



Forest Stewardship Council®



# Synopsis of consultation results on incorporating of the FSC core labour requirements within the CoC Standards

## Foreword

In August 2017, the FSC International Board of Directors approved the development of requirements based on the generic criteria and indicators based on ILO Core Conventions into the Chain of Custody Standards (FSC-STD-20-011 and FSC-STD-40-004).

Protecting workers' rights according to the International Labour Organization (ILO) requirements has always been part of FSC's certification requirements for over 1,500 FSC-certified forest management businesses. Now, FSC is streamlining and reaffirming workers' rights protection in all FSC certified businesses around the world.

Incorporating the FSC core labour requirements in the Chain of Custody framework (FSC-STD-20-011 and FSC-STD-40-004) was developed by a chamber-balanced Technical Working Group. The first round of public consultation was conducted from January through March 2020 and the second round from 15 June until 16 July 2020.

The report authors would like to thank FSC members and stakeholders for their participation in the public consultation on the drafts of FSC Chain of Custody Standard (FSC-STD-40-004) and Chain of Custody Evaluations Standard (FSC-STD-20-011). Their suggestions and comments are of great importance to the development of the standards.

This synopsis report has been prepared in accordance with Clause 5.12 of FSC-PRO-01-001 (V 3-0), and contains an analysis of the range of stakeholder groups who submitted comments, as well as a summary of the issues raised with the questions posed during the public consultation period. A general response to the comments and an indication as to how the issues raised were addressed are provided in the compiled comments document.

For further information related to the policy development, please visit the webpage dedicated to this process [here](#). For more information related to the report, please contact FSC Policy Manager (Chain of Custody), Vicky Tran at [chainofcustody@fsc.org](mailto:chainofcustody@fsc.org)

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### **Abbreviations used:**

CB – Certification Body

CH – Certificate Holder

COC – Chain of Custody

CW – Controlled Wood

CO – Central Office

FM – Forest Management

FSC – Forest Stewardship Council

OECD – Organisation for Economic Cooperation and Development

OHS – Occupational Health and Safety

PfA – Policy for Association

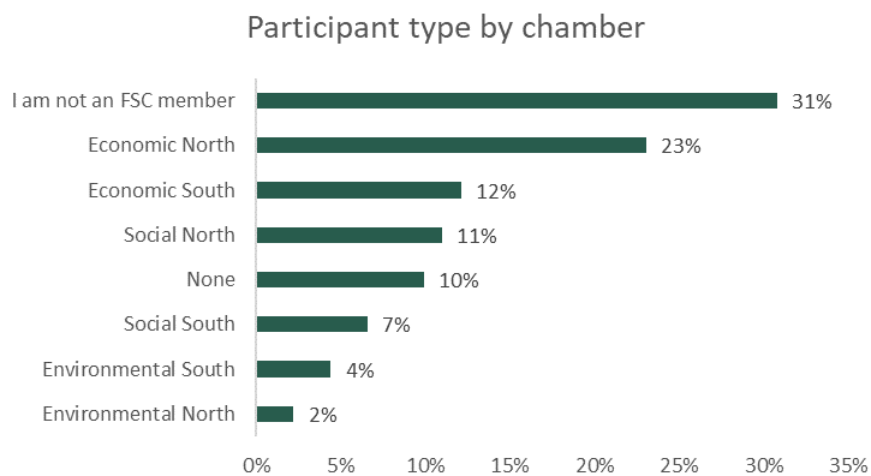
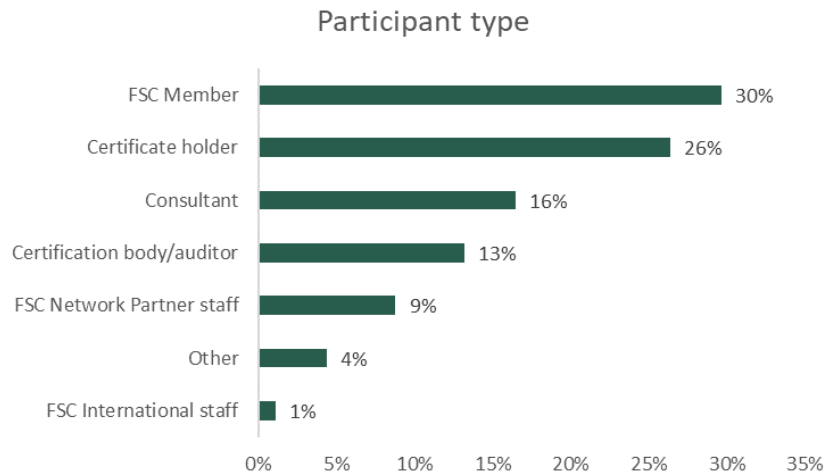
PSU – Performance and Standards Unit

TWG – Technical Working Group

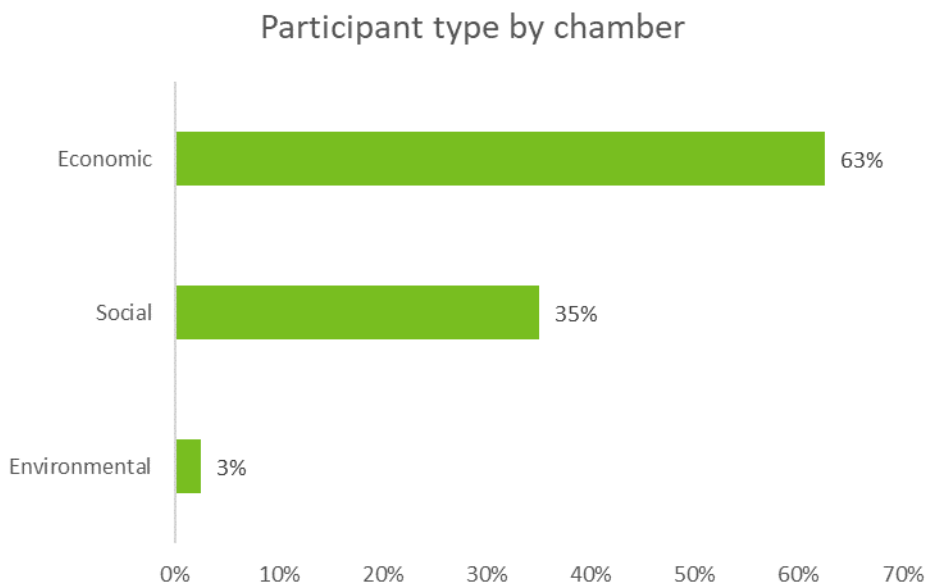
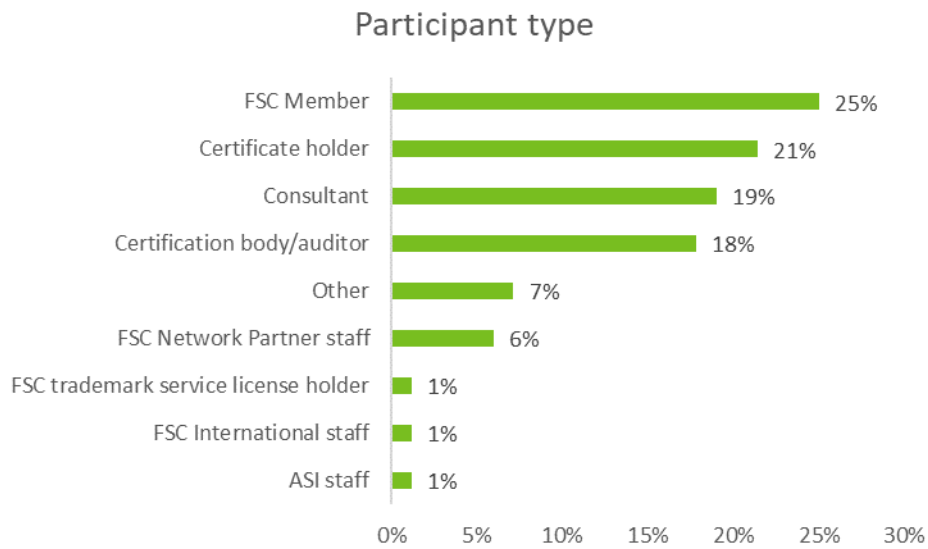
UNGP – United Nations Guiding Principles on Business and Human Rights

## Chapter 1: Public consultation participation overview

**First consultation:** 91 stakeholders provided feedback on the consulted first draft of FSC core labour requirements on the FSC CoC Normative Framework *FSC-STD-20-011 V (4-1) Chain of Custody Evaluations Standard* and *FSC-STD-40-004 V (3-0) Chain of Custody Certification Standard*.



**Second consultation:** 84 stakeholders provided feedback on the second consultation on the draft Standards and the FSC core labour requirements Self-assessment for certificate holders.



## Chapter 2: Methodology of public consultation results

All stakeholders (first consultation, 91 and second consultation, 84) involved in this consultation process provided answers to the questions and comments as well as feedback on the draft standards and self-assessment template via the FSC Consultation Platform.

Included in this report is the feedback received from CBs during the Triologue meeting on 22 June 2020, which are the quarterly CB-FSC-ASI meetings targeted at building better business relationships between the three parties.

To ensure that all relevant stakeholders took part in the consultation the following communication channels were applied:

- Email announcement on the CB Forum and Accreditation mailing list
- Email announcement on the Network mailing list and/or a news item on Branching Out
- News item on the FSC website
- News item on the FSC member's portal
- News item on the FSC trademark portal

To facilitate the consultation, we included the following questions:

- General questions about the revised clause in the standard (e.g. Do you have comments in relation to Annex C? 'Terms and definitions' Please elaborate on your response).
- Ranking questions (e.g. What is your overall impression of Section 7 of the 'FSC core labour requirements'?)

We analysed both qualitative and quantitative data using Microsoft Excel. The main instrument used to analyse the qualitative data was the coding frame that was developed by using an inductive approach, where codes were derived from the data by categorizing major emerging themes (over 3 recurring instances). This does not mean feedback occurring less than three instances was not considered. The qualitative results below contain a summary of stakeholders/membership feedback only. Content marked with an asterisk (\*) are linked to the second consultation, this includes new or reoccurring themes and questions. Not all comments received are presented here.

## Chapter 3: Summary of general comments and FSC feedback for the Chain of Custody Standards

Below is a summary of key topics stakeholders and members provided feedback on, together with PSU responses on how these comments were or will be addressed. Each key topic contains two to three sections: a) questions posted during the public consultations; b) quantitative results (for multiple choice questions only), and c) qualitative results and PSU/TWG comments.

### Summary of general comments & FSC feedback for FSC-STD-40-004 Chain of Custody Standard

#### 3.1: Introduction page

##### Normative reference

Version History

VX-X This minor review of the standard introduced the new FSC Core Labour Requirements into FSC Chain of Custody certification. This document version was approved by the FSC Board of Directors at their [NUMBER] meeting, [DATE].

Effective and validity dates

|                    |                                      |
|--------------------|--------------------------------------|
| Approval date      | TBD                                  |
| Publication date   | TBD                                  |
| Effective date     | TBD                                  |
| Transition period  | One (1) year from the effective date |
| Period of validity | Until replaced or withdrawn          |

#### a) Questions posted during public consultation

Question 1: Do you have comments in relation to 'Introduction' Please elaborate on your response?

