



## FSC CORE LABOUR REQUIREMENTS: QUESTIONS AND ANSWERS

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### Introduction

In its 65th meeting in March 2014, the FSC International Board of Directors requested the FSC Secretariat to develop an FSC system-wide solution for certificate holders' compliance with fundamental workers' rights (as expressed in the ILO Core Conventions and defined in the 1998 ILO Declaration on Fundamental Principles and Rights at Work).

In January 2021, the Forest Stewardship Council (FSC) reached an important milestone with the approval of the FSC core labour requirements within the Chain of Custody standards. With this step, the principles of the International Labour Organisation's (ILO) Core Conventions and the ILO Declaration on Fundamental Principles and Rights at Work (1998) are integrated into FSC's Chain of Custody standards.

This document collates all questions and answers from enquiries and webinars on the topic of the FSC core labour requirements.

### Table of contents

Application of the FSC core labour requirements .....	2
FSC Policy Statement(s) .....	6
National law and ILO conventions .....	8
Child labour .....	9
Forced or compulsory labour .....	10
Discrimination in employment and occupation .....	11
Freedom of association and right to collective bargaining.....	14
FSC core labour requirements self-assessment .....	16
Audit and surveillance evaluations .....	19
Recognition of other schemes .....	21
Questions and answers for auditors .....	21



## Version History

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### # Application of the FSC core labour requirements

#### 1 Do the FSC core labour requirements apply to seasonal and immigrant workers?

Yes, the requirements apply to seasonal and immigrant workers. Please see the definition of 'workers' within the FSC-STD-40-004 below, which includes all employed persons:

**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).*

#### 2 Do the FSC core labour requirements apply to outsourcers and subcontractors?

Yes, the requirements apply to companies who act as outsourcers and subcontractors to FSC-CoC-certified organizations, see the definition for workers below. Activities that are contracted out to outsourcers and subcontractors are under the scope of the organization's CoC certificate are included in the evaluation by certification bodies, see relevant clauses from the Chain of Custody Standard (FSC-STD-40-004) below:

For example, an organization who is only outsourcing activity that they would have done normally does not remove their responsibility to conform to the core labour requirements as long as legal ownership stays with the organization. All entities involved in the production or processing of FSC products or materials, (in-house or contractual) are covered by the scope of the certificate.

**Workers<sup>1</sup>:** 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

<sup>1</sup> 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.



Occupational Safety and Health Convention, 1981).

13.2 Activities that are subject to outsourcing agreements are those that are included in the scope of the organization's CoC certificate, such as purchase, processing, storage, labelling and invoicing of products.

13.4 The organization shall establish an outsourcing agreement with each non-FSC-certified contractor, specifying at a minimum that the contractor shall:

a) conform to all applicable certification requirements and the organization's procedures related to the outsourced activity;....

**Contractor:** Individual, company, or other legal entity contracted by an organization for any activities under the scope of an FSC CoC certificate.

**Scope:** The organization's product groups, sites, and activities that are included in the evaluation by an FSC-accredited certification body, together with the certification standard(s) against which these have been audited.

**3 My organization only trades FSC-certified products, do the core labour requirements apply to me as well?**

Yes, the requirements apply to all Chain of Custody certificate holders. However, the requirements to be implemented at each location will depend on the complexity of the organization (e.g. the requirements for compliance for a trader would be substantially lower than that for a pulp mill).

**4 Is there any difference in the FSC core labour requirements for FSC-STD-40-004 and FSC-STD-40-005?**

Yes, the FSC core labour requirements are based on the [ILO Declaration on Fundamental Principles and Rights at Work](#), and controlled wood category 2 of every FSC risk assessment (CNRA or NRA) and extended company risk assessment (ECRA) includes the ILO Fundamental Principles and Rights at Work. Every risk assessment includes an assessment of whether the ILO Fundamental Principles and Rights at Work are violated in the area covered by the risk assessment. The contents of these requirements are the same.

However, how the ILO Fundamental Principles and Rights at Work are assessed is different. The FSC core labour requirements are concerned with the verification of practices in the organization's site. The risk assessment contents are concerned with



assessing risk in a supply area, which can be outside the organization's facility and is not verification-based. The FSC-STD-40-005 looks at the risk of material harvested from areas where social and human rights are threatened. As such, it is more expansive and covers the whole sourcing/supply area (it assesses the risk, not whether it is happening or not). Whereas FSC-STD-40-004 is looking at the implementation of the FSC core labour requirements in the operational area of the organization. FSC-STD-40-004 is limited to the sites of operation and talks about actual compliance with requirements, whereas FSC-STD-40-005 addresses the larger supply area and the risk of non-conformance.

**5 Do the FSC core labour requirements apply to controlled wood suppliers under FSC-STD-40-005 or (uncertified) suppliers of reclaimed materials under FSC-STD-40-007?**

No, the core labour requirements do not apply to controlled wood or reclaimed materials suppliers. Controlled wood suppliers only need to fulfil the requirements of the Due Diligence System (DDS). The CoC certified organization is required to conform to the core labour requirements and verify if their suppliers meet the DDS requirements as per FSC-STD-40-005 and carry out the supplier audit program for their suppliers of reclaimed materials as per FSC-STD-40-007.

