






Forest Stewardship Council®



Guideline for Standard Developers on the generic criteria and indicators based on ILO Core Conventions principles

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The Forest Stewardship Council® (FSC) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests. FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

Contents

- A Objective
 - B Scope
 - C Effective and validity dates
 - D References
 - E Terms and definitions
-
- 1 Children working in their family farms
 - 2 Indicator 2.1.2 on aspect of forced labour
 - 3 Indicator 3.1.1 on aspects of non-discriminatory employment and occupation practices
 - 4 Aspects of freedom of association and *collective bargaining**

A Objective

The objective of this guideline is to provide informative guidance to Standard Developers on aspects of the Report on generic criteria and indicators based on ILO Core Conventions principles.

B Scope

This guideline is intended for use by:

- Subchamber balanced working groups incorporating the generic criteria and indicators in the FSC Chain of Custody and FSC Controlled Wood Standards.
- Standard Development Groups incorporating the generic criteria and indicators in the National Forest Stewardship Standards
- Certification Bodies incorporating the generic criteria and indicators in the Interim National Standards.

Collectively, the above referenced working groups, Standard Development Groups and Certification Bodies are referred to as 'Standard Developers'.

C Effective and validity dates

Approval date	18 August 2017
Publication date	18 September 2017
Effective date	18 September 2017
Transition period	<i>Not applicable</i>
Period of validity	Until the generic criteria and indicators have been incorporated in the national and international FSC standards

D References

The following referenced documents are relevant for the application of this document. For references without a version number, the latest edition of the referenced document (including any amendments) applies:

FSC-PRO-01-001 Development and Revision of FSC Normative Documents

FSC-STD-01-001 FSC Principles and Criteria for Forest Stewardship

FSC-STD-01-002 FSC Glossary of terms

FSC-STD-60-002 Structure and Content of National Forest Stewardship Standards

FSC-STD-60-006 Process Requirements for the Development and Maintenance of National Forest Stewardship Standards

FSC-PRO-60-006 Development and Transfer of NFSS to FSC P&C

FSC Report on generic criteria and indicators based on ILO Core Conventions principles

ILO Convention 29 (Forced Labour), 1930

ILO Convention 100 (Equal Remuneration), 1951

ILO Convention 105 (Abolition of Forced Labour), 1957
ILO Convention 111 (Discrimination), 1958
ILO Convention 138 (Minimum Age), 1973
ILO Convention 182 (Worst Forms of Child Labour), 1999
ILO Declaration on Fundamental Principles and Rights at Work, 1998
International Finance Corporation, Performance Standard 2, Labour and Working Conditions, 2012
ILO (2016) Trade Union and Child labour- A tool for Action. International Labour Office, Bureau for Workers Activities (ACTRAV)
Poschen, Peter (2000) Social Criteria and Indicators for Sustainable Forest Management. A guide to ILO texts, Forest Certification Working Paper No 3

E Terms and definitions

Terms for which a definition is provided in the 'terms and definitions' section are formatted in italics and marked with an asterisk*. For the purposes of this report, the terms and definitions provided in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

Child: any person under the age of 18 (C182, Article 2).

Collective bargaining: a voluntary negotiation process between employers or employers' organization and *workers' organization**, with a view to the regulation of terms and conditions of employment by means of collective agreements (C98, Article 4).

Employment and Occupation: includes access to vocational training, access to employment and to particular occupations, and terms and conditions of employment (C111, Article 1.3).

Equal remuneration* for men and women workers* for work of equal value: refers to rates of remuneration established without *discrimination** based on sex (C100 Article, 1b).

Good Faith in negotiation: *The Organization** (employer) and *workers' organizations** make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and give sufficient time to discuss and settle collective disputes (Gerning B, Odero A, Guido H (2000), Collective Bargaining: ILO Standards and the Principles of the Supervisory Bodies. International Labour Office, Geneva).

ILO Committee on Freedom of Association: a Governing Body Committee set up in 1951, for the purpose of examining complaints about violations of freedom of association, whether or not the country concerned had ratified the relevant conventions. Is composed of an independent chairperson and three representatives each of governments, employers, and *workers**. If it decides to receive the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of freedom of association standards or principles, it issues a report through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations.

Light work: *national laws** or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is- a) not likely to be harmful to their

health or development; and b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (C138, Article7).

National laws: the whole suite of primary and secondary laws (acts, ordinances, statutes, decrees), which is applicable to a national territory, as well as secondary regulations, and tertiary administrative procedures (rules / requirements) that derive their authority directly and explicitly from these primary and secondary laws. (FSC-STD-01-001 V5-2)

Organization (The): The person or entity holding or applying for certification and therefore responsible for demonstrating compliance with the requirements upon which FSC certification is based (FSC-STD-01-001 V5-2).

Workers: all employed persons including public employees as well as ‘self-employed’ persons. This includes part-time and seasonal employees, of all ranks and categories, including laborers, administrators, *supervisors, executives, contractor employees as well as self-employed contractors and sub-contractors (C 155; FSC-STD-01-001 V5-2). *Definition of functions of employees such as supervisors varies from country to country. In situations where they have authority, in the interest of the employer or management to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or have responsibility to direct them, they may be non-eligible to join unions.