\*Question 1. Do you have comments in relation to 'Version History'? Please elaborate on your response.

\*Question 2. Do you have comments in relation to 'Effective and validity dates'? Please elaborate on your response.

## b) Qualitative results

| Stakeholder/Membership Feedback  | PSU/TWG Comments  |
|--|---|
| <p><b>Positive for workers</b></p> <p>Stakeholders have applauded the work and effort of the inclusion of the FSC core labour Requirement in the CoC Standards.</p>  | <p>TWG acknowledges this feedback.</p>  |
| <p><b>FSC governance processes or procedures</b></p> <p>*That it should be a major revision, not a minor since it changes the scope of FSC CoC Certification.</p> <p>Members did not pass motion GA2017/50: Strengthening social clauses within CoC</p>  | <p>According to the Terms of Reference, the Technical Working Group (TWG) is expected to support and contribute to the integration of the generic ILO criteria and indicators into CoC certification by developing the CoC accreditation requirements that define how certification bodies shall evaluate these criteria and indicators in CoC certification. Therefore, this is classified as a minor/partial revision of the FSC-STD-40-04 and FSC-STD-20-011, which does not include a major/full revision of all requirements within both standards.</p> <p>In 2017, the FSC Board of Directors approved the generic criteria and indicators based on the principles of the International Labour Organization's (ILO) Core Conventions and the ILO Declaration on Fundamental Principles and Rights at work (1998). As a result, FSC started work on the development of auditable requirements for certificate holders.</p> |
| <p><b>*Extension of the effective and transition date</b></p> <p>Stakeholders would like to see the effective date and transition period extended as they need more time (Certificate holders, CoC auditors and Certification bodies) to deal and implement the new requirements. Also, COVID-19 has added additional difficulties, some stakeholders would like to see the transition date be extended to 1.5 years.</p> <p><b>*Implemented as soon as possible</b></p> <p>On the other hand, there is support for the effective date to follow standard procedure and for the requirements to be implemented as quickly as possible.</p> | <p>The TWG proposed to continue with the standard effective date and transition period of 12 months starting from the approval date, according to procedures as outlined in 'The Development and Revision of FSC Normative Documents' (FSC-PRO-01-001 V3-1 EN). There were concerns about 'transition creep', if the transition period was longer than 12 months stakeholders would request it be even extended further. One year is sufficient time to allow stakeholders to prepare for the transition into the new requirements.</p> <p>FSC will develop training and communications materials to support the implementation of the requirement. These include offering training for auditors, guidance materials for certificate holders and FSC-accredited certification bodies, and informational webinars.</p>   |



### 3.2: Clause 1.3

#### Normative reference

1.3 The organization shall commit to the FSC values as defined in FSC-POL-01-004.  
\*1.3 The organization shall commit to the FSC values as defined in FSC-POL-01-004.

#### a) Questions posted during public consultation

Question 2: What is your overall impression of Clause 1.3 in Section 1?

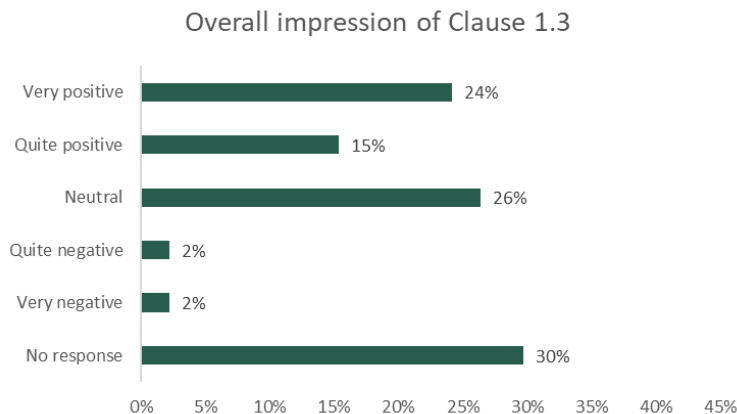
Question 3: Please elaborate on your response in relation to Clause 1.3 in Section 1.

\*Question 3a. What is your overall impression of Clause 1.3 in Section 1?

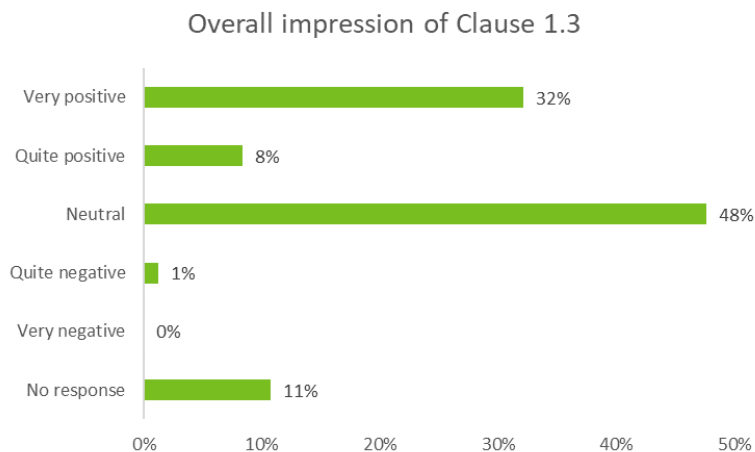
\*Question 3b. Please elaborate on your response in relation to Clause 1.3 in Section 1.

#### b) Quantitative results

##### First consultation



##### Second consultation



### c) Qualitative results

#### Stakeholder/Membership feedback

#### PSU/TWG Comments

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**Modification of clause 1.3 is seen as positive**

TWG acknowledges this feedback.

It already covers the items that are removed in FSC-POL-01-004 Policy for the Association of Organizations with FSC. It makes sense to refer to the policy only rather than including the content of the Policy for Association (PfA) which allows the PfA to be updated separately.

Some participants prefer to see the reference self-declaration removed.

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**Removing the requirement to sign the self-declaration is seen as positive change**

Certificate holders are already required to commit to the PfA and it is seen as additional and unnecessary work to sign a declaration.

The PfA and the self-declaration are one in the same in two but different forms. PfA unnecessary since CoC certificate holders must commit to FSC values.

The TWG believes the removal of the self-declaration accomplished two things. First, it made the document internally consistent. Second, it brought consistency on auditable ILO core labour requirements thus eliminating the conflict and confusion in language about ILO Core Conventions and ILO Fundamental Declaration on Rights of work to align with Section 7 'FSC core labour requirements'.

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**\*Nothing new or relevant**

Stakeholders have commented that the FSC core labour requirement adds nothing new, nor additional value or impact to the CoC Standard.

Both the development of the 'ILO Generic Criteria and Indicators' and its incorporation into CoC Standards have undergone an elaborate and arduous process. Since 2011, the Building and Wood Workers International (BWI) and the North American Employers' Coalition (NAC) have been in dynamic negotiations to establish a workable framework and auditable requirements for ILO Core Conventions. During the TWG work, the BWI and NAC have agreed to develop the International Labour Organization International Generic Indicators IGI into FSC core labour requirements as auditable requirements of the CoC Standards. With firm support from these two international organizations, the TWG has unanimously approved the FSC core labour requirements as one of the most significant revisions of the CoC Standards (FSC-STD-40-004 V3)

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**\*General support for the Policy of Association**  
Stakeholders support the policy, it as seen as

TWG acknowledges this feedback.

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important for stakeholders to show their commitment to commitment to FSC core values and principles. The edits to the requirements were positive, since it will be revised, and the remaining text provides a good placeholder.

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### 3.2: Clause 1.5

#### Normative reference

1.5 The organization shall adopt<sup>1</sup> and implement a policy statement, or statements, that encompass the FSC Core Labour Requirements. The policy statements shall be made available to stakeholders and to the certification body.

\*1.5 The organization shall adopt and implement a policy statement, or statements, that encompass the FSC Core Labour Requirements. The policy statements shall be made available to stakeholders (i.e. affected and interested stakeholders) and to the certification body.

#### a) Questions posted during public consultation

Question 4: What is your overall impression of Clause 1.5 in Section 1?

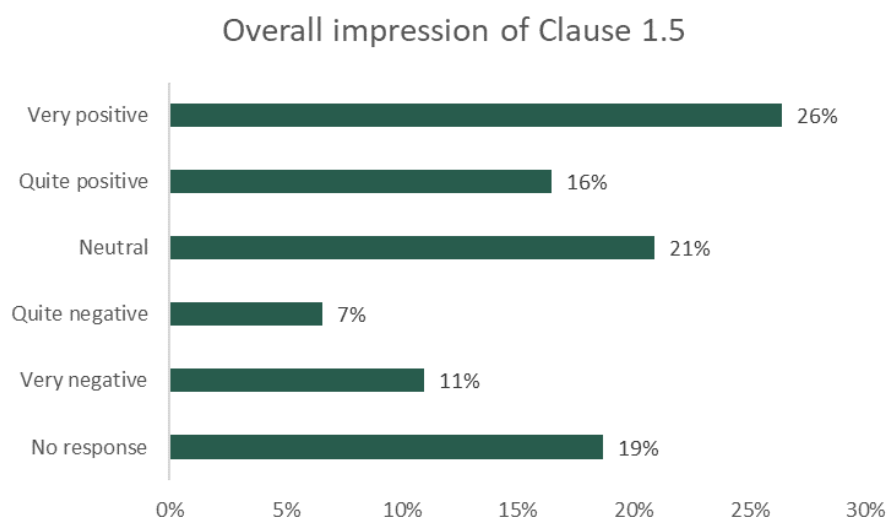
Question 5. Please elaborate on your response in relation to Clause 1.5 in Section 1.

\*Question 4a. What is your overall impression of Clause 1.5 in Section 1?

\*Question 4b. Please elaborate on your response in relation to Clause 1.5 in Section 1.

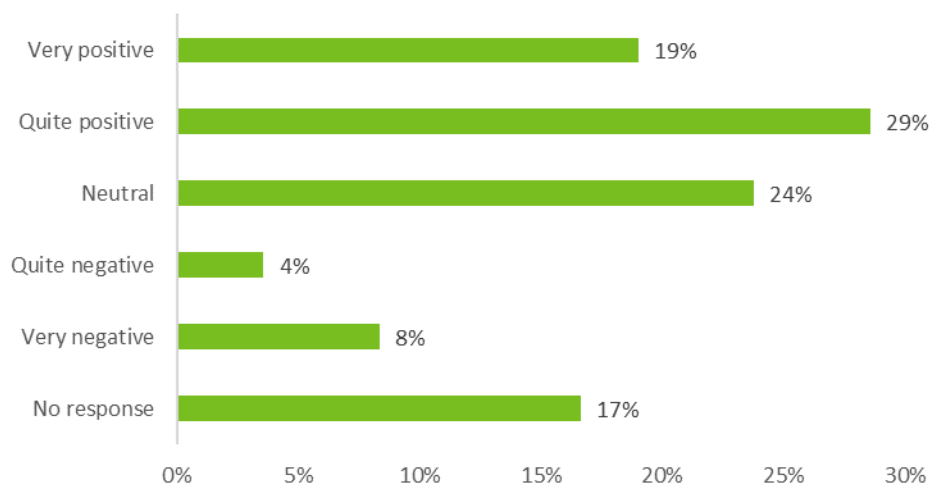
#### b) Quantitative results

##### First consultation



## Second consultation

### Overall impression of Clause 1.5



## c) Qualitative results

### Stakeholder/Membership feedback

### PSU Comments

**\*The term ‘implement’ is received positively but stakeholders placed a strong emphasis on ensuring the policy is publicly available.**

The TWG considered this suggestion and decided that the term ‘implement’ implies that the policy statement is publicly available.

