

Global ESG Regulatory Framework and Sustainability: Issues and Prospects

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ABSTRACT

Environmental, social, and governance (ESG) issues and reporting have emerged as a core challenge for businesses and have a significant impact on investing patterns. The ESG reporting framework provides for the collective reporting of the environmental, social, and governance aspects of the corporation. ESG is a framework that aids stakeholders in understanding how a company handles opportunities and risks related to sustainability issues. ESG has developed from earlier movements that prioritized corporate generosity, pollution reduction, and issues of health and safety. ESG has altered various capital allocation and investment decisions. This article examines the changing environment of ESG reporting rules and analyzes ESG global regulatory reforms and developments in the recent years. This study is descriptive and exploratory, utilizing secondary data to gain insights into ESG reporting and critically evaluate its frameworks and advancements. The analysis of various reporting requirements and frameworks reveals the absence of a standardized reporting standard for ESG disclosures worldwide. The study indicates that there is a need for international collaboration and coordination to unify the disclosure requirements and enhance the quality, accessibility, and comparability of the ESG framework.

Keywords: *ESG; Reporting; Responsibility; Sustainability; Framework*

Introduction

Environment, society, and governance are the three key pillars of a company's sustainability practices. The words "ESG reporting standards" and "ESG reporting frameworks" are sometimes used interchangeably. They are connected to a company's financial risk exposure (outside-in approach). They have both the favourable and unfavourable implications for a company's global ecosystem. It includes the Sustainable Development Goals (SDGs), ESG targets, and stakeholder expectations (inside-out approach). Being able to provide relevant data that can be compared to the figures from other firms within an industry or investment portfolio is one of the main factors in ESG reporting (Darnall, Iwata, & Arimura, 2022).

However, in order to do apples-to-apples comparisons, one must start from the same branch, or in this case, the same ESG reporting framework. These frameworks standardize reporting. Investors are unable to recognize the companies that are taking steps to achieve their sustainability goals and lessen their negative effects on the environment and

community without them, and firms may pick and choose the indicators that best portray them (Bose, 2020).

Improving traceability and data access about ESG risks and impacts through compliance and disclosure regulations, standards, and markings is critical for stakeholders. It helps stakeholders recognize and confiscate sustainable investment opportunities around the world, as well as understand the business environment and wider ESG risks in their investment and financial decision-making.

ESG reporting has huge implications for both corporations and investors. In recent times, regulatory bodies and institutions have been concerned about ESG reporting to establish a sustainable and accountable corporate environment (Arvidsson & Dumay, 2022). On the backdrop of the significance of ESG, the paper attempts to understand the changing environment of ESG reporting rules and to analyze the recent ESG global regulatory reforms and developments with special reference to India. The present article intends to examine the changing environment of ESG reporting rules and analyze ESG global regulatory reforms and developments in recent years. Along with the global scenario, recent developments in ESG reporting in the Indian context are also analyzed.

Literature Review

ESG investment is a significant and powerful sector of the financial market. Academic study might shed light on, evaluate, and enhance its operations. Unfortunately, research up to this point has mostly emphasized return metrics (Daugaard, 2020). Businesses were more likely to provide environmental information if their stakeholders, particularly those in the financial markets (investors) and/or customers, wanted it. Therefore, disclosure may be viewed as a function of stakeholder pressure or demand; in the absence of such pressure, corporations may disclose little or say nothing (Sutantoputra, 2022).

Companies should allocate resources appropriately to internal control activities in order to incorporate ESG issues and add value, as internal control provides the first level of assurance for ESG integration. Companies should consider both the cost of the internal control system and the ESG rating as strategic corporate tools for value enhancement (Harasheh & Provasi, 2022). Environmental disclosures have a detrimental impact on corporate financial profit (CFP). The social component of ESG's operational efficiency is influenced by stakeholder participation in management. Provisions relating to board of directors and shareholder rights have a favorable effect on CFP in the governance dimension (Saygili *et al.*, 2022).

