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Compliance management systems — Guidelines

Systèmes de management de la conformité — Lignes directrices

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Foreword

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The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

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For an explanation on the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the WTO principles in the Technical Barriers to Trade (TBT) see the following URL: Foreword - Supplementary information

The committee responsible for this document is Project Committee ISO/PC 271, *Compliance management systems*.

Introduction

Organizations that aim to be successful in the long term need to maintain a culture of integrity and compliance, and to consider the needs and expectations of stakeholders. Integrity and compliance are therefore not only the basis, but also an opportunity, for a successful and sustainable organization.

Compliance is an outcome of an organization meeting its obligations, and is made sustainable by embedding it in the culture of the organization and in the behaviour and attitude of people working for it. While maintaining its independence, it is preferable if compliance management is integrated with the organization's financial, risk, quality, environmental and health and safety management processes and its operational requirements and procedures.

An effective, organization-wide compliance management system enables an organization to demonstrate its commitment to compliance with relevant laws, including legislative requirements, industry codes and organizational standards, as well as standards of good corporate governance, best practices, ethics and community expectations.

An organization's approach to compliance is ideally shaped by the leadership applying core values and generally accepted corporate governance, ethical and community standards. Embedding compliance in the behaviour of the people working for an organization depends above all on leadership at all levels and clear values of an organization, as well as an acknowledgement and implementation of measures to promote compliant behaviour. If this is not the case at all levels of an organization, there is a risk of noncompliance.

In a number of jurisdictions, the courts have considered an organization's commitment to compliance through its compliance management system when determining the appropriate penalty to be imposed for contraventions of relevant laws. Therefore, regulatory and judicial bodies can also benefit from this International Standard as a benchmark.

Organizations are increasingly convinced that by applying binding values and appropriate compliance management, they can safeguard their integrity and avoid or minimize noncompliance with the law. Integrity and effective compliance are therefore key elements of good, diligent management. Compliance also contributes to the socially responsible behaviour of organizations.

This International Standard does not specify requirements, but provides guidance on compliance management systems and recommended practices. The guidance in this International Standard is intended to be adaptable, and the use of this guidance can differ depending on the size and level of maturity of an organization's compliance management system and on the context, nature and complexity of the organization's activities, including its compliance policy and objectives.

The flowchart in Figure 1 is consistent with other management systems and is based on the continual improvement principle ("Plan-Do-Check-Act").