- It is seen as an active action which is positive.
- Added value and enhances the credibility of the certification and enhances the credibility of certification. Verifiable for stakeholders.

**\*Differing opinions and further clarity on how the policy statement should be implemented**

The TWG considered these suggestions and decided that they do not want this requirement to be too prescriptive on how and where the policy statement should be implemented.

- The policy statement should be made available to stakeholders as needed or, upon request or publicly available
- \*Meaning of “available to stakeholders” does this mean on the website, printed copies, etc.
- Comments on how it should be implemented and verified (i.e. online, what is considered an adequate implementation, how is it verified)

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**Stakeholders strongly support the adoption and implementation of the policy statement or statements.**

TWG acknowledges this feedback.

It is seen as a reasonable requirement and broadly accepted by stakeholders. Addresses practices by the certificate holder, and seen as simple and easy to audit by certification bodies.

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**\*Not a necessity and seen as additional work**

Seen as unnecessary and goes beyond CoC. If a company is already compliant, they should not need to implement a policy statement.

Certificate holders need not to develop an entirely new or separate policy, they can use an existing company or organizational policies which can be updated accordingly.

It is seen by stakeholders that certificate holders do not have to produce a separate policy for FSC purposes only.

Certificate holders already must sign the FSC Policy of Association, which addresses these concerns.

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**\*Risk-based approach**

Should not be required for companies who have ratified or signed to the ILO or based on law or country labour risk analysis.

Certificate holders are provided with the self-assessment template to assess risk and compliance with the FSC core labour requirements.

FSC plans to explore introducing a risk-based approach for the CoC Framework which will apply to the FSC core labour requirements.

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### 3.3 Policy statements and certification schemes

#### a) Questions posted during public consultation

Question 6: Consultation participants are invited to submit examples of best practices of policy statements to [chainofcustody@fsc.org](mailto:chainofcustody@fsc.org).

#### References/links to policy statements

- International Framework Agreements (IFA's):  
<https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/international-framework-agreement>
- Reports of social audits and joint inspections
- Multinational framework agreements of the BWI and social audit protocols from the BW.
- Business & Human Rights Resource Centre: Company policy statements on human rights,  
<https://www.business-humanrights.org/en/company-policy-statements-on-human-rights>

#### a) Questions posted during public consultation

\*Question 7. We invite certification bodies to submit certification schemes that cover the FSC core labour requirements, please contact [chainofcustody@fsc.org](mailto:chainofcustody@fsc.org).

#### Certification schemes submitted by Stakeholders

#### PSU/TWG Comments

|  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Social Accountability International (SA8000)</li><li>• SEDEX</li><li>• ISO</li><li>• Legal</li><li>• ISO 9001, ISO 14001, ISO 45001 and ISO 26000</li><li>• OHSAS 1800</li></ul> | <p>The TWG discussed and reviewed the list, and entrusted FSC to develop the criteria for evaluation and acceptance of other similar social conformity assessment schemes which cover similar themes as covered by FSC core labour requirements. Certificate holders will be allowed to demonstrate certification under those schemes as evidence of conformity to Section 7.</p> |
|--|---|

### 3.4 Clause 1.6

#### Normative reference

1.6 The organization shall maintain an up-to-date self-assessment in which it describes how the organization applies the FSC Core Labour Requirements to its operations. The self-assessment shall be made available to the certification body.

\*1.6 The organization shall maintain an up-to-date self-assessment in which it describes how the organization applies the FSC Core Labour Requirements to its operations. The self-assessment shall be submitted to the organization's certification body.

#### a) Questions posted during public consultation

Question 7. What is your overall impression of Clause 1.6 in Section 1?

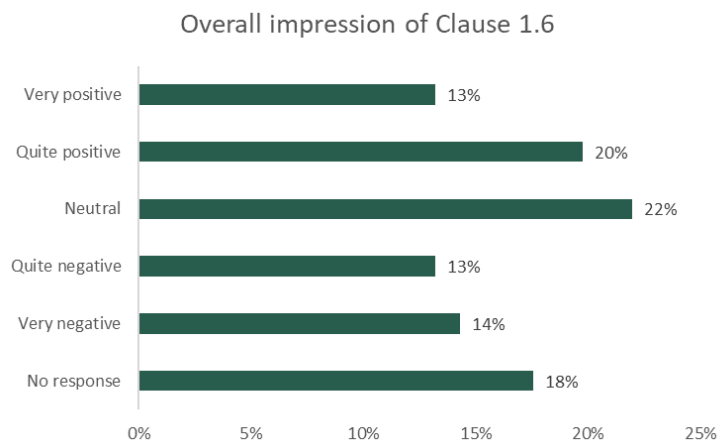
Question 8. Please elaborate on your response in relation to Clause 1.6 in Section 1.

\*Question 5a. What is your overall impression of Clause 1.6 in Section 1?

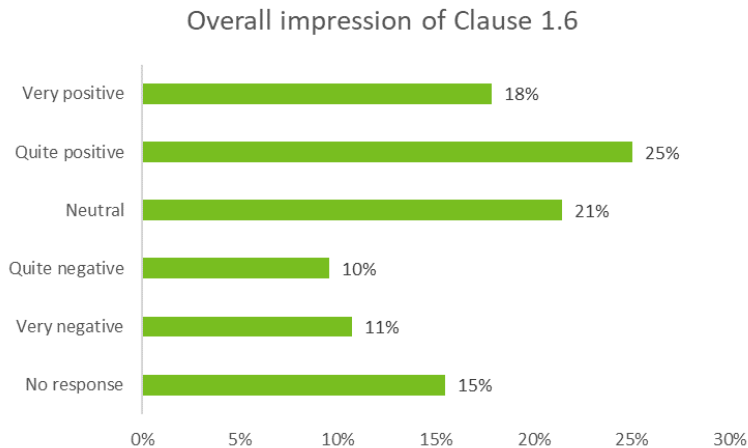
\*Question 5b. Please elaborate on your response in relation to Clause 1.6 in Section 1.

#### b) Quantitative results

##### First consultation



## Second consultation



### c) Qualitative results

#### Stakeholder/Membership feedback

#### PSU/TWG Comments

##### **\*Self-assessment is well received**

It allows for the certificate holder to gain an understanding of how the requirements work and allows CBs to keep track of changes and implementation; especially the requirement for certificate holders to keep it “up-to-date”.

TWG acknowledges this feedback.

##### **Self-assessment should be country specific or consider the FSC National Risk Assessment**

Take into consideration countries where national or regional legislation already covers Section 7 ‘FSC core labour requirements’ which will exempt these certificate holders or consider them as low risk.

- Reduce additional bureaucracy while taking into consideration the country risk.
- Consider the FSC National Risk Assessments or Centralized National Risk Assessments such as indicator 2.2.

Certificate holders are provided with the self-assessment template to assess risk and compliance with the FSC core labour requirements which allows the organization to take into considering the national laws of their respective countries.

FSC plans to explore introducing a risk-based approach for the CoC Framework which will be applied to the FSC core labour requirements. This will be part of the review and revision of FSC-STD-40-004 and FSC-STD-20-011 which is scheduled to begin in 2022. The risk-based approach needs to be implemented in a comprehensive manner and not only for the core labour requirements.

##### **\*Should consider a risk-based approach**

Clarify the country or risk level of the organization and how it impacts the audit of the FSC core labour requirements. (i.e. low risk = lighter audit, high-risk = more detailed audit, based on national legislation, Corruption Perceptions Index (CPI),



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exempting countries from applying the template if based in the North or are signatories to the ILO or have already strong laws & regulations)

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**Self-assessment template not available for the first consultation**

Stakeholders and members commented they could not provide feedback to the question posted without the template and its content. As a result, comments mentioned the purpose and use of the self-assessment are not clear and how it linked to compliance.

The self-assessment template was made available to stakeholders for comment at the second consultation. It is now included within FSC-STD-40-004 as an Annex.

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**\*Concerns that the templates will not be assessed correctly**

- Certification bodies need to be trained and competent in labour requirements.
- It is subjective to the certificate holders
- Auditors should verify it.

FSC plans to develop training for the implementation of the requirements for both certification bodies and certificate holders. In addition, there is an annual calibration meeting of assessments between FSC, CBs and ASI for alignment and consistency of audits.

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**\* Meaning of “up-to-date”**

It is not clear to stakeholders how appropriate and when to keep it “up-to-date”, whether it is appropriate to update it every time they identify a substantial change, or if an annual review is required.

The term “up-to-date” appears within several normative requirements within the CoC Framework, certificate holders are already familiar with the term ‘up-to-date’.

### 3.5 Clause 1.10

#### Normative reference

1.10 The organization may use other certification schemes that cover the elements required in Section 07 FSC Core Labour Requirements as evidence of conformity (i.e. the organization may consider as automatically meeting Section 07).

\*1.10 The organization may use other certification schemes (e.g. SA8000) that cover the elements required in Section 07 FSC Core Labour Requirements as evidence of conformity (i.e. the organization may consider as automatically meeting Section 07).

#### a) Questions posted during public consultation

Question 9: What is your overall impression of Clause 1.10 in Section 1?

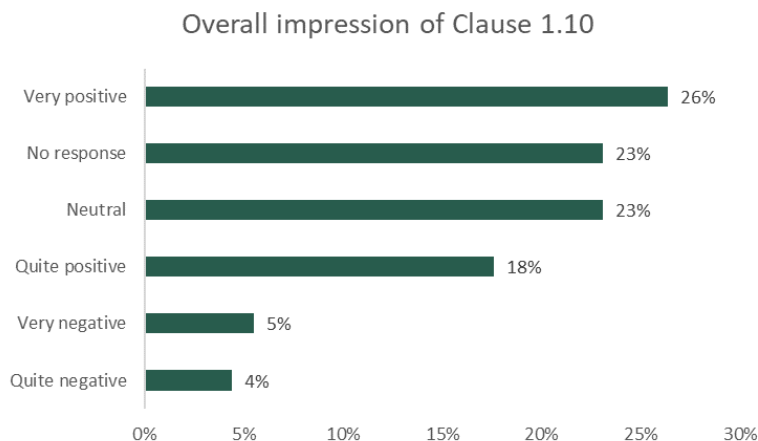
Question 10: Please elaborate on your response in relation to Clause 1.10 in Section 1.

\*Question 6a. What is your overall impression of Clause 1.10 in Section 1?