ESG funds invest in companies whose average ESG scores are higher. ESG scores are not associated with a company's compliance history or its actual carbon emissions levels but rather with the volume of voluntary ESG-related disclosures. Finally, ESG funds appear to demand greater fees and underperform financially in comparison to other funds within the same asset manager and year (Raghunandan & Rajgopal, 2022).

Regulations need to be changed in order to incorporate ESG practices. In order to advance sustainable industrialization, the regulatory agencies will raise the bar for ESG standards in the corporate sector (Zahid *et al.*, 2019). If left to market forces as more and more businesses embrace the Integrated Reporting (IR) practice, IR will eventually become the standard for reporting. When integrated reporters' behaviors are viewed as desirable, suitable, or acceptable, IR will eventually be considered a genuine practice (Stubbs & Higgins, 2018). The frequency of ESG disclosure is influenced by ownership status and membership in particular stock markets. ESG reporting thus affects both financial and environmental performance. Accountability is the primary motivator for ESG disclosure, and firms are coming up in terms of both the quantity and quality of ESG reporting (Weber, 2014).

Objectives of the Study

The study is based on the following objectives:

1. To analyse the different ESG frameworks used across the globe
2. To understand the global scenario of ESG reporting
3. To understand the Indian prospective of ESG reporting and the way ahead

Methodology

The present study is exploratory and descriptive in nature and is based on secondary data, which aims to provide insight into ESG reporting and critically analyze the frameworks and developments in ESG reporting. Along with the global scenario, the Indian perspectives as well as the way ahead for ESG reporting are also discussed in this study. Different working papers, case studies, analytical reviews, journals, newspaper reports, magazines, and websites are being consulted and reviewed to fulfil the objectives of the study.

Results and Discussion

ESG Reporting and Its Benefits

An ESG report is a document that outlines the environmental, social, and governance (ESG) implications of a firm or organization. It allows the business to become more open about the threats and opportunities it confronts. It is a means of communication that is crucial for persuading skeptics that the company's actions are genuine. The importance of ESG (Environmental, Social, and Governance) factors in business decision-making and investing has significantly increased in recent years. Stakeholder capitalism has gained traction, and businesses are increasingly being held accountable for their impact on society and the environment. Climate change and the COVID-19 pandemic have further highlighted the need for long-term thinking and sustainability. ESG integration is critical for risk management strategies and can also serve as a new driver of financial development. Companies that prioritize ESG factors are likely to perform better in the long run and attract more socially conscious investors. Moreover, businesses that take their social and environmental impact seriously can boost their reputation and appeal to a broader range of stakeholders. Regulations and policies aimed at promoting sustainability and corporate

responsibility are also putting pressure on companies to improve their ESG efforts. In summary, ESG integration is not just a moral imperative; it is also becoming an essential business strategy to ensure long-term success and sustainability. There are various parameters used for evaluating a company in terms of ESG. The parameters are depicted below:

Table 1: Parameters of ESG Reporting

| Environment | Society | Governance |
|--|----------------------------|--------------------------------|
| Climate Change | Human Capital | Governance Structure |
| Carbon Emissions | Health and Safety | Executive Pay |
| Greenhouse gases | Personal Development | Ant bribery and Corruption |
| Pollution and Waste (toxic waste, electronic waste, effluents) | Labour Management | Business Ethics |
| Natural resources | Workforce and Diversity | Anti-Competitive Behaviour |
| Environmental opportunities | Product Safety | Tax Transparency and Reporting |
| | Data and Privacy Security | Financial and Operational Risk |
| | Financial Product Safety | Stakeholder Engagement |
| | Stakeholder Opposition | Audits |
| | Involvement with Community | |
| | Social Opportunity | |