**6 Say a factory has two separate production lines, one for wooden sports products and one for bicycles (no wooden material used). Do the core labour requirements need to cover the workers of the bicycle line?**

No. The core labour requirements are part of the CoC standard. As such, it will apply to all sections which fall under the scope of the certificate and the scope of the standard. In this case, if the bicycle line is not in the scope of the certificate, it will not be covered.

However, we also need to keep in mind FSC Policy for Association (PfA) requirements:

*"FSC will only allow its association with organizations that are not directly or indirectly involved in the following unacceptable activities:...f. violation of any of the ILO Core Conventions"*

**7 How do organizations deal with the fact that workers might refuse to give specific data to a third party? Can the certification body issue a non-conformity to the organization for lack of information? Is GDPR applicable to information collected regarding FSC's core labour requirements? What needs to be considered in this regard?**



The General Data Protection Regulation (GDPR) gives individuals more control over how their data is collected, used, and protected within the EU. The GDPR applies to all organizations that are offering goods or services on the EU market, even if they are located outside the EU. FSC and the core labour requirements do not ask or require specific and personal data which falls under the scope of the GDPR. Certification bodies will decide on what information is required to verify conformity with the core labour requirements and ensure that the requirements of the GDPR are complied with, if applicable. Additionally, organizations can decide what evidence they can provide within the self-assessment to demonstrate conformity: Employee data can be grouped and anonymized allowing individual workers and their personal data to be no longer identifiable.

Information provided during an audit is also bound by confidentiality agreements. Further, only limited parts of that information are publicly available (i.e. FSC database). Publicly available information is not individual-specific, identifiable, or business-sensitive.

**9 Is information provided at FSC evaluations confidential?**

Yes, the information provided during an audit is also bound by confidentiality agreements. Furthermore, only limited parts of that information are publicly available such as certificate status and details on the [FSC database](#) which is not business sensitive.

**10 Do the core labour requirements apply to subcontractors used for non FSC related work services (such as cleaning, etc.)?**

No, if they are not subject to outsourcing agreements nor connected to activities linked to FSC certified products, these organizations are not within scope.

**11 What about work that is not directly related to FSC production (e.g. people selling candy in the canteen, officer workers (not mill or machinery workers), restaurant/canteen staff, facilities staff). Are they also covered by the core labour requirements?**

Yes, the core labour requirements apply to all employed persons within the organization's operations under the scope of the CoC certification (e.g. activities, sites, group members, product types, sub-contractors...), this includes all workers who meet the definition within the FSC-STD-40-004:

***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).*

## # FSC Policy Statement(s)

### 1 If we have an existing Code of Conduct or similarly written commitment that includes all the FSC core labour requirements, is that sufficient or do we require a separate 'policy Statement'?

No, organizations do not need to create a new or exclusive statement or document for the FSC core labour requirements. Organizations can choose to update existing policy documents (e.g. Code of Conduct Policy) to incorporate the core labour requirements which cover:

- Child labour
- Force and compulsory labour
- Discrimination in employment and occupation
- Freedom of association and right to collective bargaining

### 2 What does "made available to stakeholders" mean?

This means that the organization ensures that the policy is available to stakeholders (e.g. on the organization's website, newsletter, posted in the workplace, handouts, posters, message board, employee manual or code of conduct, or send via email). This was left intentionally open and not prescriptive (i.e. not all organizations have a website, etc...) to take into consideration the various types and sizes of organizations.

### 3 We already signed the self-declaration as part of the trademark license agreement (TLA), which contains the ILO labour conventions, can this be considered as our policy statement?

No, the self-declaration is an agreement between FSC and the organization, and it is not a publicly available document. The policy statement for core labour requirements is a public policy of the organization, against which it would be audited. Elements of the self-declaration can be incorporated into the public policy statement(s) as an implementable policy and made available to stakeholders.



**4 Must the policy statement include the FSC core labour requirements conventions in detail?**

It depends, the detail of your policy statement(s) is dependent on the size and operations of your organization. A large, complex organization may need to specifically identify some or all of the FSC core labour requirements in the policy statement.

**5 How is the policy statement different from the self-declaration or Policy for Association?**

The policy statements should encompass the core labour requirements, available to stakeholders and should be implemented by the organization. The certification body verifies that the organization has adopted and implemented the policy statement(s).

The self-declaration in the context of the FSC core labour standards is not verifiable, and is only a commitment. The Policy for Association is included as a separate section of the TLA which includes the self-declaration as an Annex which is signed by the organization. In addition, the FSC-POL-01-004 is undergoing revision: <https://fsc.org/en/current-processes/policy-for-the-association-of-organizations-with-fsc-pfa>

Clause 1.3 of FSC-STD-40-004 may be revised to allow for alignment with any potential changes to the policy.