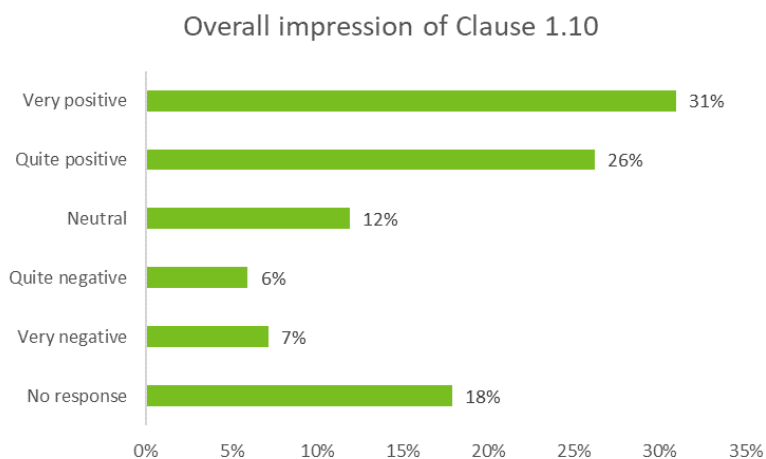
\*Question 6b. Please elaborate on your response in relation to Clause 1.10 in Section 1.

#### b) Quantitative results

##### First consultation



##### Second consultation



## c) Qualitative results

### Stakeholder/Membership feedback

### PSU/TWG Comments

#### **\*Requirement is well received**

Accepting other third-party schemes is received positively by stakeholder and members, as it is seen as reducing duplication, less bureaucracy and simplifies the process.

TWG acknowledges this feedback.

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#### **Additional work or increase in costs**

This requirement is seen by stakeholders as increasing work and costs.

TWG has taken into consideration the financial impact of the implementation for certificate holders. Certificate holders can use their conformity to other similar social certification schemes which cover the FSC core labour requirements as evidence of conformity. Assuming they are already meeting the requirement of these schemes it is not an additional burden or additional costs.

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#### **List of acceptable schemes**

FSC should evaluate other schemes or international minimum standards and identify which ones are acceptable or provide examples (i.e. to ensure which systems are reliable or could be benchmarked).

FSC will develop a list of acceptable schemes recognized by FSC based on criteria for evaluation. FSC plans to develop a criterion with input from certification bodies.

Examples provided by stakeholders and members:

- ISEAL members  
Use of third-party verification
- Social accountability international
- PEFC COC
- SA8000
- ISO26000
- EMAS
- ISO 14001
- ISO 45001
- SMETA (SEDEX Members Ethical Trade Audit)
- UN Guiding Principles
- OCED Guidelines
- BSCI

\*Stakeholders have expressed a need for a list of accepted certification schemes

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**\*Risk-based approach and legislation should consider meeting Section 7 FSC core labour requirements.**

Please [refer to the PSU/TWG comment](#) on page 16 regarding risk-based approaches.

Consider national and legislation automatically meeting Section 7 as proof and implement a risk-based approach (i.e. based on CPI (Corruption Perceptions Index)).

We should not burden organizations who operate in countries that have strict labour requirements with additional requirements but also take into consideration organizations that operate in high-risk countries but already have strong internal policies in place for workers and labour rights.

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**\*Other schemes should not be lower than the ILO core conventions**

It is included within FSC-STD-40-004, FSC International will review other schemes as compliant or equivalent to the FSC core labour requirements.

The acceptable of schemes are seen as positive however stakeholders have mentioned that they should not be lower than the FSC core labour requirements

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### 3.6 Clause 1.11

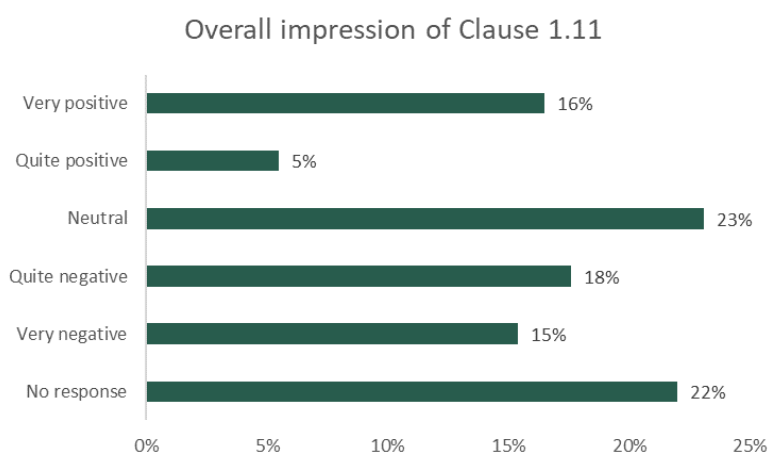
1.11 The results of the self-assessment shall be submitted to the organization's certification body at least three (3) weeks in advance before the next scheduled certification body's evaluation. Organizations that do not have the capacity or resources for conducting the self-assessment may also hire their certification body to conduct and complete the assessment of the FSC Core Labour Requirements (replacing the self-assessment).

**a) Questions posted during public consultation**

Question 11. What is your overall impression of Clause 1.11 in Section 1?

Question 12. Please elaborate on your response in relation to Clause 1.11 in Section 1.

## b) Quantitative results



## c) Qualitative results

### Stakeholder/Membership feedback

### PSU/TWG Comments

**Conflict of interest and third-party auditing**  
Concerns about the conflict of interest between the certificate holder and certification body regarding third-party auditing.

Based on the feedback from stakeholders the TWG agreed to remove the requirement which allows for third-party auditing.

Alternative options suggested for certification holders:

- to hire external consultants to conduct the assessment
- Independent third party with experience in industrial labour conditions
- Allow for another certification body who is not the certificate holder's own to conduct the assessment.

### Submissions (3) weeks in advance

It does not align with standard FSC CoC audit process in FSC-STD-20-001 V4.0. It is seen as creating additional costs, capacity, and resources to submit it to the certification body in advance. It is enough to present a self- assessment at the time of the audit.

Based on the feedback from stakeholders the TWG agreed to remove the requirement.

### Clear connection between the self-assessment and the audit of the assessment

They require further clarity about how the self-assessment is part of the auditing process. There should be a requirement to follow-up on actions from previous (self-) assessments for certification bodies to check. Also, the certificate holder should inform their CB about key policy changes to the

This self-assessment was not available for the first consultation when these stakeholder comments were made. The self-assessment was released for stakeholders during the second consultation with more information regarding the purpose and instructions on how to apply the self-assessment template and its connection to

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policies for effective evaluation and adulting.

assessments.

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**Implement a risk-based approach for self-assessments**

The (self-)assessment should be part of a risk-based approach taking into consideration the regulations and laws in the nation or region. It should not be considered mandatory for organizations in countries where the risk of violation of requirements are low. If national legislation covers the requirements the self-assessment should not be required.

The self-assessment template incorporates a risk-based approach for the compliance with FSC core labour requirements. Certificate holders are asked to identify legal obligations which may affect their ability to meet the requirements.

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### 3.7 Section 7 FSC core labour requirements

#### Normative reference

#### 7 FSC Core Labour Requirements<sup>3</sup>

7.1 In the application of the FSC Core Labour Requirements, the organization shall give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements.

7.2 The organization shall not use child labour.

7.2.1 The organization shall not employ workers below the age of 15, or below the minimum age as stated under national, or local laws or regulations, whichever age is higher, except as specified in 7.2.2.

7.2.2 In countries where the national law or regulations permit the employment of persons between the ages of 13 to 15 years in light work such employment should not interfere with schooling nor, be harmful to their health or development. Notably, where children are subject to compulsory education laws, they shall work only outside of school hours during normal day-time working hours.

7.2.3 No person under the age of 18 is employed in hazardous or heavy work except for the purpose of training within approved national laws and regulation.

7.2.4 The organization shall prohibit the worst forms of child labour.

7.3 The organization shall eliminate all forms of forced and compulsory labour.

7.3.1 Employment relationships are voluntary and based on mutual consent, without the threat of a penalty.

7.3.2 There is no evidence of any practices indicative of forced or compulsory labour, including, but not limited to, the following:

- physical and sexual violence

- bonded labour
- withholding of wages /including payment of employment fees and or payment of deposit to commence employment
- restriction of mobility/movement
- retention of passport and identity documents
- threats of denunciation to the authorities.

7.4 The organization shall ensure that there is no discrimination in employment and occupation.

7.4.1 Employment and occupation practices are non-discriminatory.

7.5 The organization shall respect freedom of association and the effective right to collective bargaining.

7.5.1 Workers are able to establish or join worker organizations of their own choosing.

7.5.2 The organization respects the full freedom of workers' organizations to draw up their constitutions and rules.

7.5.3 The organization respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers' organization, or to refrain from doing the same; and will not discriminate or punish workers for exercising these rights.

7.5.4 The organization negotiates with lawfully established workers' organizations and/ or duly selected representatives in good faith and with the best efforts to reach a collective bargaining agreement.

7.5.5 Collective bargaining agreements are implemented where they exist.

3 SOURCE: FSC report on generic criteria and indicators based on ILO Core Conventions principles (2017)

**a) Questions posted during public consultation**

Question 13: What is your overall impression of Section 7 of the 'FSC core labour requirements'?

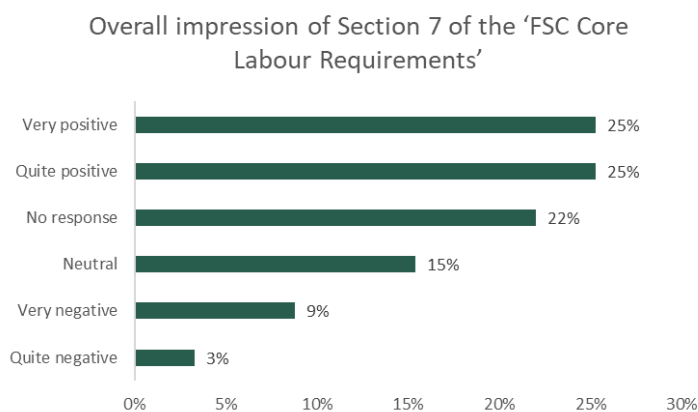
Question 14: Please elaborate on your response in relation to Section 7 of the 'FSC core labour requirements'.

\*Question 8a. What is your overall impression of Section 7 of the 'FSC core labour requirements'?

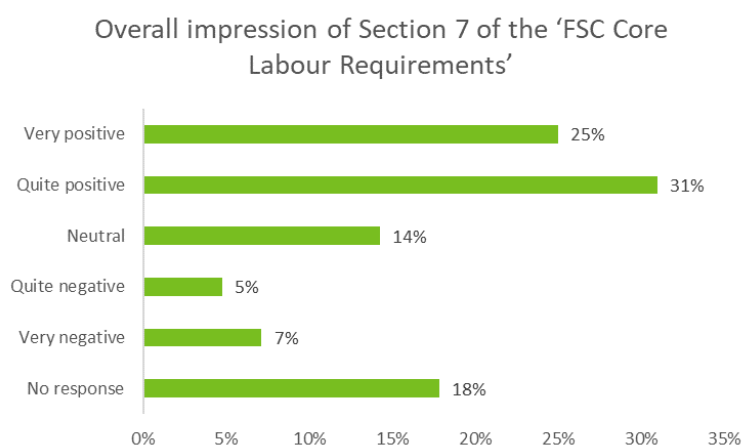
\*Question 8b. Please elaborate on your response in relation to Section 7 of the 'FSC core labour requirements'.