Source: Collected from various reports and compiled by the researchers

The table above shows the different parameters available and used for ESG reporting, but there is no such uniform ESG reporting framework available across the globe. Some of the financial service providers have selected the major reporting parameters for ESG reporting. They assist companies with ESG reporting. The parameters that are adopted by the financial service providers are given below:

Table 2: ESG Parameters Adopted

| Pillar | Thomson Reuters | Morgan Stanley Capital International (MSCI) | Bloomberg |
|---------------|-----------------|---|-------------------------|
| Environmental | Resource Use | Climate Change | Carbon Emissions |
| | Emissions | Natural resources | Climate change effects |
| | Innovation | Pollution & waste | Pollution |
| | | Environmental opportunities | Waste disposal |
| | | | Renewable energy |
| | | | Resource depletion |
| Social | Workforce | Human Capital | Supply Chain |
| | Human rights | Product liability | Discrimination |
| | Community | Stakeholder | Political contributions |

| | | | |
|------------|------------------------|----------------------|------------------------|
| | Product Responsibility | | Diversity |
| | | | Human Rights |
| | | | Community Relations |
| Governance | Management | Corporate governance | Cumulative voting |
| | Shareholders | Corporate behaviour | Executive compensation |
| | CSR Strategy | | Shareholders' rights |
| | | | Takeover defence |
| | | | Staggered boards |
| | | | Independent directors |

Source: Collected from various report sand compiled by the researchers

ESG disclosure made mandatory enhances the access and reliability of ESG reporting, especially among enterprises with low ESG performance. ESG reporting benefits a firm's information environment as well. Moreover, when ESG disclosure is enforced, analysts' profit estimates become much more accurate and less fragmented (State and trends of ESG disclosure policy measures across IPSF jurisdictions, International Platform on Sustainable Finance, 2021). Furthermore, when mandatory ESG disclosure is implemented, negative ESG occurrences become less frequent, lowering the risk of a stock market crash. According to the study, mandatory ESG disclosure provides both educational and practical benefits.

ESG Framework: Global Scenario

Despite numerous reporting requirements and no uniform framework to govern company disclosures, the ESG reporting environment is fragmented. Investors argue that they wouldn't have the consistent, decision-useful information they need to appropriately include ESG issues in their investment choices since companies' ESG disclosures vary greatly.

As the ESG reporting landscape evolves, the reporting frameworks have also evolved across the globe. The table below depicts the leading ESG reporting frameworks that are accepted globally:

Table 3: Leading ESG Reporting Frameworks

| Sl. No. | Global Reporting Initiative (GRI) | Sustainability Accounting Standards Board (SASB) | United Nations Sustainable Development Goals (UN-SDGs) | Task Force on Climate-related Financial Disclosures (TCFD) |
|---------|--|---|--|--|
| 1. | A global, independent standards-setting body that aids in understanding and communicating the effects of corporations, | A sector-based, industry-specific guideline framework that is primarily used to aid publicly listed corporations in determining the | A mechanism for businesses to promote and advance the Sustainable Development Goals of the UN, which | A set of voluntary guidelines for financial disclosures relating to climate change those are relevant to businesses in all |

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|----|---|--|--|--|
| | governments, and other organisations on topics including corruption, climate change, and human rights.82% of the 250 largest firms in the world report using the GRI Standards, making it the most popular reporting framework. | financial significance of sustainability-related data for disclosure to the SEC and the general public. | have been ratified by all UN member states. A voluntary project based on CEO promises to apply universal sustainability principles. | industries and regions. The guidelines can be used by organisations to assist in the preparation of disclosures that are more uniform and comparable. |
| 2. | There are two main primary categories: Universal standards and topic-specific standards. The requirements for creating a sustainability report are part of the global standards, often known as the "100 Series of the GRI Standards." | The SASB standards are segmented by industry, allowing SASB indicators to be compared amongst businesses in a given peer group. The SASB Standards include 77 industries over 11 separate Sectors. | The ten principles of the Global Compact or the SDGS are meant to be incorporated into organisations' value systems and business practises. The SDG programme outlines 17 ambitious targets with a 2030 deadline for completion. | Instead of imposing new reporting obligations, the TCFD suggestions are intended to assist companies in complying with current mainstream reporting requirements. |
| 3. | Reports will be company- or organization-specific, but they will also have the notation "in compliance," indicating that they adhered to GRI Standards while being created. | The sustainability, impact, CSR, or ESG report of a reporting firm should include sustainability data and performance measures that are "financially relevant" as well as the company's scheduled SEC filings. | CoP, that is, Communication on Progress Companies is required to report key information about their Global Compact-related activities to the CoP on an annual basis. | Businesses are urged to include important climate-related problems in their regular financial disclosures, whether they are submitted to the SEC, other regulatory bodies, or sustainability or ESG reports. |