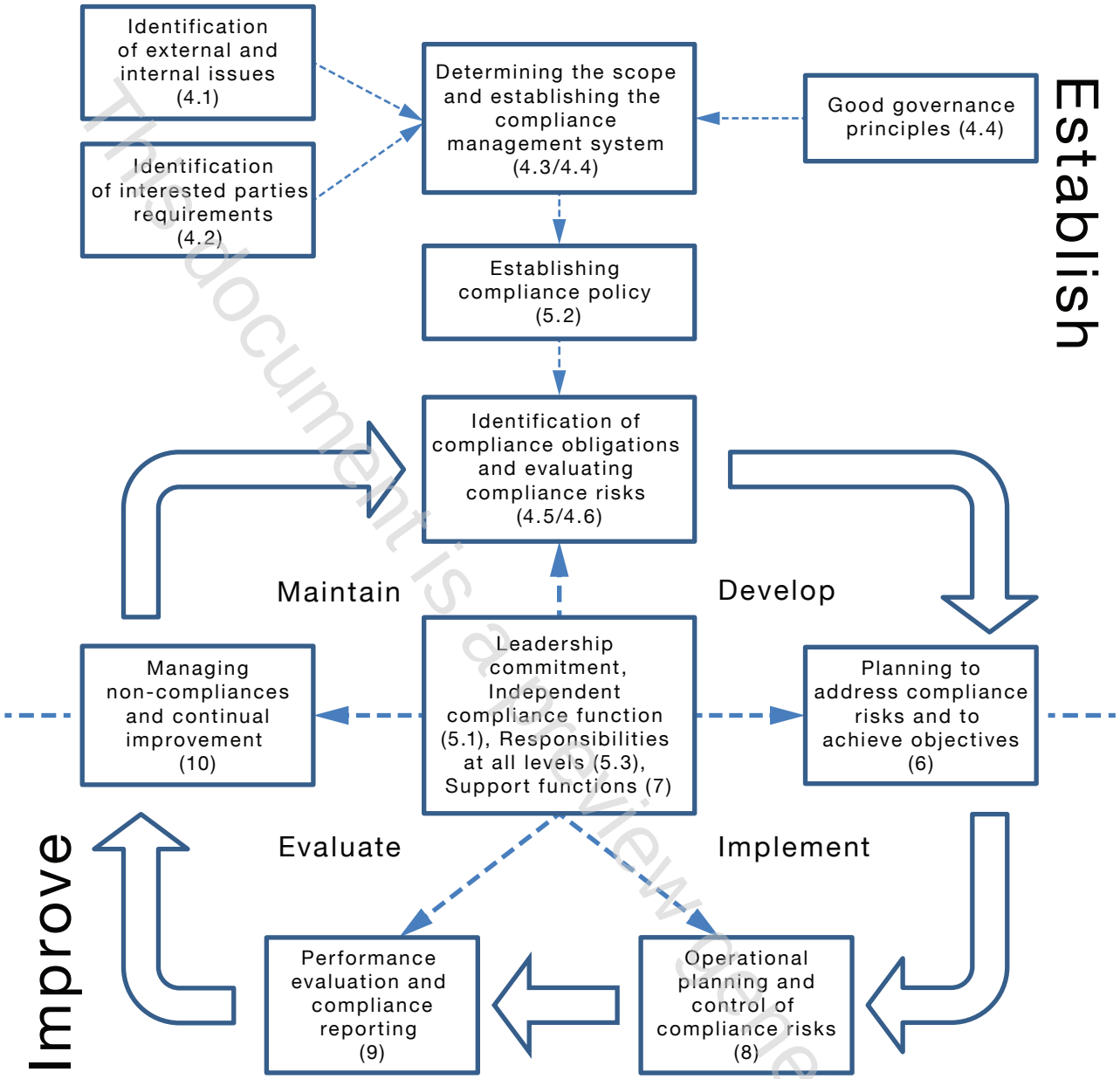

Figure 1 — Flowchart of a compliance management system

This International Standard has adopted the "high-level structure" (i.e. clause sequence, common text and common terminology) developed by ISO to improve alignment among its International Standards for management systems. In addition to its generic guidance on a compliance management system, this International Standard also provides a framework to assist in the implementation of specific compliance-related requirements in any management system.

Organizations that have not adopted management system standards or a compliance management framework can easily adopt this International Standard as stand-alone guidance within their organization.

This International Standard is suitable to enhance the compliance-related requirements in other management systems and to assist an organization in improving the overall management of all its compliance obligations.

This International Standard can be combined with existing management system standards (e.g. ISO 9001, ISO 14001, ISO 22000) and generic guidelines (e.g. ISO 31000, ISO 26000).

Compliance management systems — Guidelines

1 Scope

This International Standard provides guidance for establishing, developing, implementing, evaluating, maintaining and improving an effective and responsive compliance management system within an organization.

The guidelines on compliance management systems are applicable to all types of organizations. The extent of the application of these guidelines depends on the size, structure, nature and complexity of the organization. This International Standard is based on the principles of good governance, proportionality, transparency and sustainability.

2 Normative references

There are no normative references.

3 Terms and definition

For the purpose of this document, the following terms and definitions apply.

3.1
organization
person or group of people that has its own functions with responsibilities, authorities and relationships to achieve its *objectives* (3.9)

Note 1 to entry: The concept of organization includes, but is not limited to sole-trader, company, corporation, firm, enterprise, authority, partnership, charity or institution, or part or combination thereof, whether incorporated or not, public or private.

3.2
interested party (preferred term)
stakeholder (admitted term)
person or *organization* (3.1) that can affect, be affected by, or perceive themselves to be affected by a decision or activity

3.3
top management
person or group of people who directs and controls an *organization* (3.1) at the highest level

Note 1 to entry: Top management has the power to delegate authority and provide resources within the organization.

Note 2 to entry: If the scope of the *management system* (3.7) covers only part of an organization then top management refers to those who direct and control that part of the organization.

3.4
governing body
person or group of people that governs an *organization* (3.1), sets directions and holds *top management* (3.3) to account

3.5
employee
individual in a relationship recognized as an employment relationship in national law or practice