**6 For Group certification, can the group manager create a policy that complies with the FSC core labour requirements which all group members sign, then the group manager audits for it during their internal audit?**

The Central Office/Group manager is responsible for ensuring that all applicable certification requirements are met by all group members including the FSC core labour requirements. This means they are responsible for developing and implementing the policy statement(s), and ensuring each group member have the policy statement(s), it is implemented and made available to stakeholders. The Central Office/Group manager is required to audit their group members in internal audits for compliance to FSC requirements this means all requirements including core labour requirements.



## # National law and ILO conventions

### 1 What if my country has ratified the ILO conventions or national law which already covers the FSC core labour requirements?

When national law already covers all the FSC core labour requirements or your country has ratified the ILO conventions, you still must demonstrate conformity to the requirements. In the self-assessment, organizations should first mention which laws govern these requirements and how they are implemented, and what is the proof of compliance. If you are already governed by national laws, proof of compliance with national laws can be used to prove conformity to the requirements.

### 2 In the self-assessment, there is a question "Identify any legal obligations that you believe may impact your ability to comply with Clause X.", Should we quote the local law? What can we do if we are not familiar with the related law?

When legal obligations impact the ability to conform with a specific clause, then

- a) Specify the relevant legal obligations and how they would prevent conformance (local laws may not require compliance, but as a certificate holder you will need to show how they actively prevent compliance with core labour requirements)
- b) Specify other mechanisms to prove conformance with core labour requirements
- c) Inform your certification body regarding the specific challenges. If they are challenges, then the certification body can discuss with FSC for possible solutions.

You can choose to quote the law or reference it. We would expect that you would be familiar with the labour laws within the country you operate in. However, if you are unfamiliar with related laws you can contact your Ministry of Labour or government department, labour organizations, and unions, FSC National Office or certification body to understand the national laws which may impact conformity with the core labour requirements.





## # Child labour

### 1 Children occasionally sell goods within and outside my factory grounds, is this considered child labour?

No, this is not considered child labour within the context of the FSC core labour requirements. However, organizations should be aware of the risks of indirectly perpetuating child labour. The FSC core labour requirements apply to the scope of the CoC certificate which includes product groups, sites, and activities that are included in the evaluation by the certification body.

### 2 There are no remediation or mitigation requirements within the standard. When child labour is found, are the victims abandoned?

The FSC system as developed only identifies nonconformities and does not go further in providing information on what remedial measures or actions can be taken to mitigate or improve a situation. The core labour requirements in the CoC standard only define what the certificate holder needs to do. Remediation measures for child labour, while desirable, are beyond the scope of the standard at present.

### 3 What if our company has interns aged 13-15?

Internships can provide valuable work experience for young people. Internships should always have a training element such as training-in-the-job which allow interns to learn practical skills. If the national laws or regulations permit the employment or work of children from 13 to 15 years and they are engaging in 'light work' which does not interfere or impact their school attendance, their health, or their development, this is permissible. In addition, workers under the age of 18 cannot carry out hazard hazardous or heavy work except for training purposes such as internships within national laws and regulations.

### 4 If the local laws forbid us to demand and keep a copy of birth documents, how do we verify the age of the worker?

Identification by sight cannot be proof of compliance. Consider how your organization verifies the age of the workers and ensure you are not employing underage workers. What process and procedures do you have in place?

You can use request alternative documentation for verification such as:

- Citizenship documents/passport
- Bank document



- School certificates
- Any other means of verification

If you are unable to keep copies of documentation, maintaining an age register can be sufficient but ultimately it is key to demonstrate there are processes in place to verify the age of workers.

**5 If children occasionally assist their parents on the family farm or business, is it considered child labour?**

If children occasionally assist their parents or help with the family business, this is permissible as long as this is light work, it is outside of school hours and does not interfere with their education, safety, health, and development. The schooling period in a country is a key element that determines the presence or absence of child labour.

**# Forced or compulsory labour**

**1 Is prison labour indicative of forced labour according to clause 7.3? Most ethical programmes do not accept prison labour and consider it to be forced labour despite it being allowed by law.**

Prison labour could be indicative of forced labour but may not always be the case. It depends on the countries and specific situations. For example, in some countries, prison labour may be voluntary, prisoners may be paid and have the choice to opt out of working. In this case, it would not be forced labour. In other situations, prison labour may be unpaid and mandatory - this would be considered unacceptable under the FSC core labour requirements.

**2 Say an organization operates on 12 hours or 24-hour shifts as long day work. Is this considered forced labour if the standard shift is 8-hours per day?**

It depends on what the law of the country permits. Some countries might permit exceeding the 8-hours limit for a certain period if the total number of hours in a week/month is maintained and there is enough time for rest and recuperation.

**3 If the employer keeps passports for safekeeping by the consent of the employee and there is evidence of an agreement between the employer and worker, is this allowed? This is to avoid passports going missing or being lost.**



It depends on if the employees have access to the passport when they need and want to. It also depends on if they have agreed or consented to this action, e.g., is the job offer or employment dependent on that 'consent'?