Source: Collected from various reports and compiled by the researchers

According to a study conducted in the year 2019 by the European Corporate Governance Institution (ECGI), 25 countries have mandated social responsibility and sustainability reporting for their corporations, later named ESG disclosures (2007-2019) including the major ones, that is, the United Kingdom, European Union, United States of America, China, India, Australia, Japan, and South Africa. The study also reveals that mandatory

sustainability reporting is restricted only to some large corporations, listed companies, and some state owned companies (Christensen *et al.*, 2021).

The ESG disclosure requirements and regulations of some of the countries are analyzed below:

Table 4: ESG Framework Followed by Different Countries

| Sl. No. | Country | ESG Framework |
|---------|--------------------------------|--|
| 1. | United Kingdom (UK) | <ul style="list-style-type: none"> • ESG Reporting on greenhouse gas emissions, workplace diversity, inclusive corporate culture, and human rights. • Implementation of Corporate Governance Code, 2018 with respect to accountability, leadership, remuneration, effectiveness, and shareholders' relationship. • Companies listed in London Stock Exchange are mandatorily required to publish ESG report in accordance with the ESG reporting guidelines 2020. • The mandatory ESG reporting in UK includes the greenhouse gas reporting, energy use, gender pay gap and modern slavery. |
| 2. | European Union (EU) | <ul style="list-style-type: none"> • Non-Financial reporting directives and disclosures mandatory for EU member states since 2018. • Companies required to compulsorily reporting on matters such as environmental, social, and human resource management. • Further, separate disclosures with respect to anti-bribery, corruption and human rights performance is also required. • The Sustainable Finance Disclosure Regulation (SFDR) has mandated the ESG disclosure for financial service providers also. • Further all corporations are required to integrate the recommendations of the Task Force on Climate related Financial Disclosures in their reporting. |
| 3. | United States of America (USA) | <ul style="list-style-type: none"> • The U.S. Securities and Exchange Commission (SEC) require all public limited companies to report on material matters such as ESG related risks, transparency, and accountability with respect to directors' appointment, human capital management, etc. • Companies listed in New York Stock Exchange (NYSE) are mandatorily required to implement and publicize code of corporate behaviour and ethics. • NASDAQ listed companies' needs to disclose the composition of the board of directors. Along with other characteristics such as the gender, racial characteristic, and LGBTQ status of the companies' board. |
| 4. | China | <ul style="list-style-type: none"> • Chinese Corporations are required to disclose and publish environmental performance and contribution to the social up gradation according to the Environmental Information Disclosure |

| | | |
|----|-------|---|
| | | <p>Act, 2015.</p> <ul style="list-style-type: none"> • Companies listed in Shanghai Stock Exchange are required to mandatorily report environmental disclosures. • Since June 28, 2021, the China Securities Regulatory Commission (CSRC) revised the ESG disclosure framework with respect to provide better transparency and accountability in reporting. • Annual reports of such companies must contain the parameters such as annual resource consumption, pollution levels, carbon emissions, waste generation and disposal methods, etc. in order to receive additional grants and public support rights. |
| 5. | Japan | <ul style="list-style-type: none"> • The Corporate Governance Code of Japan introduced the ESG reporting requirements on a mandatory basis in June 2021. • The Task Force on Climate-related Financial Disclosures (TCFD) guidelines must be followed by all the companies. • Compulsory reporting on global warming counter measures by specified companies. • Compulsory reporting on energy use by large energy consuming companies. • All companies with more than 300 employees are required to report the female participation in management and career advancement opportunities available to them. |