## b) Quantitative results

### First consultation



### Second consultation



## c) Qualitative results

Detailed comments per clause.

| Section or Clause                      | Stakeholder/Membership feedback   | PSU/TWG Comment  |
|--|---|--|
| Section 7 FSC core labour requirements | <p><b>Positive support</b><br/>Stakeholders overwhelmingly support the inclusion of the FSC core labour requirements.</p> <p><b>Auditing the requirements</b><br/>Auditors need to be trained to assess the requirements to ensure consistency of evaluations linked to competency.</p> | <p>TWG acknowledges this feedback.</p> <p>Please refer to the PSU/TWG comment <a href="#">on page 16</a> regarding FSC training plans.</p> |



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It is not clear how the requirements are audited, and compliance verified but the audits should be simple. It is seen as the requirements adding complexity and increasing audit time and increasing costs.

**\*Risk-based approach**

Incorporate a risk-based approach according to country-specific criteria (i.e. national legislation, the organization's labour policies and certification scheme, countries who are not signatories to the ILO conventions, consider FSC National Risk Assessments). Consider countries that have strong legislation and enforcement.

Please refer to [the PSU/TWG comment on page 16](#) regarding risk-based approaches.

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7.1 In the application of the FSC core labour requirements, the organization shall give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements.

**\*Unclear**

It is not clear what is required and what this clause means (i.e. does the FSC core labour requirements prevail national legislation?) Unclear as to what "fulfilling the objectives of the requirements" means.

It is not clear if it is intended for CBs to determine when CHs are meeting national law or not.

**\*FSC core labour requirements shall prevail National Law**

Requirements may be undermined if less demanding national laws are applicable, imposing the risk.

Section 7 is a result of long negotiations between TWG between representatives of workers (Building and Wood Workers International (BWI)) and employers (North American Employers' Coalition (NAC)). Any modification to the Section will require further negotiations between the two parties.

TWG acknowledged in some countries organizations cannot meet the requirement due to national law (i.e. Workers **cannot** establish or join worker organizations of their own choosing). In those situations, the organization is expected to give due consideration to the rights and obligations established by national

|  |  |   |
|--|--|---|
|  |  | <p>law, while at the same time fulfilling the objectives of the requirements. How to achieve that balance is not always clear and is best accomplished by an explanation offered by the certificate holder in the self-assessment.</p> <p>Within the self-assessment, organizations are asked to identify any legal obligations that may affect their ability to comply with Clause 7.5.</p>  |
| <p>7.4 The organization shall ensure that there is no discrimination in employment and occupation.</p>   | <p><b>*Vague</b><br/>This Clause is considered too general, generic and difficult to interpret which is then difficult to verify by auditors. It is suggested to include indicators (i.e. colour, race, gender, sexual or religious orientation)</p> | <p>Within Annex E of FSC-STD-40-004, a definition is included for 'Discrimination' which is adapted from ILO Convention 111, Article 1 is included.</p>   |
| <p>7.5.4 The organization negotiates with lawfully established workers' organization and/ or duly selected representatives in good faith and with the best efforts to reach a collective bargaining agreement.</p> | <p><b>Worker's organizations</b><br/>*Stakeholders have commented that collective bargaining included in employers' organizations is missing from the Labour requirements in chapter 7. And to update 7.5.4 to reflect this</p>                      | <p>TWG recognized the possibility of either employers or workers' organization having representation in the collective bargaining process thus why in the second part of the sentence, the word "duly selected representatives" is used to accommodate representation of either Employers or Workers organizations. A duly selected representative is someone who has a legal mandate to represent either employer or workers' organizations in the</p> |

### 3.8 Annex C. Terms and definitions (FSC-STD-40-004) & E Terms and definitions (FSC-STD-20-011)

#### Normative reference

**Affected stakeholder:** Any person, group of persons or entity that is or is likely to be subject to the effects of the activities of a Management Unit. Examples include, but are not restricted to (for example in the case of downstream landowners), persons, groups of persons or entities located in the neighborhood of the Management Unit.

**\*Affected stakeholder:** Any person, group of persons or entity that is or is likely to be subject to the effects of the activities of the organization. Examples include but are not restricted to workers, persons, groups of persons or entities located or working in the operations and sites of the organization.

**Child:** any person under the age of 18 (ILO Convention 182, 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 (ILO Convention 98, Article 4)

**Discrimination:** includes- a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, sexual orientation, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations where such exist, and with other appropriate bodies (adapted from ILO Convention 111, Article 1).

**Employment and Occupation:** includes access to vocational training, access to employment and to particular occupations, and terms and conditions of employment (ILO Convention 111, Article 1.3).

**Forced or compulsory labour:** work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself/ herself voluntarily (ILO Convention 29, Article 2.1).

**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).

**Interested stakeholder:** Any person, group of persons, or entity that has shown an interest, or is known to have an interest, in the activities of the organization.

**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 programs approved by the competent authority or their capacity to benefit from the instruction received (ILO Convention 138, Article 7).

**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.

**Stakeholder:** See definitions for 'affected stakeholder' and 'interested stakeholder'.

**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:** 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 (Source: ILO Convention 155 Occupational Safety and Health Convention, 1981).

*\*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' organizations:** 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).

**a) Questions posted during public consultation**

Question 15: Do you have comments in relation to Annex C? 'Terms and definitions' Please elaborate on your response.

Question 2: Do you have comments in relation to Annex E 'Terms and definitions'? Please elaborate on your response.

\*Question 9. Do you have comments in relation to Annex C? 'Terms and definitions' Please elaborate on your response.

**b) Qualitative results**

Detailed comments for both questions are included.

| <b>Stakeholder/Membership feedback</b>  | <b>PSU/TWG Comments</b>   |
|---|---|
| <p><b>Affected stakeholder</b><br/>The definition should be updated to consider the CoC context not FM and should include workers.</p> <p>*Stakeholders commented that the definition should be amended to include sub-contractors and expanded to include all affected stakeholders.</p> | <p>TWG updated the initial definition to match the context of a CoC organization.</p>             |
| <p><b>Use of 'Affected stakeholder' and 'Interested stakeholder'</b><br/>Confusion why the two terms were included but not used in the main documents and only referred to as 'stakeholders'.</p>   | <p>TWG has included references to the affected and interested stakeholders within Clause 1.5.</p> |
| <p><b>Collective bargaining includes employers' organizations</b><br/><br/>Stakeholders have commented that collective bargaining including employers' organizations are missing from the Labour requirements in chapter 7. And to update 7.5.4 to reflect this.</p>                      | <p>Please refer to the <a href="#">PSU/TWG comment on page 26</a> regarding Clause 7.5.4.</p>     |

## Summary of general comments & FSC feedback for FSC-STD-20-011 Chain of Custody Evaluations Standard

### 3.9 Forward

| Normative reference  |                                      |
|--|--------------------------------------|
| <p><b>VX-X</b> This minor review includes new requirements for the evaluation of the FSC Core Labour Requirements by certification bodies. This document was approved by the FSC Board of Directors at their [NUMBER] meeting, [DATE].</p> |                                      |
| C Effective and validity dates   |                                      |
| Approval date  | TBD                                  |
| Publication date   | TBD                                  |
| Effective date   | TBD                                  |
| Transition period  | One (1) year from the effective date |
| Period of validity   | Until replaced or withdrawn          |

#### a) Questions posted during public consultation

Question 1: Do you have comments in relation to 'Foreword'? Please elaborate on your response.

\*Question 1. Do you have comments in relation to 'Version History'? Please elaborate on your response.

\*Question 2: Do you have comments in relation to 'Effective and validity dates'? Please elaborate on your response.

#### Stakeholder/Membership feedback

#### PSU/TWG Comments

**\*It is a major revision and not a minor change**

Please refer to the [PSU/TWG comment on page 8](#) regarding major/full and minor/partial revision and governance.

It should be classified as a major revision not a minor since it changes the scope of FSC CoC Certification and members did not pass Motion GA2017/50: Strengthening social clauses within CoC. Remove the reference to the "minor" review.

**\*Not new requirements and positive support**

TWG acknowledges this feedback.

Stakeholders have commented that technically the requirements are not "new" since they have been part of FSC compliance and observance to the ILO conventions, they are

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now auditable.

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**\*Extension of the effective and transition date**

PSU/TWG responses on how these comments were or will be [addressed are on page 8.](#)

Stakeholders would like to see the effective date and transition period extended as they need more time (Certificate holders, CoC auditors and Certification bodies) to deal with and implement the new requirements such as allowing for the development of training and systems. In addition, COVID-19 has added additional difficulties, some stakeholders would like to see the transition date be extended to 1.5 years.

**\*Implemented as soon as possible**

There is support for the effective date to follow standard procedure and for the requirements to be implemented as quickly as possible according to the normative framework.

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**3.10 Clause 2.6 b)**

**Normative reference**

2.6 b) interviews with a sufficient variety and number of employees, their representatives including worker's organizations, employer's representatives and contractors at each operational site selected for evaluation in order to verify the organization's conformance to all applicable certification requirements. The interviewer shall ensure that comments can be provided in confidence.

\*2.6 b) interviews with a sufficient variety and number of employees, their representatives including worker's organizations, employer's representatives and contractors at each operational site selected for evaluation in order to verify the organization's conformance to all applicable certification requirements. The interviewer shall ensure that comments can be provided in confidence;

**a) Questions posted during public consultation**

Question 3: What is your overall impression of Clause 2.6 b) in Section 2?.

Question 4: Please elaborate on your response in relation to Clause 2.6 b) in Section 2.

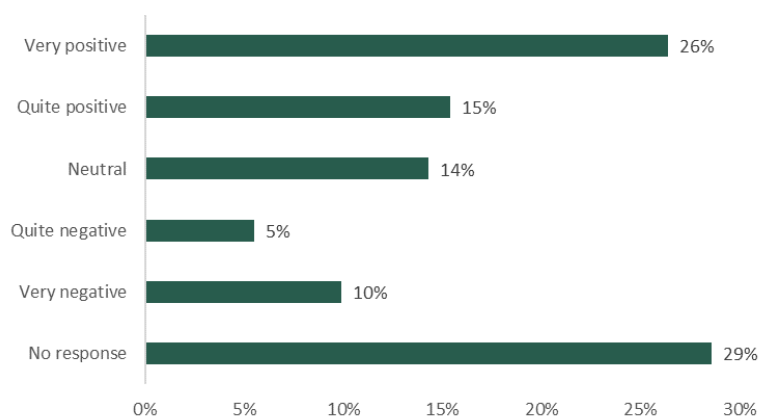
\*Question 4a: What is your overall impression of Clause 2.6 b) in Section 2?

\*Question 4b: Please elaborate on your response in relation to Clause 2.6 b) in Section 2.

