



Written Comments for the OECD draft *Responsible business conduct for a fair future: protecting workers, communities, and consumers in the low-carbon transition*

17 December 2025

- *Business at OECD* (BIAC) thanks the OECD for the opportunity to comment on the draft *Responsible business conduct for a fair future: protecting workers, communities, and consumers in the low-carbon transition* and welcomes the continued collaboration with the OECD Secretariat that this document takes a balanced and constructive approach toward stakeholder engagement.

General Comments

- **Reframe stakeholder engagement as a shared, forward-looking process, rather than solely as a response to direct impact or harm.** This would strengthen the credibility, practicality, and uptake of these recommendations.
 - The document implies that stakeholder engagement is necessary due to assumed impacts or damages caused by business operations. This assumption may not always hold true, as many businesses engage with stakeholders out of a sense of social responsibility rather than direct impact. This could thus introduce unintended bias against business activity.
 - The document should adequately acknowledge that business operations within communities bring about positive outcomes such as significant job opportunities and contribute to economic and social growth.
 - It should better reflect the multifaceted role of enterprises in community development, thereby encouraging a more balanced and comprehensive understanding of stakeholder engagement
- **More clearly acknowledge the existing context of international legal frameworks which already establish robust consultation and consent mechanisms for Indigenous Peoples.**
 - Indigenous Peoples' consultation rights are already well established in several key legal frameworks, besides those quoted in the document, including the Convention on Biological Diversity (CBD), the Paris Agreement, and the Escazú Agreement among many others.
 - Given the existing robust mechanisms for Indigenous consultation, introducing additional or overlapping mandatory consultation requirements for businesses risks creating unnecessary barriers to international trade and efficient business operations, without demonstrable added value.
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Specific Comments

- **On stakeholder engagement**

- Page 17: reference to *"impacted stakeholders"*
- Page 18: *"Enterprises can prioritize the most severely impacted or potentially impacted stakeholders for engagement. The degree of impact on stakeholders may inform the degree of engagement."*

Language referring to "impacted" or "potentially impacted" stakeholders appears to assume harm or damage by default, which may not reflect the reality of low-impact or positive-contribution business operations and could introduce unintended bias against private-sector activity.

The private sector has demonstrated commendable efforts in proactively addressing environmental outcomes, and this engagement reflects a commitment to sustainable practices and community welfare, rather than a reactionary measure to perceived damage.

To foster a more balanced view, *Business at OECD* suggests that the document shift its focus from the notion of "impacted stakeholders" to one that acknowledges and praises the proactive actions and initiatives on environmental stewardship undertaken by the private sector. Recognizing the efforts of businesses in environmental conservation and community engagement can encourage further positive actions and collaboration rather than forcing actions over impacts that do not exist.

A more constructive approach would emphasize stakeholder engagement driven by a commitment to environmental, social, and economic well-being. By highlighting positive contributions that business operations bring to communities, the document could better reflect the multifaceted role of enterprises in community development, thereby encouraging a more balanced and comprehensive understanding of stakeholder engagement.

- **On engagement with Indigenous Peoples**

- Page 19: *"Where activities may impact Indigenous Peoples' land, livelihoods or cultural heritage, some international instruments express a State commitment to engage in consultation in order to obtain the Free, Prior and Informed Consent of indigenous peoples prior to the approval of any project affecting their lands or territories and other resources" (OECD, 2017[52]). This is important as at least 50% of the world's supply of minerals necessary for the transition lies on or near Indigenous lands. (Owen, Kemp and Lechner, 2023[13]). "Engagement activities should reflect indigenous decision-making institutions developed and maintained by the community, as well as decision making processes prescribed by law or regulations." (OECD, 2017[52]). OECD due diligence guidance, including the OECD Due Diligence Guidance on Responsible Business Conduct, the OECD Due Diligence Guidance on Meaningful Stakeholder Engagement in the Extractive Sector, and the OECD-FAO Guidance for Responsible Agricultural Supply Chains provide further*

practical guidance in this regard, including in relation to FPIC (OECD, 2018[41]) (OECD, 2017[52]) (OECD/FAO, 2016[53])."

Suggested addition to this paragraph: "Where activities may impact Indigenous Peoples' land, livelihoods or cultural heritage, consultation and obtaining Free, Prior and Informed Consent (FPIC) are essential, as stipulated by several international instruments that ensure that Indigenous communities have a significant role in biodiversity protection. Given the established mechanisms for Indigenous consultation, it is crucial to avoid additional mandatory requirements that could create barriers to international trade and business operations. Businesses should continue to engage with Indigenous Peoples in a manner that respects their decision-making institutions and processes, as prescribed by existing conventions, laws and regulations."

By acknowledging the existing frameworks and emphasizing the importance of not overburdening businesses with additional mandatory requirements, the document can promote a balanced approach that respects Indigenous rights while supporting efficient business operations.