**4 What about cases in which work is carried in the forest with communities that do not have current employment contracts, and everything is developed by tradition and custom?**

Even if employment contracts are not present and it is all done in a traditional way that is not documented, even then, conformity would need to be demonstrated. This might involve the auditor undertaking interviews, reviewing documents that demonstrate the payment of wages to workers, etc.

**5 We hire immigrant workers and our government allows labour recruitment agencies to charge a 'service fee'. In this situation, is it OK if we conform with local law?**

Yes, as long as the fees are regulated by law and workers do not pay any fees or deposits to access employment in the organization. Some countries prohibit recruitment fees to workers to prevent fraudulent practices by labour recruiters, abuse of workers, debt bondage, etc.

**# Discrimination in employment and occupation**

**1 How can an organization demonstrate the absence of discrimination within employment and occupation?**

Each organization shall complete a self-assessment in which the organization describes how it applies the FSC core labour requirements to its operations. This could include policies against discrimination or compliance with legal requirements against discrimination. Such policies or legal requirements can include employment and promotion processes in which demonstrate that only merit and capability are the determining factors. Affirmative action policies for disadvantaged groups may also indicate an absence of discrimination.

Demonstrating conformity can include documentary evidence, on-site observations and interviews with staff or labour organizations etc. examples of documents and records including interviews and site observations.



**2 What needs to be done in cases where there is scientific proof at a national level that discrimination such as the gender pay gap exists, but there is no complaint at the organizational level?**

The standard does not look at national-level data. It asks for only conformance that there is no violation at the organization level.

The presence of a gender pay gap at a national/regional level or in research studies is not in itself proof of discrimination but could be an indicator that requires further investigation. Gender pay gaps may be a function of differences in experience, skills, and prior training etc. As a way forward, companies should have policies encouraging promotion practices for both genders in recruitment, training, and promotions etc.

There are many ways of checking for gender pay gaps in an organization. The existence of complaints may indicate a problem, but the absence of complaints also does not necessarily mean that a gender pay gap does not exist. Other means of ascertaining gender pay gaps could include, but are not limited to, aggregated, anonymized salary/wage details, factoring in age, experience, seniority, the complexity of work, etc.

**3 What does the term “discrimination in employment and occupation” mean?**

"Discrimination in employment and occupation" refers to practices that have the effect of placing certain individuals in a position of subordination or disadvantage in the labour market or the workplace because of their race, colour, religion, sex, political opinion, national origin, social origin or any other attribute which holds no relation to the job to be performed.<sup>2</sup>

**4 A sawmill with 50 employees has an uneven distribution: 48 men, 2 women. None of the employees has visible disabilities, and the workforce is not at all ethnically diverse. Is the sawmill in conformity with the requirements for discrimination within employment and occupation?**

We will need to take into consideration the sector and industry. Certain sectors have had traditionally male employees and women may not apply for those roles. However, if they did apply the company have to demonstrate they did not directly or indirectly discriminate against these applicants. Organizations should make qualifications, skills and experience the basis for the recruitment, placement, training, and advancement of their staff at all levels.

<sup>2</sup> Source: [ILO Q&As on business, discrimination, and equality](#)



**5 The core labour requirements cover the principle of non-discrimination in respect to employment and occupation, this includes “equal remuneration for men and women who produce work of equal value”. What does this mean?**

The principle of equal pay for work of equal value means that rates and types of remuneration should be based not on an employee’s sex, but an objective evaluation of the work performed.

The principle of equality relates to all the elements of remuneration, including salary or ordinary wage and other basic fees and benefits, directly or indirectly paid, in money or in-kind. Differences in remuneration between workers are not considered discriminatory where they exist due to inherent requirements or specifics of the job, due to length of employment, experience, technical expertise, and performance.

**6 Does discrimination in the context of employment and occupation include gender?**

Yes, it includes gender as well.

**7 Do we have to show our organization’s pay records during the audit?**

Auditors would need to see evidence for conformance to the requirements. This might include pay records. Other information that could prove conformance might also serve the purpose – e.g. anonymized salary information, government inspection records, etc. It could also include company policies that are publicly available and whose implementation can be verified. It can also include mechanisms that the company employs to fix salaries and promotions which are based on performance and competency (e.g. defined salary scales).

**8 How does an industry, which traditionally finds it very difficult to recruit women or ethnic minorities exemplify that they are applying appropriate equality actions? Are policies sufficient if we choose not to gain social certification?**

Organizations can demonstrate they have policies and procedures in place that does not actively discriminate (i.e. against women or people from culturally diverse backgrounds) in employment and occupation practices. These can be anti-discrimination procedures or policies which promote equality of opportunity and treatment in the workplace at all stages of the employment relationship, including recruitment, retention, promotion and termination practices, remuneration, access to vocational training and skills development. Non-discriminatory employment practices, therefore, include the principle of ‘equal pay for work of equal value’ between men and women.