Source: Collected from various reports and compiled by the researchers

As it is witnessed that there is diversity in ESG reporting practices, in February 2021, the International Financial Reporting Standards (IFRS) Foundation harmonised the reporting framework and standardized the sustainability disclosure requirements. Other standard-setting bodies and institutions across the globe, such as the Carbon Disclosure Project (CDP), Climate Disclosure Standards Board (CDSB), Global Reporting Initiative (GRI), International Integrated Reporting Council (IIRC), and Sustainability Accounting Standards Board (SASB), have come forward to support the initiative of the IFRS Foundation. It is the first attempt by these bodies to integrate their current standards frameworks to provide a unified way to report the effect of sustainability challenges on corporate value (Afolabi et al., 2022).

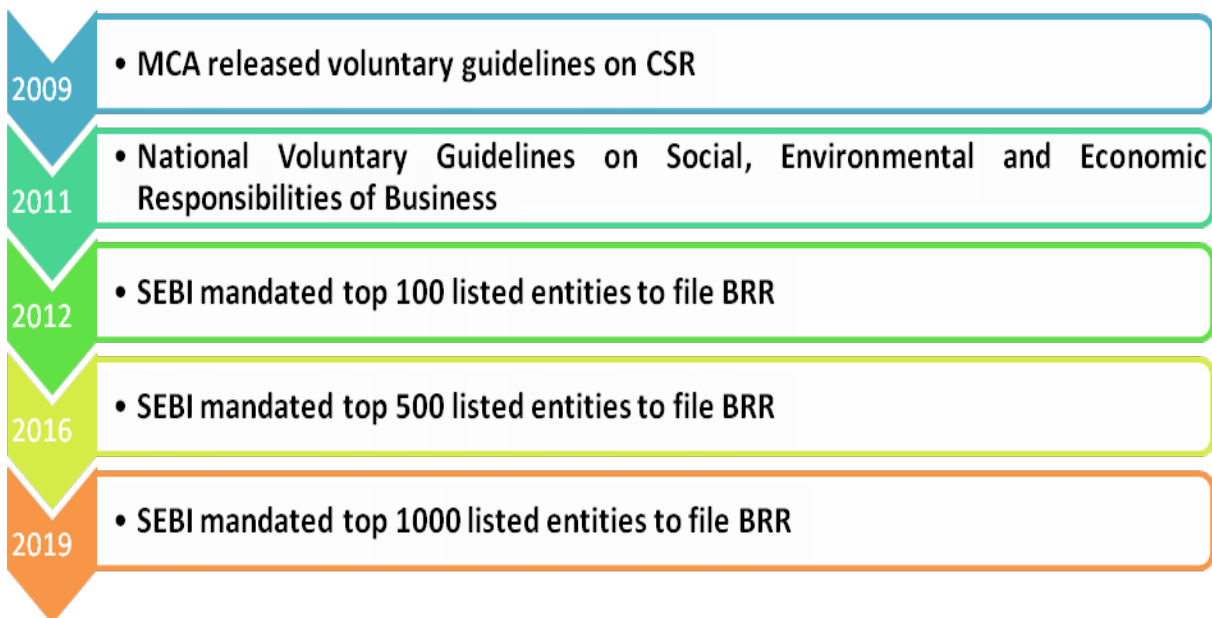
There has been a sharp rise in interest in ESG in recent years, and so far in 2022, there is no indication that this trend will slow. However, more than just ESG fund inflows have been rising. Asset managers are under growing pressure to offer more information and consistent reporting about environmental, social, and governance initiatives as legislators focus on these issues. The strengthening of regulations is producing new market opportunities while also presenting asset managers with new data and reporting difficulties that must be handled (ESG Investing: Practices, Progress, and Challenges, OECD 2020).

