contributions to the draft document included namely references to skilling and the involvement of “*employees and their representatives throughout the entire process of implementing AI systems at organisations, via information, consultation and participation procedures*’. The ETUC highlighted at the training that although it is crucial for relevant AI standards to make reference to social issues, it is important to stress that the latter fall under the remit of social partners and legislators, and should not be covered in standards. Workers’ rights, such as working conditions and working environment, must be adopted in a democratic process by law and/or negotiated by the social partners in collective bargaining agreements.

New standards for the gig economy?



Due to the development of digital economy, many types of employment have emerged, including gig work. It has developed as a free-market system where organisations and (most of the time bogus-) independent workers engage in short-term work arrangements. It involves the exchange of labour for money between individuals or companies, often and more recently, via digital platforms that connect freelancers with clients on a short-term and payment-by-task basis. With the boom of the gig economy, human resource management anticipates a shift in policy and strategy in order to adapt and address the new working conditions.

Therefore, the International Organisation for Standardisation (ISO) has launched a new ad hoc group "Human Resource management - Flexible work in the gig economy". Since a couple of years, ISO develops standards in the field of Human Resource Management (HRM). This work is carried out by ISO/TC 260 "Human Resouce Management".

The ad hoc group will study the research on concepts and other definitions that may apply in this area as well as research on good practice of flexible work in gig economy. It will also look into research on dilemmas of flexible work in gig economy and on existing standards related with flexible work in gig economy. The ad hoc group is looking for new participants. The ETUC has been against the initial proposal to also study new potential

standards for flexible work in the gig economy. We welcome the scope now excludes new potential standards, yet we stay vigilant. We support the regulation of the GIG economy by legislation and/or collective agreements, their implementation, and the respect of the ILO Declaration on Fundamental Principles and Rights at Work.

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