Workers’ organization: any organization of *workers** for furthering and defending the interest of *workers** (adapted from C87, Article 10). It is important to note that rules and guidance on composition of workers’ organization vary from country to country, especially in relation to those who are considered as rank and file members, as well those who are deemed to have power to “hire and fire”. Workers’ organization tend to separate association between those who can “hire and fire” and those who cannot.

Worst forms of *child labour:** comprises a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced labour, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a *child** for prostitution, for the production of pornography or for pornographic performance; c) the use, procuring or offering of a *child** for illicit activities, in particular for production and trafficking of drugs as defined in the relevant international treaties; d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (C182,Article 3).

Informative guidance notes for Standard Developers

1. Children working in their family farms

(adapted from: ILO (2016), *Trade Union and Child labour - A tool for Action*. International Labour Office, Bureau for Workers Activities (ACTRAV))

Children under the required *minimum age of employment** may occasionally assist their parents in family or small holding units. This is not considered *child** labour, if it includes “work that is undertaken at home, or other *light work** for few hours which does not interfere with *child**’s education, safety and development”.

2. Indicator 2.1.2 on aspect of forced labour

Indicator 2.1.2 lists six types of forced labour which are identified in the *ILO Report of 2005, A global alliance against forced labour*, to consider the emerging dynamics of forced labour manifested in human trafficking.

In June 2014, governments, employers and *workers** at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour including trafficking in persons and slavery-like practices. They voted overwhelmingly to adopt a Protocol and a Recommendation which supplements the Forced Labour Convention, 1930 (No 29), and complement existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labour.

In the indicator 2.1.2 aspects of restriction of mobility/movement, retention of passports and identity as well as threat of denunciation to the authorities have been included as a response to the Protocol and also addressing concerns around human trafficking and modern slavery.

An assessment of recruitment records from recruitment agencies has been included in the list of potential verifiers to address issues around illegal payments. The working group is also proposing reviewing of work agreements and identifying the circumstances where employers withhold or deduct wages with the aim of indebting *workers**. Further the termination clauses within work agreements could be accessed to see if *workers** have freedom to terminate employment at any time with due notice in accordance with law or agreements.

3. Indicator 3.1.1 on aspects of non-discriminatory employment and occupation practices

Indicator 3.1.1 encompasses the principles of Conventions 100 and 101. Non-discriminatory employment practices therefore include the principle of equal pay for women for work of equal value as stipulated in Convention 100.

Concerning non-discriminatory *employment and occupation** practices the working group clarified that differences in *remuneration** between *workers** are not considered discriminatory where they exist due to inherent requirements or specifics of the job, e.g. due to length of employment, experience, technical expertise and performance.

4. Aspects of freedom of association and *collective bargaining**

The right of *workers** to establish or join organizations of their own choosing / in full freedom implies the effective possibility of forming organizations independent of those which may already exist. According to the ILO's Committee on Freedom of Association, this includes the right of *workers** to create more than one *workers' organization** per enterprise.

Furthermore, the voluntary negotiation of collective agreements is a fundamental aspect of freedom of association that includes the obligation to negotiate in *good faith** for the maintenance of harmonious labour relations. Both employers and *workers' organization** should bargain in *good faith** and make every effort to reach an agreement; genuine and constructive negotiations are a necessary component to establish and maintain a relationship of confidence between the parties.

However, the existence of freedom of association does not necessarily mean that there is automatic recognition of unions for bargaining purposes. Especially in systems where there is a multiplicity of trade unions, there is a need for predetermined objective criteria operative within the industrial relations system to decide when and how a union should be recognized for *collective bargaining**.

In some systems, this is determined on the basis of a union needing not less than a specific percentage of the company's *workers** in its membership. This may be decided by referendum in the workplace, or by an outside certifying authority, such as a government labour department or an independent statutory body.

In countries where national law recognizes *workers** rights to form and to join *workers' organizations** of their choosing, *The Organization** will comply with national law. Where national law restricts *workers' organization**, the certified holder will not restrict *workers** from developing alternative mechanisms to protect their rights regarding working conditions and terms of employment.

There is recognition that variations in *national laws** exist concerning employees who can and cannot join unions based on the definition of essential services and how the law defines particular functions of employees having authority, in the interest of the employer or management to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or responsibility to direct them. On this ground it is recommended that proof be given to show that by their role such employees are non-eligible to join unions in consistence with the *national laws**. In cases where such functions do not include the above listed types of authority employees are eligible to join unions in those countries.

Indicator 4.1.4

Indicator 4.1.4 considers that e.g. in the context of a newly established union it should be possible to have duly selected representatives of higher level union participating or representing them in negotiation processes.

Determining the level of *collective bargaining**

*Collective bargaining** can take place at the enterprise level, at the sectoral or industry level, and at the national or central level. It is up to the parties themselves to decide at what level they want to bargain. According to the *ILO Committee on Freedom of Association**, the determination of the bargaining level is essentially a matter to be left to the discretion of the parties.

Mutual Respect

The working group considers important that FSC certificate holders work constructively with *workers** and their representatives to promote the parties' mutual interests in the workplace and to work together in the spirit of mutual respect.



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