## # Freedom of association and right to collective bargaining

### 1 How do we deal with state and federal 'Right to Work' laws in the US?

'Right to work' laws in the US makes it unlawful to include a union security clause in a collective bargaining agreement. A union security clause requires that all employees who are covered by a collective bargaining agreement become members of the union and pay union dues as a condition of continued employment. A union with a valid union security clause in their contract can insist that an employer terminate the employment of an individual who does not become a member of the union.

'Right to work' laws do not allow unions to force employees to pay union dues. 'Right to work' laws promotes the basic principles of freedom of association because workers can choose to become a member of a union if they wish to do so, or they can choose not to become a member of the union.

The other model (known as 'non-right to work') requires membership as a condition of employment and contravenes the core principles of freedom of association because it forces an employee to become and remain a union member even if they do not wish to do so.

### 2 Must workers join or form a union or create a worker's representative group or committee if they do not wish to?

Workers may choose to join or form a union or create a worker's representative group or committee, but they are not under any obligation to do so.

### 3 What should organizations do if a trade union is not recognized within their country or if national law restricts workers organizations?

Workers should be able to establish or join worker organizations of their choosing. In countries where it is not possible to establish free and independent trade unions because it is restricted under law, the organization should allow alternative options for workers to freely develop alternative mechanisms while respecting the law.

### 4 If my company does not allow any form of solicitation on company grounds or would not consider working with a labour union, would it affect my CoC certification?



If the organization does not permit solicitation on company grounds, it would not affect their certification if its refusal is legally valid.

The FSC core labour requirements state:

*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.*

There is no requirement to permit any form of solicitation on company grounds, as long as the organization respects the rights of its workers to engage in lawful activities related to joining/forming or assisting a workers organization (or to refrain) and does not discriminate against those that do so. If the organization does not violate this requirement, it is not a non-conformity. Anything beyond this would be covered by the legal requirements in the country/region.

Regarding if an organization would not consider working with a labour union or not, it depends on

- whether the worker organization or union is legally established and
- what does 'working with a labour union' means. The requirement is for organizations to 'negotiate in good faith and with best efforts' to reach collective bargaining agreements. It does not refer to other activities regarding 'working' with unions, which may be covered by different legal arrangements or requirements in the country.

**5 We have a letter of voluntary affiliation from the employee at the beginning of their employment relationship, which is then given to the union to inform them of the staff members who wish to join. Is this sufficient to demonstrate freedom of affiliation?**

These letters can be used a part of the evidence to demonstrate conformity to freedom of association for workers.

**6 Are union officials required to be actively involved in the company's FSC system? Or is it enough to just know?**



Union officials or representatives do not need to be actively involved with the company's FSC system regarding requirements covering freedom of association. But the company can choose to involve them as a part of their implementation of the core labour requirements.

## # **FSC core labour requirements self-assessment**

### **1 Is the self-assessment available in different languages?**

The self-assessment is available in English and Spanish. To find out if a version is available in your language please visit your National or Regional Offices [webpage](#).

### **2 Where can we find the self-assessment template?**

The self-assessment template is included within the Chain of Custody standard, FSC-STD-40-004.

### **3 Can we have a third party or consultation to review our self-assessments?**

There are no restrictions on this. The standard only requires certificate holders to develop a self-assessment and make it available to the certification body before that audit. How the organization develops the self-assessment is not prescribed. The organization can do consultations or engage external consultants to develop it if they feel the need to, or they could do it on their own. It is ultimately a question of capacity.

### **4 Does the self-assessment have to be sent to the certification body before the audit?**

Yes.

### **5 Are there any deadlines on when we submit the self-assessment before the audit?**

No, the self-assessment should be sent in advance of the audit, but no deadline is given. Ideally, it should be sent in such a manner that the auditor can review it, see the evidence, and plan the audit time accordingly. This would save time and effort on the part of the auditor and the organization, which otherwise could mean more time and costs at the audits if the self-assessment isn't provided to the certification body in a timely manner.





- 6 Do self-assessments apply to subcontractors? What if the subcontractor is not FSC-certified and low-risk outsourcing is being implemented with that company? The product will be sent back to the certificate holder for final sale, ownership is not relinquished. Are the core labour requirements still required to be evaluated?**

Yes, self-assessment is applied to subcontractors even if they are 'low risk'. You must demonstrate that you have performed your due diligence to check your subcontractor's conformity to the core labour requirements. Activities that are contracted out to outsourcers and subcontractors are under the scope of the organization's CoC certificate and included in the evaluation by certification bodies.

- 7 If our subcontractor does not conform with any of the core labour requirements, will we be suspended? What is expected in terms of the relationship between the CoC certificate holder and contractor? Does ending the relationship end the suspension? Is this ethical?**

Ensuring the subcontractor conforms with the core labour requirements is the responsibility of the certificate holder, just like ensuring it conforms with all other aspects of the Chain of Custody standard (FSC-STD-40-004). This is something that should be covered in the subcontractor agreement. If the subcontractor violates the core labour requirements, then the organization violates the core labour requirement and would receive a non-conformity. It is up to the organization how they resolve their non-conformity.

- 8 Should the self-assessment include links to documents (evidence) for review?**

It is not required, but it is recommended to include links for all documents.