## b) Quantitative results

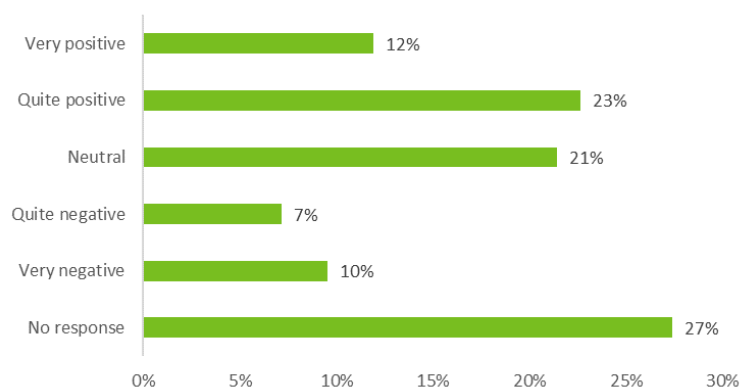
### First consultation

Overall impression of Clause 2.6 b) in Section 2



### Second consultation

Overall impression of Clause 2.6 b)



## c) Qualitative results

### Stakeholder/Membership feedback

### PSU/TWG Comments

#### \*Confidentiality and anonymity of interviews

Members and stakeholders have expressed concerns regarding interviews, it should guarantee the anonymity of the results of the interviews and person by:

- Interviewing outside of the workplace or virtually via video
- Facilitating the participation of interviews (i.e. access to translation or financial support to take part)
- Ensuring anonymity and privacy, the results are confidential
- Selection of interviews are not influenced by

It is possible to maintain the confidentiality of the responses however maintaining the anonymity of the interviewees is very difficult (i.e. an interviewee being invited by the auditor to conduct the interview in a meeting room will be seen by co-workers, supervisors etc.).



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the employer

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**\*Certification bodies knowledge to audit the requirements**

Members and stakeholders commented that CBs will need training to certify social audits and that they do not have the knowledge to audit social compliance requirements nor understanding of the locality and local laws and regulations of each country.

\*There are concerns by stakeholders that the interviews will only address OHS questions and concerns.

Please refer to the [PSU/TWG comment on page 17](#) regarding 'Concerns the templates will not be assessed correctly'.

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**\*Increase complexity and costs**

The requirements are an increase in costs to the certification body and the certificate holder because of more time needed on-site. Certification bodies may need to consult local experts leading to further increase of costs.

The requirements were developed to allow for the flexibility for certification bodies to develop auditing scopes according to the risk of the organization (via the self-assessment). While taking the complexity of the certificate holder's operations into consideration allows for unnecessary checks reducing audit times and keeping costs at a minimum.

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**\*Implement a risk-based approach**

Stakeholders and members (mainly from the Economic North) would like to see a risk-based approach to allow efficient and effective auditing of this requirement including:

- Link to the self-assessment
- Taking into consideration national legislation and laws where organizations automatically meet the FSC core labour requirements.
- \*High-risk countries and companies with a higher number of interviews than in low-risk countries and companies
- \*Taking into consideration the company's track record

Please refer to the [PSU/TWG comment on page 16](#) regarding risk-based approaches.

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**\*Number of employees to be interviewed**

Stakeholders and members would like further clarity and guidance on the 'sufficient.... number of employees' suggestions include:

- Amount of individual and amount of
- group interviewees per amount of employees
- 5% is enough for the number of employees

Both TWG members who represent certification bodies from both the North and South agree that auditors have experience in determining the 'sufficient variety and number of employees' and the requirement remains unchanged.

- Methodology of how employees are selected that is representative and unbiased.
- Representation of workers based on gender (i.e. if 50% of the workers are female, 50% of the respondents should be female).

### 3.11 Clause 2.6 c)

#### Normative reference

c) as a minimum, interviews shall be conducted to verify training measures and understanding of individual responsibilities at different locations across the operation under evaluation.

\*c) as a minimum, interviews shall be conducted to verify training measures and understanding of individual responsibilities at different locations across the operation under evaluation;

#### a) Questions posted during public consultation

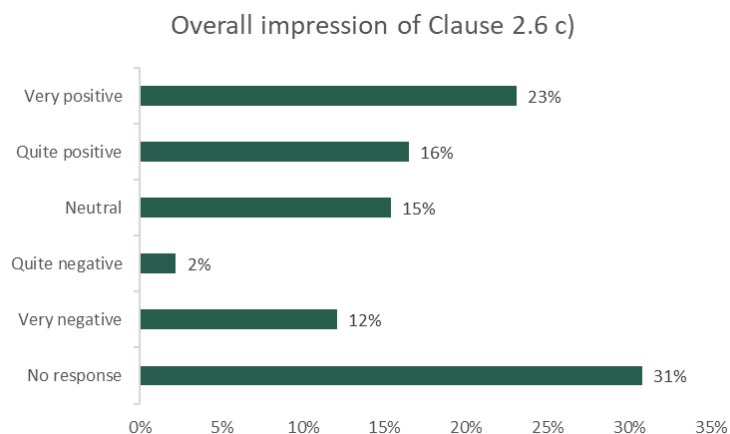
Question 5: What is your overall impression of Clause 2.6 c) in Section 2?  
 Question 6: Please elaborate on your response in relation to Clause 2.6 c) in Section 2.

\*Question 5a. What is your overall impression of Clause 2.6 c) in Section

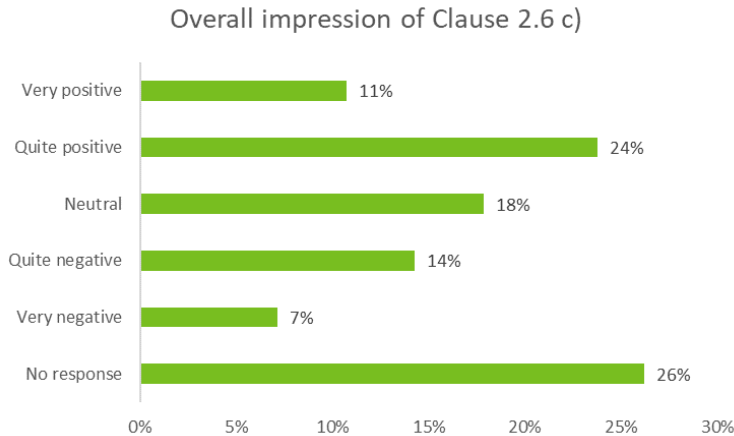
\*Question 5b. Please elaborate on your response in relation to Clause 2.6 c) in Section 2.

#### b) Quantitative results

##### First consultation



##### Second consultation



### c) Qualitative results

#### Stakeholder/Membership Feedback

#### PSU/TWG Comment

##### **\*Requirement is not clear and out of context**

Stakeholders and members expressed that the requirement and purpose is unclear and that they are not sure how it is linked to the core labour requirements. It is suggested by stakeholders to remove or revise it.

TWG separated this existing requirement from 2.6 b), and it is not exclusively linked to the FSC core labour requirements.

There are concerns that this requirement at a minimum will address OHS issues.

##### **Increase costs**

Concerns that the requirement will add to costs without highlighting or exposing violations to the FSC core labour requirements.

The TWG accepted that there would be some amount of increased costs due to increased auditing requirements, but that is acceptable, since we want to raise the bar for our certificate holders by complying to the FSC core labour requirements. This is also required to maintain the credibility of FSC as a responsible certification scheme. The additional costs would not be nominal, but are expected to be incremental in nature depending on the existing levels of compliance of the organization with social requirements and legal requirements in this regard in the country.

##### **Documentation as evidence**

Documentary evidence is considered insufficient to ensure compliance with this requirement, and interviews should be conducted to gain more information.

It is required for auditors to conduct interviews according to Clause 2.6 b).

##### **\*Auditors needs to be qualified and trained**

Please refer to [the PSU/TWG comment on page](#)

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Concerns that auditors need to be knowledgeable [16](#) regarding risk-based approaches to ensure the accuracy of the information obtained.

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### 3.12 Clause Section 11 FSC core labour requirements

#### a) Questions posted during public consultation

Question 7: What is your overall impression of Section 11 of the 'FSC core labour requirements'?

Question 8: Please elaborate on your response in relation to Section 11 of the 'FSC core labour requirements'.

\*Question 6a. What is your overall impression of Clause 11.1 in Section 11?

\*Question 6b. Please elaborate on your response in relation to Clause 11.1 in Section 11.

\*Question 7a. What is your overall impression of Clause 11.2 in Section 11?

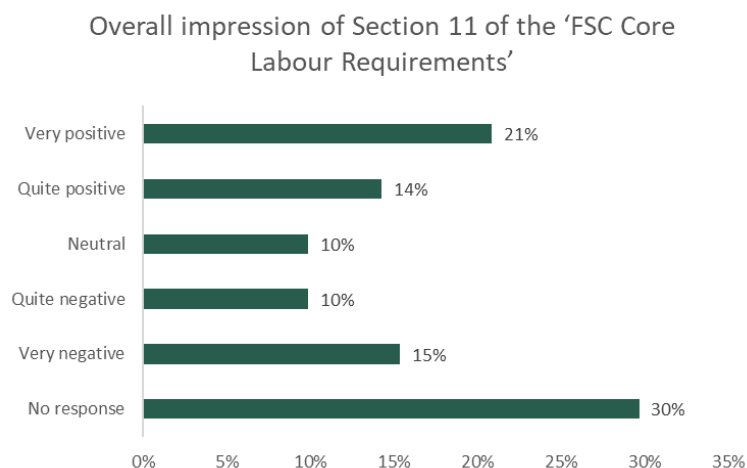
\*Question 7b. Please elaborate on your response in relation to Clause 11.2 in Section 11.

\*Question 8a. What is your overall impression of Clause 11.3 in Section 11?

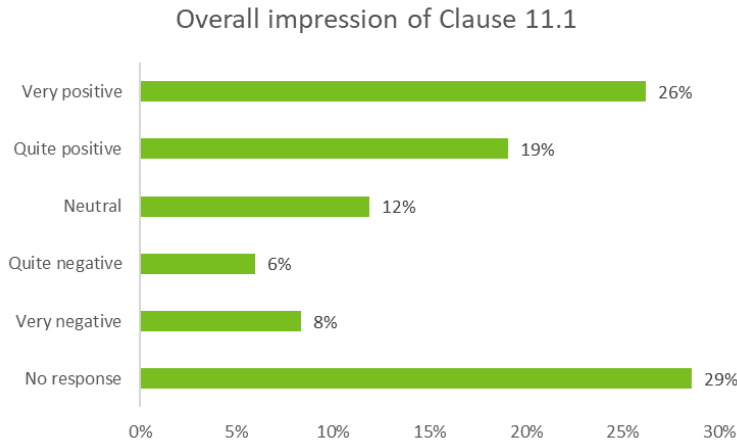
\*Question 8b. Please elaborate on your response in relation to Clause 11.3 in Section 11.

#### b) Quantitative result

##### First consultation



**Second consultation**



**c) Qualitative result**

**Section 11 FSC core labour requirements**

11.1 The certification body shall verify that the organization has adopted<sup>6</sup> and implemented a policy statement, or statements, that encompass the FSC core labour requirements.

<sup>6</sup> May develop a new policy or use an existing one.

**Stakeholder/Membership feedback**

**Risk-based approach**  
Stakeholders and members would like to see a risk-based approach, see risk-based comments above.

**\*No separate policies for FSC purposes only**  
CH should not create a separate policy for FSC purposes only, they see this as an additional requirement to produce a separate policy for FSC purposes only.

**\*Additional work and costs**  
Minor comments from stakeholders, the development policy this as additional work or adds additional costs with little benefit.

**Positive support and rigorously verified**  
Stakeholders overwhelmingly support the inclusion of the FSC core labour requirements.

**PSU/TWG Comment**

Please refer to the [PSU/TWG comment on page 16](#) regarding risk-based approaches.

