

Addressing ESG Factors Under ERISA

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Proposed ERISA Restrictions on ESG Investing. On June 23, 2020, the U.S. Department of Labor (the “DOL”) issued a proposed rule that would limit when and how fiduciaries of plans subject to the U.S. Employee Retirement Income Security Act of 1974, as amended (“ERISA”), may (i) consider non-pecuniary “environmental, social and corporate governance” (“ESG”)-type factors when ...

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Addressing ESG Factors Under ERISA Addressing ESG factors under ERISA: Two legal perspectives 2016-11-21T15:38:00+00:00 The PRI is pleased to present two legal perspectives on integrating environmental, social and governance (ESG) issues into investment decision-making under the Employee Retirement Income Security Act (ERISA) guidelines. Addressing ESG factors under ERISA | Reports/Guides | PRI ADDRESSING ESG FACTORS UNDER ERISA -941 3

INTRODUCTION The PRI is pleased to present two legal perspectives on integrating environmental, social and governance (ESG) issues into investment decision-making under the Employee Retirement Income Security Act (ERISA) guidelines. Responsible investors have long believed that addressing ADDRESSING ESG FACTORS UNDER ERISA ERISA and ESG Investing. The Department of Labor (“DOL”), through its administration of the Employee Retirement Income Security Act of 1974 (ERISA), has a critical role to play in the regulation of employee pension benefit plans. Most importantly, the DOL is tasked with enforcing the fiduciary duties of ERISA plan managers (trustees who retain investment and voting authority or investment managers that receive such authority through delegation by the trustees). ERISA and ESG Investing – The FinReg Blog ADDRESSING ESG FACTORS UNDER ERISA | 2016 5 As such, the argument in favor of incorporating ESG factors into the investment process is based on prudence considerations, not the objective of serving non-economic social

goals. Addressing-ESG-factors-under-ERISA - LinkedIn SlideShare What these two recent rules do not address is how an ERISA plan manager is to deal with the shareholder activism of an investment adviser with a large amount of delegated voting authority. More Evidence That ESG Investing Has No Place In ... On June 23, 2020, the Department of Labor (“DOL”) issued a proposed rule on plan fiduciaries’ duties when considering investments that incorporate environmental, social, and governance (“ESG”) factors. Now plan fiduciaries, asset managers, and other stakeholders in the investment chain are being asked to weigh in. Building on past DOL guidance, the new rule would further explain how ... DOL Proposes Rule on ESG & Fiduciary Duties under ERISA ... This past June, the Department of Labor (“DOL”) released new guidelines regarding the proper use of incorporating Environmental, Social, and Governance (“ESG”) factors in determining the... Opponents Of New ERISA ESG Guidance May Inadvertently ... ERISA’s fiduciary duties can most directly be satisfied if the reason for addressing an ESG risk is to mitigate material investment risk or seek material investment return (i.e., alpha). ESG, Proxy Voting & ERISA Today - Fiduciary Governance Blog (Vadym Petrochenko/Getty Images) Comments on a proposed Labor Department rule change regarding ESG & ERISA NRPLUS MEMBER ARTICLE T his summer, the Department of Labor proposed a rule that seeks to ... ESG & ERISA: Labor Department Rule Change Comments ... We generally discussed ESG considerations in the ERISA context in a prior May 15, 2020 OnPoint, and discussed the Proposed ESG Regulation in a prior June 30, 2020 OnPoint... A DOL

Proxy Vote Against ESG? – New ERISA Proposal May ... Not considering financially material ESG (Environment Social Governance) factors is breaking fiduciary duty and the law under US ERISA (The Employee Retirement Income Security Act of 1974) law, under one interpretation. US Funds breaking ERISA law on ESG — Then Do Better “It is also part of a continuum of ERISA-ESG guidance over the decades, across both Democrat and Republican administrations, that has sought to address how ERISA’s stringent fiduciary duties may be satisfied when one or more ESG factors are pursued, either because they are material to investment performance or because they further some public policy or similar goal.” DOL Seeks Stricter Limits on ESG Investing Under ERISA ... IB 2015-01 expressly permits ERISA fiduciaries to address ETIs or incorporate ESG factors in investment policy statements, integrate ESG-related tools, metrics and analyses to evaluate an... ERISA’s Social Goals? ESG Considerations Under ERISA ... The U.S. Department of Labor (the "DOL") on August 31, 2020 proposed a regulation (the "Proposed Proxy Regulation") that woul... A DOL Proxy Vote Against ESG? - New ERISA Proposal May ... Proposed ERISA Restrictions on ESG Investing. On June 23, 2020, the U.S. Department of Labor (the “DOL”) issued a proposed rule that would limit when and how fiduciaries of plans subject to the U.S. Employee Retirement Income Security Act of 1974, as amended (“ERISA”), may (i) consider non-pecuniary “environmental, social and corporate governance” (“ESG”)-type factors when ... DOL Proposes Restrictions on ESG Investing and Issues New ... While the SEC has been neutral regarding ESG, the Department of Labor (which administers

the ERISA statute) has been increasingly hostile. On August 31, 2020, the Department of Labor proposed a rule that would “clarify” that ERISA trustees are not always required to vote, a proposed rule that seems intended to discourage shareholder activism. ESG, Common Ownership, and Systematic Risk: How They ... The upshot: In the coming months, ESG integration practices could become the newest battleground in the growing tsunami of Employee Retirement Income Security Act (ERISA) breach lawsuits against fiduciaries. The argument that ESG factors lead to better long-term performance outcomes is much harder to prove than we might imagine. The ESG Performance Paradox | CFA Institute Enterprising ... This proposed regulation provides guidance when an ERISA fiduciary is selecting an investment or investment strategy based on “non-pecuniary” factors such as environmental, social or corporate governance (“ESG”) sustainability or religious factors. Has the DOL Closed the Door on ESG Investing in ERISA ... On June 23, 2020, the U.S. Department of Labor issued a proposal to regulate the use of environmental, social, and governance (ESG) strategies by investment fiduciaries under ERISA. [1] The proposal, if finalized, would be the first rulemaking since ERISA was passed in 1974 in which the Department has singled out a specific strategy for more rigorous treatment under ERISA’s duties of loyalty ... Since it’s a search engine, browsing for books is almost impossible. The closest thing you can do is use the Authors dropdown in the navigation bar to browse by authors—and even then, you’ll have to get used to the terrible user interface of the site overall.

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