- 9 How often do we need to complete the self-assessment?**

The self-assessment needs to be completed at least annually as part of each audit. In addition, it should be updated as and when there are any changes to the certification scope.

- 10 Do we need to have our outsourced companies or contractors complete the self-assessment? Or do we include their evidence in our self-assessment? Or is the outsourcing agreement suitable as is, and no further need for self-assessment questions for the outsourced companies?**



Organizations need to include outsourced companies/contractors in their self-assessment. This could be inclusive or separate for each sub-contractor. In all cases, the self-assessment would need to show how the organization (or the sub-contractor) fulfils the core labour requirements and evidence of conformance.

- 11 Do non-FSC certified outsourcers also need to create a policy statement and conduct a self-assessment and have evidence to show compliance to the certified organization during the organization's audit of outsourcers?**

They may, but there is no obligation. The obligation rests with the organization.

- 12 Is there a requirement to request documentation from FSC suppliers regarding the FSC core labour requirements (self-assessment, policy, etc)?**

No.

- 13 Does a multiple site organization have to complete one self-assessment or one for every site?**

The self-assessment can be completed for the whole organization, or it could be separate for each site. Although it might be more useful and practical if separate self-assessments are maintained for each site.

- 14 Do Group CoC certificate holders have to complete a self-assessment for all group members by the audit? Or can they do a general risk-based approach?**

The Central Office is responsible for upholding the Chain of Custody system and for ensuring that the requirements of relevant Chain of Custody certification standard(s) are met at the Participating Sites. The Group Manager must ensure that all the group members conform with the core labour requirements, self-assessments can be member specific or completed at a group level. The level of detail would then need to be checked by the certification body to determine if that is sufficient.

**Central Office:** *The identified central function (e.g. office, department, person) of a Multi-site or Group COC, that holds ultimate management responsibility for maintaining the certification contract with the certification body, for being responsible for upholding the Chain of Custody system and for ensuring that the requirements of relevant Chain of Custody certification standard(s) are met at the Participating Sites.*

*4.2 The Central Office shall be responsible for ensuring that all applicable certification requirements are met by all Participating Sites under the scope of the certificate. The*



*Central Office shall demonstrate its management system's capacity, as well as technical and human resources, to manage continuously and effectively the number of Participating Sites under the scope of the certificate.*

**15 Our company is audited annually by a third party for a voluntary social scheme, can we use the evidence for these audits to demonstrate conformity with the FSC core labour requirements?**

You may use the evidence used for conformity to other voluntary social schemes to meet the FSC core labour requirements if they are applicable. However, the certification body would need to decide whether the evidence submitted is sufficient to prove conformance.

**16 Who should sign the self-assessment? A representative of the management or the person in charge of FSC for the company?**

The management representative who has overall responsibility and authority for the organization's conformity to all FSC certification requirements should sign the self-assessment.

## **# Audit and surveillance evaluations**

**1 Do we need to have workers and workers' representative interviews to ensure conformity with the requirements? Site observation of the workers' dormitory? Time arrangement for ILO requirement?**

Interviews and sites observations are part of surveillance audits for auditors to verify the organization's conformity with the core labour requirements. The level of detail in the self-assessment could help set the level of interviews and their intensity. FSC does not specify how the requirements must be assessed. FSC-STD-20-011 permits certification bodies to design how they would assess the organization's conformance to core labour requirements, based on the self-assessment. This could include any or all the following:

- Site visits
- Interviews
- Public reports
- Document review
- Interviews with union representatives
- News, blogs, websites, social media reports etc.



**2 To what level of depth does FSC expect the core labour requirements to be audited?**

The normative documents do not specify the minimum time required for the audit. Evaluating all these requirements will certainly take time. However, the organizations are required to develop and submit the self-assessment to their auditor before the audit. This self-assessment should contain the organization's conformance with the requirements and supplemental evidence. This requirement is built into the standard to reduce the overall audit time. In many cases, existing documentation, as specified in the self-assessment, may be enough.

**3 How do we demonstrate at the audit that a requirement is fulfilled?**

This would be a combination of site observations, interviews with staff or worker representatives, and documents and records depending on the requirement such as policies and procedures (e.g. equal opportunity policies and recruitment procedures)

**4 What will auditors have to check during audits in cases when the FSC core labour requirements are incorporated in national law and law enforcement is done by other government organizations or agencies (e.g. Berufsgenossenschaft or Gewerbeaufsichtsamt in Germany)?**

When national law already covers all the FSC core labour requirements, the organization still must demonstrate that they conform to the requirements. If an audit or inspection is carried out by a government organization or agency the organization can use the report issued by them as evidence of conformity.

**5 Some traders take physical possession of the material where they have a warehouse and the core labour requirements could be verified. However, in the case of traders who are not taking physical possession of FSC material, have just an office with one or two employees. In this case, how would the auditor verify the requirements of core labour requirements?**

Regardless of the size, and operations of the organizations they still must undergo surveillance audits to verify the conformity of the core labour requirements. Though audits within much smaller organizations may be more straightforward. By completing the self-assessment, organizations can specify which are the sections not applicable to it and why not.