Certificate holders don't need to develop an entirely new or separate policy; they can use existing company or organizational policies which can be updated accordingly.

TWG acknowledges this feedback

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|--|--|---|
| <p>11.2 The certification body shall verify that the policy statements are made available to stakeholders.</p>   | <p><b>Support from stakeholders</b><br/>There is general agreement and support for this requirement.</p>   | <p>TWG acknowledges this feedback.</p>  |
|  | <p><b>*No publication of the policy statements</b><br/>Minor comments from stakeholders, that the policies should not be public or published.</p>  |   |
|  | <p><b>*Publicly available</b><br/>Overwhelming support from stakeholders that the policy should be made publicly available and should be communicated and circulated to all relevant stakeholders. However, there are questions such as what “made available to stakeholders” means.</p>   | <p>TWG considered this suggestion and decided that the term ‘implement’ implies that the policy statement is publicly available. The TWG does not want to be overly prescriptive in how it is made available to stakeholders.</p> |
| <p>11.3 The certification body shall design and implement a system for evaluating the relevance, effectiveness, and adequacy of the organization’s self-assessment and conformity to Section 7 (FSC-STD-40-004), according to the scope and scale of the organization's operation.</p> | <p><b>*Evaluation and audit consistency</b><br/>Criticism on allowing certification bodies to develop their own system. There are concerns about different levels of auditing/ evaluation of the FSC core labour requirements leading to inconsistencies and uneven/unfair audits of certificate holders (i.e. determining the frequency and intensity of the audits). An additional concern is that it will be open to subjectivity by ASI assessors. There is an importance placed that auditors should be trained on how to audit social issues and indicators.</p> | <p>Please refer to the <a href="#">PSU/TWG comment on page 17</a> regarding ‘Concerns the templates will not be assessed correctly’.</p>  |
| <p>The certification body shall specify, justify and document in its system the means of verification of self-assessments, including, but not limited to:</p>  |  |   |
| <p>*11.3 The certification body shall design and implement a system for evaluating the relevance, effectiveness, and adequacy of the organization’s self-assessment and conformity</p>   | <p>Certification bodies want to</p>  |   |

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to Section 7 (FSC-STD-40-004), according to the scope, scale, intensity and risk of the organization's operation.

The certification body shall specify, justify and document in its system the means of verification of the self-assessments, including, but not limited to:

see alignment and for the standard to provide definitive requirements.

**\*Risk-based approach**

Focus on high-risk areas to reduce costs and burden on certificate holders who already comply (i.e. the existence of legal labour framework, labour market organizations and their functioning bargaining structures and other labour relevant certification and standardization schemes (PEFC, ISO, etc.), CPI index, "scope, scale and risk", ILO Core Convention country-scales).

Please refer to the PSU/TWG [comment on page 16](#) regarding risk-based approaches.

**\*Poor audit quality**

Concerns that the requirements will increase audit time and costs leading to poor audit quality of the requirements.

There is an annual calibration of assessments between FSC, CBs and ASI for alignment to ensure the quality of audits are consistent.

**\*Assessing the self-assessment is enough**

It is seen by stakeholders that assessing the self-assessment should be enough and gives enough guidance to Certification bodies.

Self-assessment enables organizations to measure their performance against the requirements allowing for continuous improvement. Self-assessments reinforce accountability however it must be verified by certification to ensure conformity to the FSC core labour requirements.

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a) a mechanism for verifying self-assessments against available sources of information and applicable requirements;

The self-assessment is supported however members provided the following recommendations:

TWG considered all relevant suggestions and confirms that self-assessment is a risk-based approach which informs the intensity and scope of the audit.

1. If it can be the basis to determine the risk level of the certificate holder, affecting the scope and intensity of audits.

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2. In low-risk cases, self-assessment should be the tool to assure the auditor that the certificate holder complies with the requirements and inform the intensity of the audit.

\*It is seen as a positive risk-based approach.

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b) identify the legal requirements related to the FSC core labour requirements and applicable to the organization/site.

FSC should be clear which legal requirements (i.e. ISO 18001 / ISO 45001) need to be assessed, this is linked to ensuring all evaluations and audits are consistent and not open to subjectivity.

**Exceeds knowledge of certification bodies**

Expecting auditors to know and identify legal the requirements of each country requires a lot of time and investment in training which is an increase of costs for certification bodies.

\*It is seen as a positive risk-based approach by evaluating and taking into consideration the legal framework of each country

The TWG considered this feedback. It is not possible for FSC to define what are the legal requirements for each country, as each country, once they ratify an ILO convention, might implement it separately. Certificate holders are expected and required to be aware of the legal requirements of the country they are operating in, and that shall be a part of the self-assessment. Auditors need not know the legal requirements of each country – but they would be expected to know the legal requirements of the country they are operating in. It would definitely be additional work for CBs and for auditors, but the argument that CB auditors would not know about the legal requirements of the country that they are operating in (or cannot find out about it from publicly



|  |   |   |
|--|---|---|
|  |   | available sources) is not justified.  |
| c) corroborating evidence provided by the organization with independent sources when possible. (e.g. documentation, interviews etc.) | <p>It is suggested that this requirement is already included in section 2.6, FSC-STD-20-011.</p> <p><b>Independent sources</b><br/>Expecting auditors to contact independent sources will increase the work of auditors, and auditors will need additional training adding to increasing costs by the certification bodies and their clients.</p> | TWG certification body representatives acknowledge this may add some costs. There is seen to be a need to clarify that it is only necessary under certain circumstances.  |
| d) for each organization determine the frequency and intensity of audits and competency of auditors.                                 | <p><b>Competency of auditors</b><br/>More information and clear guidance is required regarding the competency of auditors (i.e. include an appendix of auditors' qualifications).</p>   | TWG acknowledges that experienced auditors have the competency to determine the audit processes according to each organization. FSC plans to develop training materials for certificate bodies regarding the FSC core labour requirements. The requirement remains unchanged. |

## General comments on the normative drafts

### 3.13 Generic comments on FSC-STD-40-004

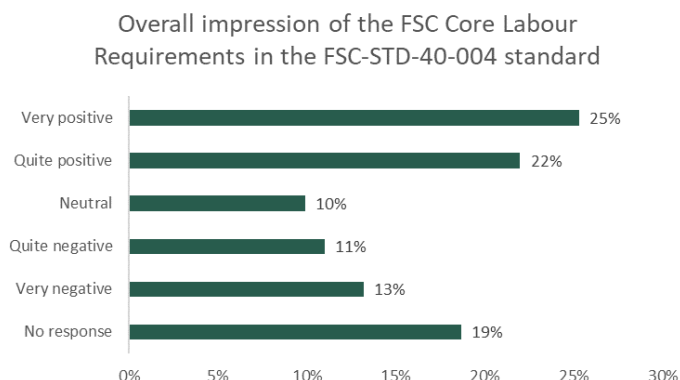
#### a) Questions posted during public consultation

Question A. What is your overall impression of the incorporation of the FSC core labour requirements in the FSC-STD-40-004 standard?

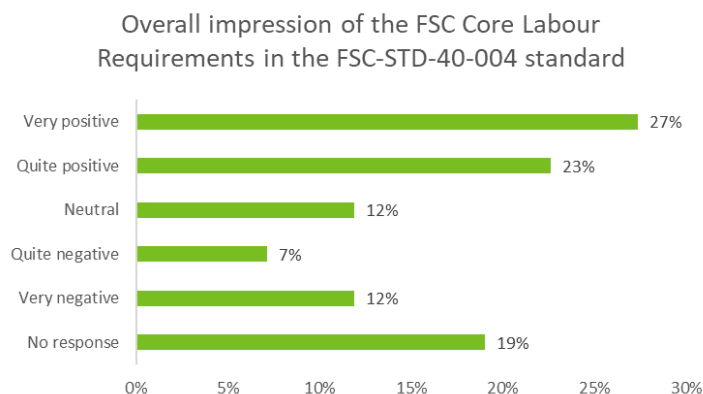
Question B: Please elaborate on your response (optional).

#### b) Quantitative results

## First consultation



## Second consultation



### a) Qualitative results

#### Stakeholder/Membership feedback

##### **\*Risk-based approach and country-specific**

Implement a risk-based approach which can be country-specific, suggestions:

- self-assessment to determine the risk level of certificate holders, the scope and content of the audit
- certificate holders based in low-risk countries be exempted from completing self-assessment
- automatic compliance with existing national legislation and use of existing

#### PSU/TWG Comment

TWG acknowledges this feedback. PSU/TWG comments addressing the Stakeholder/Membership feedback have been covered within the earlier sections report.

- certification schemes
- alignment with the UNGP's/OECD guidelines
- take into consideration the FSC Controlled Wood Risk Assessments
- requirements for low-risk countries be minimised
- take into consideration low-risk countries with simple operations

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**Implementation concerns**

Incorporating the requirements is seen as a positive and important step for strengthening FSC's credibility and ensuring FSC products are produced without violating worker's and labour rights; however, there are concerns about implementation. Additional work and clarity is needed about how the requirements will be audited by certification bodies including their competency (training) to audit social requirements.

TWG acknowledges this feedback. PSU/TWG comments addresses the Stakeholder/Membership feedback have been covered within earlier sections of the report.

A minority of stakeholders and members have commented that they disagree with including the FSC core labour requirements in the chain of custody standards, and to keep it focused on the production and sourcing of FSC materials and products.

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**\*Increase costs, extra work and added complexity**

Concerns over the added complexity, costs and work to maintain FSC certification and may risk in loss of certificates. However, comments regarding loss of certificates or leaving the FSC systems have been few. It may be a burden on small companies.

TWG acknowledges this feedback. PSU/TWG comments addressing the stakeholder/Membership feedback have been covered within the earlier sections report.

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**Disagree with including the FSC core labour requirements**

The CoC standard focus on the chain of custody and process of FSC products, it should stay that way. FSC will risk companies leaving the FSC system.

In 2017, the FSC Board of Directors approved the generic criteria and indicators based on the principles of the International Labour Organization's (ILO) Core Conventions and the ILO Declaration on Fundamental Principles and Rights at work (1998). As a result, FSC started work on the development of auditable requirements for certificate holders.

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**\*Clarify link between risk level of the certificate holder and the scope of an audit**

Further work is needed to clarify the risk level and the linkage to the audit scope.

TWG has made a clear link between risk level and scope of audit via the self-assessment. PSU/TWG comments addressing the Stakeholder/Membership feedback regarding risk and scope of the audits have been covered in earlier sections of the report.

### 3.14 Generic comments on FSC-STD-20-011

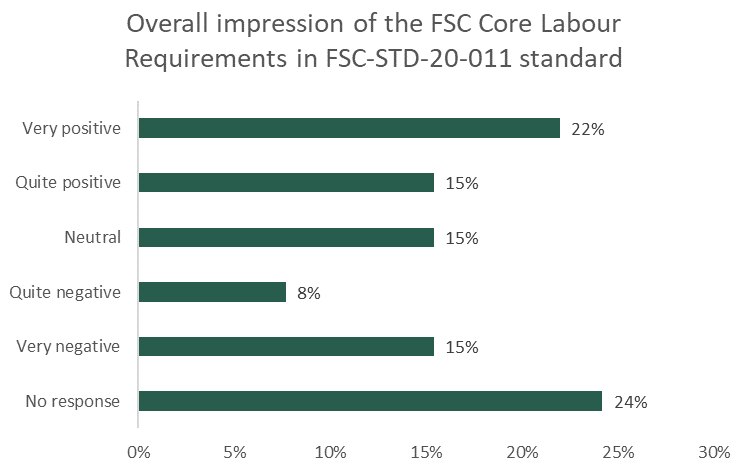
#### a) Questions posted during public consultation

Question C. What is your overall impression of the incorporation of the FSC core labour requirements in FSC-STD-20-011 standard?