More than a quarter of international investors, up from 24% in 2021 to 28% in 2022, think that ESG is essential to their investing strategy. However, a larger percentage this year indicates that an "approval", (34% in 2021 vs. 32% in 2022) and "conformity" (29% in 2021

vs. 24% in 2022) depend on ESG reporting. Additionally, the percentages of non-adopters (3%) and "side-line" observers (13%) have decreased. As a result, the percentage of ESG users worldwide has increased from 84% in 2021 to 89% now in 2022. Reflecting the more developed European ESG market and regulatory environment, Europe continues to lead the ESG push. Contrarily, the North American area has the lowest level of support for ESG and the lowest usage rates. The result that just 13% of global investors think ESG is a transitory trend that will go out of style further emphasizes investors' belief in ESG. This illustrates how the majority of investors see ESG as an essential and enduring component of the financial environment (Harvard Law School Forum on Corporate Governance, 2022). The chance to create new fund vehicles that can properly address environmental, social, and governance issues and satisfy the needs of today's ESG-aware investors is increasing in the present business environment. Investors are becoming more demanding of increased transparency, and as a result, the regulatory environment is becoming more stringent.

ESG Reporting in India

India has covered a lot of ground in social responsibility and sustainability reporting, and the reporting requirements are still evolving to integrate themselves with global benchmarks and provide more transparent information to the users of such reporting. The timeline below shows the development of ESG reporting in India:



Source: Collected from various reports and compiled by the researchers

CSR: Corporate Social Responsibility

BRR: Business Responsibility Reporting

SEBI: Securities and Exchange Board of India

Figure 1: Development in ESG Reporting in India

The ESG disclosure requirements and regulations followed in India are given below:

- The Ministry of Corporate Affairs (MCA) mandated the Business Responsibility and Sustainability Report (BRSR), which includes the ESG factors for the top 1000 listed entities (by market capitalization).
- All industries must mandatorily file an environmental audit report annually.
- Mandatory CSR reporting for specified classes of companies according to Section 135 of the Companies Act, 2013.
- Disclosures with respect to the conservation of energy are mandatory for specified companies.
- All scheduled commercial banks (excluding RRBs) are required to prepare and report Sustainable Development and Non-Financial Reporting in their annual reports.
- Voluntary Integrated Reporting for ESG Parameters (Top 500 companies by market capitalization). It includes factors such as biodiversity and energy consumption, carbon emissions, waste management, societal impacts, protection of consumers and human rights, sustainable governance practices, business ethics, culture, human resource management, and many more (Sustainability reporting landscape in India, The Reporting Exchange, 2020).

Various governing bodies, including the MCA and the Securities and Exchange Board of India (SEBI), notify the ESG disclosure guidelines from time to time to strengthen the reporting framework in India and increase the quality of the reporting.

While SEBI announced the necessity for a Business Responsibility and Sustainability Report (BRSR) in its May 2021 circular, SEBI specified that the reporting would be optional for the financial year 2021-2022 in order to give firms time to adjust to the new standards. However, BRSR is required for the top 1000 listed firms starting with the fiscal year 2022-2023. The epidemic, the Paris Agreement's passage, and other efforts to tackle climate change have all played a significant role in accelerating the significance of ESG issues to investors. ESG-related studies give stakeholders comparable data on the best businesses to aid in making wise investment decisions. Socially responsible investors evaluate possible investments using ESG criteria (Karmase, 2021).