**6 Would a new applicant organization be evaluated under the new version of FSC-STD-40-004 V3-0 before 01 September 2021?**



No, the standard new version is effective only from 01 September, so companies cannot be audited against that standard before that date.

## # Recognition of other schemes

### 1 Will the presentation of the audit report of other certification schemes suffice as proof and prevent auditing?

No, it will not prevent the auditing or evaluation from being carried out of the core labour requirements, as the auditor will still need to verify by viewing the audit report that you have sufficiently met the requirements.

Other schemes are not yet recognized. As and when we do, we shall inform stakeholders via the [FSC Newsfeed and newsletter](#) what that recognition means.

## # Questions and answers for auditors

### 1 How shall auditors confirm the core labour requirements for “low risk” outsourcers? Certification bodies would not audit such companies, so it will be difficult to verify and confirm the self-assessment.

**Are auditors now expected to go onsite to all outsourcers to verify conformance with the core labour requirement? Will FSC-STD-20-011 be updated to consider core labour requirements in the high or low-risk designations of outsourcers?**

Auditors are required to assess outsourcers or subcontracting companies regarding their conformity to the requirements. Depending on the self-assessment, and the extent of the activities undertaken by the sub-contractor, the non-FSC certified sub-contractors may need to be audited to verify compliance.

### 2 Do auditors have to assess evidence from the subcontractors (i.e. list of employees, etc.)?

Due diligence of their subcontractors is a requirement for organizations. Auditors may choose to assess evidence from the subcontractors regarding their conformity to the



requirements. This is dependent on the specific situation of the country, the organization and the level of detail provided in the self-assessment.

- 3 To what extent will auditors be expected to verify the records and documents identified by the organization (i.e. birth certificates) as part of their procedures to ensure conformance with core labour requirements? How are certification bodies expected to audit these requirements? How in-depth will they need to go?**

The normative documents do not specify the level of detail that auditors need to look into records or documents identified by the organization. It is up to the certification body to design and implement a system for evaluation. Evidence identified within the self-assessment by certificate holders will inform part of the audit planning.

- 4 Wage information can be a very sensitive topic when it comes to the management level (i.e., difficult to retain). It seems rather problematic for an auditor then to evaluate if, e.g., a colleague with the same qualification, but different gender, is treated equally. If a company responsible person is challenged to provide such information, audits likely will require substantially more time for thorough research or, with other open questions potentially, raise a substantial number of CARs. How should an auditor address the situation to keep an audit at a reasonable level?**

That is one of the purposes of the self-assessments, to allow organizations to provide this information in advance, and the audit can be planned accordingly.

- 5 If a company has 1000 employees, what's a good representative sample of employee records to review and confirm in a 1-day audit?**

It should be based on the country, the complexity of the organization and operations and the information provided in the self-assessment. FSC does not prescribe sampling intensity.

- 6 According to clause 7.3.2, will auditors need to check the payroll system?**

There are no specific requirements for auditors to check the payroll system but that is an option, if required, to verify the legal age of workers etc. FSC does not define the documentary evidence required, only the requirements.

- 7 Assessing conformity with clause 7.3 would be fairly simple where there are labour unions in place. How would this be audited where no such exists? How would**



**auditors obtain objective evidence that reflects the actual situation, again considering that most CoC auditors are not trained to conduct social audits?**

The employment relationship is the legal link between employers and employees, which refers to the rights and obligations of employers to their workers. This refers to the existence of an employment relationship (the performance of work and the remuneration of the worker), that employment is voluntary, and workers can choose to leave their place of employment without pressure, coercion, or threats.

Examples of objective evidence which can be sighted by the auditors could be payment records, dispute and grievance procedures and records or employment contracts. Auditors can conduct interviews with a sample of workers and representatives' employers, supervisors etc.

**8 Is there an estimate of how these new requirements will impact the audit process, in terms of duration, number of auditors and auditor's expertise?**

FSC does not have a meaningful estimate of how the requirements will impact the audit process, as auditable social requirements are new within the FSC system. The new requirements will require more time and expertise, but no estimation beyond this is possible at this time.

**9 Regarding no discrimination in employment and occupation. What are the thresholds that should be used to determine conformity, also considering that the context in every country or region will be different?**

There may be complexities in different countries and regions, however, most countries have national legislation prohibiting discrimination based on race, sex, age, and other personal characteristics. In some cases, national laws might permit actions in violation of the FSC core labour requirements or gives rights to the organization that may result in behaviour that contravenes the principles of the FSC core labour requirements. In such situations, the organization is expected to give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements (i.e. same pay scales for all employees dependent on position and duration at the organization). How to achieve that balance is left to the organization to decide and explain in the self-assessment.

**10 Regarding Clause 11.3, what is meant by the effectiveness of the organization's self-assessment?**



If the self-assessment met the desired result of describing how they apply the FSC core labour requirements with evidence.