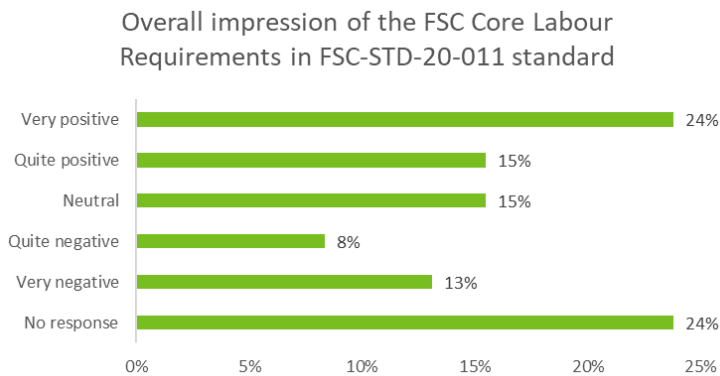
Question D: Please elaborate on your response (optional).

#### b) Quantitative results

##### First consultation



##### Second consultation



#### c) Qualitative results

Comments were found to be repeated in the previous question and are not included here.

##### Stakeholder/Membership feedback

##### PSU/TWG Comment

**\*Inconsistency of assessment**

Allowing certification bodies to determine how to audit FSC-STD-40-004 Section 7 (without guidance) leads to differences in amongst certification bodies on how they will be assessed and interpret the requirements – leading to conflict with ASI. There must be consistency amongst certificate bodies and assessments.

Stakeholders would like to see a common evaluation system/criterion for Certification bodies.

Please refer to [the PSU/TWG comments on page 16](#) regarding risk-based approaches.

The TWG considered these suggestions and decided that they do not want to be too prescriptive in defining criteria to ‘fit’ worldwide. The requirements were developed to allow for the flexibility for certification bodies to develop auditing criteria to according to country, the size and complexity of the certificate holders’ operations. Once FSC receives more examples, we can take them into consideration for the full revision of FSC-STD-20-011.

In addition, there is an annual calibration of assessments between FSC, CBs and ASI for alignment and consistency of audits.

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**Positive support and indicators are auditable**

Stakeholders support the FSC core labour requirements which are auditable in support of workers.

TWG acknowledges this feedback.

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**\*Increase costs, extra work and added complexity**

Concerns over the added complexity, costs and work for certification bodies and auditors which may raise the costs of certification.

The requirements were developed to allow for the flexibility for certification bodies to develop auditing scopes according to the risk of the organization (via the self-assessment) and taking into consideration the complexity of the operations of the certificate holder allows for unnecessary checks reducing audit times and keeping costs at a minimum.

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## Chapter 4: Summary of general comments and feedback for the FSC core labour requirements self-assessment for certificate holders

### 4.1 Application to each site/group member or whole certificate

#### a) Questions posted during public consultation

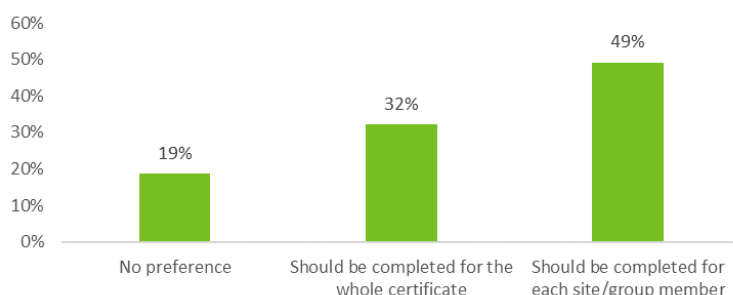
\*Question 1a. For multi-site or group certification, should the self-assessment be completed for each site/group member or the whole certificate?

\*Question 1b. Please elaborate on your response for 1a.

\*Question 1c. Please elaborate on your response for 1

#### b) Quantitative results

For multi-site or group certification, should the self-assessment be completed for each site/group member or the whole certificate?



#### c) Qualitative results

##### Stakeholder/Membership feedback

##### PSU/TWG Comment

###### **\*Self-assessment can be conducted by the Central Office for the entire multi-site certificate**

There is strong support for the self-assessment to be completed for the whole certificate. In some contexts where there is no difference from sites due to common operating procedures and being centrally administered, stakeholders support the option of conducting one overall assessment for multi-site certificates.

TWG discussed and agreed that the self-assessment for multi-site or group CoC certificates, the Central Office shall be responsible for completing the self-assessment for all participating sites under the scope of the certificate.

The Central Office is responsible for ensuring that all applicable certification requirements are met by all participating sites under the scope of the certificate.

###### **\*Take a flexible approach and let the Central Office decide**

Some stakeholders would like to see a flexible approach to allow the Central Office to decide, examples include:

- Applied to the whole certificate but the Central Office can request the self-

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assessment to be completed by a sample of the participating sites if necessary, based on their judgement.

- Sites are within one country/in countries with similar legislation and risk level, then the certificate level approach could be used or,
- If the certificate covers sites from different countries with a different levels of labour legislation and risk, then the site-level approach may be sufficient.

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**\*Self-assessment should be completed for all sites / members separately**

There is some support amongst stakeholders for the self-assessment to be completed for all sites and group members, as it is perceived a too risky not to evaluate each site and assessing the whole certificate may not be detailed enough.

**Country risk-based approach**

Some stakeholders would like to see the self-assessment be applied according to a risk-based approach taking into considering if countries have strong or weak labour laws and regulations or only in countries with poor labour conditions.

Please refer to the [PSU/TWG comment on page 16](#) regarding risk-based approaches.

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**\*Self-assessment is not required**

A very small number of stakeholders do not support the use and implementation of the self-assessment.

TWG agrees the self-assessment template is an essential part of FSC core labour requirements and will not be removed or be made optional.

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## 4.1 Application for multi-site application by each site or country where sites are located

### a) Questions posted during public consultation

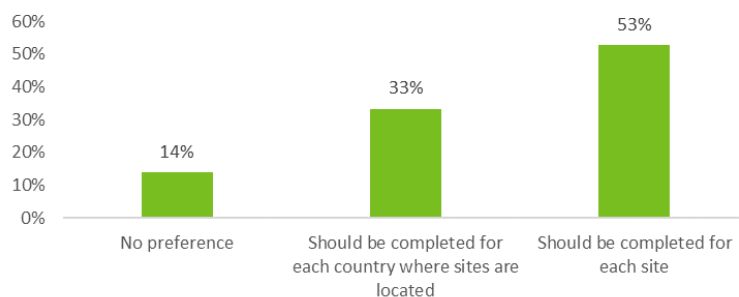
\*Question 2a. For multi-site certification, should the self-assessment be completed for each site or for each country where the sites are located?

\*Question 2b. Please elaborate on your response for Question 2a.1



## b) Quantitative results

For multi-site certification, should the self-assessment be completed for each site or for each country where the sites are located?



## c) Qualitative results

### Stakeholder/Membership feedback

### PSU/TWG Comment

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#### \*Take a risk-based but flexible approach

Please refer [to the PSU/TWG comment on page 16](#) regarding risk-based approaches.

Some stakeholders would like a country risk-based approach.

For example,

- If all sites are within one country or in countries with similar legislation and risk level, then the certificate level approach could be used. When the certificate covers sites from different countries with a different level of labour legislation and different risk levels, then the site-level approach might be better.
- In low-risk countries a self-assessment should not be necessary
- If a certificate holder can justify that it meets the same requirements in all the countries where it operates, a single self-assessment could be allowed.

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#### \*Self-assessment should be completed for each Site

TWG considered all relevant suggestions and agreed the self-assessment applies to all participating sites under the scope of the certificate.

There is strong support amongst stakeholders for the self-assessment to be completed for each site, even if all sites are within the same country it does not guarantee labour laws are not contravened across different sites.

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Completing the self-assessment at each site allows for the certificate holder to identify corrective actions for any site-specific issues.

**\*Self-assessment is not required**

A very small number of stakeholders do not support the use and implementation of the self-assessment.

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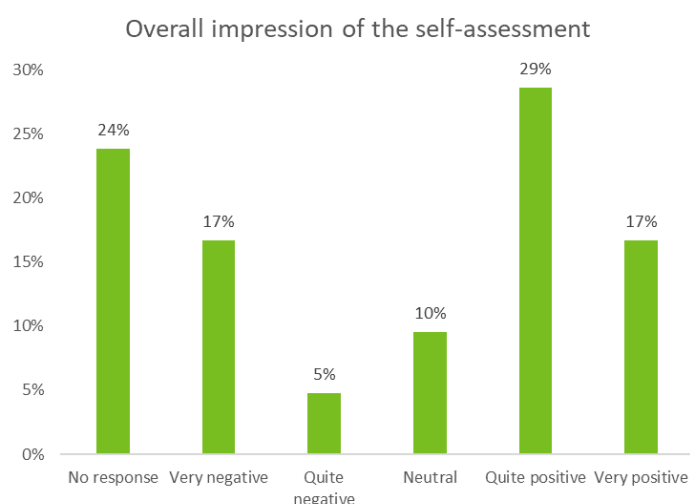
### 4.3 Generic comments on the FSC core labour requirements of a self-assessment for certificate holders

**a) Questions posted during public consultation**

\*Question 3a. What was your overall impression of the self-assessment?

\*Question 3b. Please elaborate on your response (optional).

**b) Quantitative results**



**c) Qualitative results**

**Stakeholder/Membership Feedback**

**PSU/TWG Comment**

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**\*Positive support of the self-assessment**

TWG acknowledges this feedback.

Stakeholders support the self-assessment template because:

- it is clear and easy to understand;
  - an appropriate tool to highlight labour issues but not too bureaucratic;
  - organizations need to verify their compliance with the requirements which are friendly, practical and easy to
-

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understand;

- it will streamline the audit process.

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**May increase work and cost**

A minor number of stakeholders are concerned that the self-assessment will increase work and costs for certificate holders especially small certificate holders.

The self-assessment is a cost-effective tool for collecting evidence to prepare for the organization's assessment process. The self-assessment will allow the certification bodies to determine the scope and auditing intensity and reducing unnecessary auditing time and costs.

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**\*Apply a country risk-based approach**

As per the other normative documents, there is support for a risk-based approach for applying the self-assessment (i.e. deeming it unnecessary for countries with no to low-risk).

Please refer to the [PSU/TWG comment on page 16](#) regarding risk-based approaches.

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**Need more clarification on application and use**

The self-assessment is a tool that defines the scope of audit for certification bodies. There needs to be a clear link between how it will define the risk level, scope, intensity, and frequency of audit.

The self-assessment was not available for the first consultation when this feedback from stakeholders was made. TWG aimed to address the concerns in the self-assessment template.