An outline of the three factors used to assess businesses for ESG investment identified by SEBI is provided below:

- **Environment:** What type of environmental effect does the firm have? How does it secure or protect the environment? A company's carbon footprint, harmful chemicals used in its manufacturing processes, corporate policies addressing climate change, and sustainability initiatives that make up its supplier chain may all be included in this.

- **Social:** How can the business strengthen its social influence both internally and externally? Social variables range from recruiting procedures and inclusion initiatives to ethnic diversity in the executive suite and across the whole staff. Social criteria look at how an organization handles its connections with its workers, vendors, clients, and the communities in which it works.
- **Governance:** How do the board and management of the organisation promote good change? Governance covers a wide range of topics, such as CEO compensation, leadership diversity, how well that leadership reacts to and engages with shareholders, auditing, internal controls, and shareholder rights.

SEBI's aforementioned disclosure rules through BRSR have been implemented to keep up with such investment methods and rising concerns about ethical corporate governance and climate change as ESG investing becomes more widely used.

In the Indian context, the way ahead is to integrate the ESG reporting regulations by bridging the awareness gap among the preparers and the analysts and to inculcate the best practices followed globally. SEBI and MCA must seek to resolve the operational loopholes existing in the reporting framework and must step in to improve the data collection, accessibility, and reliability of the ESG parameters.

Integrated Reporting: The Way Ahead

A key tool for better understanding how a firm generates sustainable value over the long term and the interplay between financial and non-financial elements that affect performance is integrated reporting. Organizations are more likely to lose sight of their long-term goals when there are no defined expectations for performance. One of the main justifications for reporting on sustainability by businesses is to show how they manage opportunities and risks related to ESG concerns in addition to their financial performance. By addressing both business performance indicators and ESG considerations, integrated reporting assists companies in telling a whole story about what motivates their success. It gives investors a better understanding of how ESGs contribute to the generation of corporate value. It is swiftly gaining acceptance throughout the world (Boffo & Patalano, 2020).

Integrated thinking, which helps show how strategy, strategic objectives, performance, risk, and incentives are interconnected, is the foundation of integrated reporting and aids in locating sources of value generation. The idea of integrated reporting was developed to more clearly express the wide variety of metrics that contribute to long-term value and the function that organizations serve in society (Bloomberg, 2018). The idea that value is increasingly determined by elements other than financial performance, such as dependency on the environment, social reputation, human capital abilities, and others, is at the core of this. Integrated reporting is built on the idea of value generation. Integrated reporting evaluates five other capitals in addition to financial capital that should direct an organization's decision-making and long-term performance, as well as its value generation broadly construed. Even though a wide variety of stakeholders benefit from integrated reports, long-term investors are their primary target audience.

Integrated reporting assumes that any value produced as a consequence of a sustainable strategy will, at least in part, translate into performance, regardless of whether it becomes a tangible or intangible asset. As a result, market value will be affected. The practice of integrated reporting, which puts yearly financial and sustainability information together in one report, is one step ahead of sustainability reporting. An integrated report's goal is to provide readers with a clear, succinct picture of the organization, its strategies, and its risks by connecting its financial and sustainability performance in a way that gives readers a comprehensive understanding of the firm and its prospects for the future.

Conclusion

It is important to note at the outset that directors of Indian firms have obligations not just to shareholders but to all stakeholders. This offers Indian corporations a strong legal basis for making ESG disclosures and creates an opportunity for more legislative and regulatory reform. Directors' obligations under company law are often due to the corporation or its shareholders, as is the case in numerous Asian nations. The movement toward mandated disclosures, as opposed to optional ESG disclosures (or disclosures on a "comply or explain" basis), is progressively gaining momentum.

The path forward for ESG reporting across global corporations appears to be becoming more effective in the context of legal requirements and regulations. On analyzing the different reporting requirements and frameworks, it is evident that no such uniform reporting standard exists for ESG disclosures throughout the globe. In this scenario, international cooperation and coordination are required to harmonize the disclosure requirements as well as increase the quality, accessibility, and comparability of the ESG framework.

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