**11 For Clause 11.3, what is the difference between scope and scale in this context?**

According to scope refers to the certificate scope (i.e. activities such as a trader or a processor) and scale (the size of the operations of the organization including sites and group members).

**12 For Clause 11.3 b), what are examples for the identification of legal requirements related to the FSC core labour requirements and applicable to the organization/site?**

For example, national legislation that restricts or bans trade unions, national legislation regarding working age, national legislation on non-discrimination, etc.

**13 Clause 11.3 c) refers to ‘corroborating evidence provided by the organization with independent sources when possible’ Are there examples for these independent sources for each of the FSC core labour requirements?**

This could be trade unions, NGOs, international organizations that focus on workers’ rights or other workers’ organizations, government ministries /authorities and industry associations. Certification bodies do not have to liaise with all these organizations, only as required. This can include publicly available information, news reports, websites, social media, NGO reports, NRA/CNRAs, World Bank Indexes, third party assessments reports etc.

**14 For Clause 11.3 d), what kind of risk-based criteria could be used for determining the frequency and sampling requirements of future audits?**

It can be based on the results of the previous audit related to the FSC core labour requirements and the self-assessment (i.e. number of CARs and major CARs). This is something to be determined by the certification bodies, based on the risk scenario for the country, past audit performance and the self-assessment results.





**15 What does the requirement in FSC-STD-20-001, Clause 11.3 e “including auditors with specific competencies if needed” mean?**

**How will certification bodies know when specific competencies are needed? What would satisfy Clause 11.3 e?**

This requirement refers to situations where additional auditors may have specific competencies which are required to assess conformity with the FSC core labour requirements. For example, auditors who specialize in the in-country complexity of labour issues within the textile sector.

**16 Does FSC recognize any social compliance auditor qualification, such as APSCA (Association of Professional Social Compliance Auditors)?**

No, at present we do not have nor require any specific social compliance auditor qualification

**Has there been any field-testing of auditing the social requirements in different countries/regions/risk levels?**

No.

**17 Will FSC's training suffice for meeting auditor qualifications?**

No, FSC training at present is intended to be informative and guidance based and is not intended to be a minimum qualification. If at a later stage FSC develops qualification-based training, it will be announced.

**18 Do auditors need to interview both employer and employee organizations, and who comes in that category? Who can be the employer representative?**

Auditors are required to interview a cross-section of employees as per Clause 2.6 within FSC-STD-20-011 (see below). The rules around the composition of workers' (employee) workers' organizations vary from country to country, especially concerning those who are considered as 'rank and file' members, as well those who are deemed to have the power to 'hire and fire'. Workers' organizations tend to separate between those who have the power to 'hire and fire' and those who cannot.

Employee representatives are persons who are recognized under national law or practice, such as trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions; or elected representatives,



namely, representatives who are freely and independently elected by the workers following with national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive right of trade unions in the country concerned<sup>3</sup>.

Employer representatives are designated persons authorized to act on behalf of the employer or organization. These could be human resources managers or operations managers.

Workers' representatives might meet an employer or management in regular meetings, such as:

- joint consultative committees
- staff councils
- company councils
- works committees
- works councils
- office committees
- participation groups
- joint panels

*2.6 The certification body shall evaluate each operational site within the scope of the evaluation (including a sample of participating sites of group and multisite certificates and non-FSC-certified project members in the case of project certificates) in order to make direct, factual observations to verify the organization's conformance to all applicable certification requirements. The evaluation shall include:*

*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;*

**19 If an employee organization is not present (e.g. if there are no active trade unions) should certification bodies reach out to and contact external stakeholders?**

If there no active trade unions or workers' organizations are present within the organization. As means of verification of the self-assessment and the core labour requirements, certification bodies can contact national local trade unions, NGOs, and international organizations with a focus on workers' rights or other workers'

<sup>3</sup> Source: [ILO Q&A](#)



organizations, government ministries /authorities and industry associations. Certification bodies do not have to liaise with all these organizations; only as required.

## 20 What could be considered as ‘best practices’ for interviews?

The normative documents do not cover ‘best practices’ for interviews however auditors need to ensure that comments made during interviews can be provided in confidence, as required in FSC-STD-20-011, Clause 2.6 b). It is expected that auditors have completed auditor training which includes the required competencies and skills for conducting interviews.

*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;*

## 21 Would there be a need for announced audits?

The core labour requirements do not affect certification bodies audit planning process to carry out announced, unannounced, or short notice audits according to FSC-STD-20-001.

## 22 How to evaluate when some part of the work is done at home or for homeworkers? In some cases, factory owners may send work to employees to do on ‘piece rates’ which they do at home. How should that be regulated/audited for conformance?

There is a difference between home-based work (i.e. employees working from home) and homework or homeworkers, as these terms are often used inaccurately and interchangeably. Homeworkers are subcontracted or dependent workers working for an employer, intermediary or subcontractor for a piece rate.

The FSC core labour requirements are applied to all ‘workers’ that met the definition within FSC-STD-40-004, this includes workers who carry out some or all of their work at home but this excludes ‘homeworkers’.

**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).*