

# FSC CORE LABOUR REQUIREMENTS FOR CONTRACTORS SUBCONTRACTORS OUTSOURCERS<sup>[1]</sup>



FSC PROMOTES RESPONSIBLE FOREST MANAGEMENT, WHICH MEANS THAT FORESTS ARE BEING MANAGED IN A WAY THAT PRESERVES BIOLOGICAL DIVERSITY AND BENEFITS THE LIVES OF LOCAL PEOPLE AND WORKERS WHILE ENSURING IT SUSTAINS ECONOMIC VIABILITY.

## WHAT ARE THE FSC CORE LABOUR REQUIREMENTS?

### WHY HAS FSC INTRODUCED THEM?

The protection of workers' rights has always been part of FSC's Principles and mandatory for forest management **certificate holders (CHs)**, the new social requirements have also been included in the FSC **chain of custody (CoC)** standard. The new requirements aim to ensure that the protection of workers' rights is firmly tied to a company's FSC certificate.

With this new 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 CoC standards in the form of auditable social conformance requirements.

FSC CoC CHs must demonstrate conformity to the requirements, which cover:

- abolition of child labour,
- elimination of all forms of forced or compulsory labour,
- ensure that there is no discrimination with respect to employment and occupation,
- respect freedom of association and the effective right to collective bargaining.

The core labour requirements provide an auditable social component for thousands of CHs across the CoC system. They also provide an opportunity for CHs in countries without strong labour protections to match or exceed those countries with strong labour protections. It means that consumers can now know that FSC-certified products come from companies that are checked for their respect for workers' rights.

[1] Contractor: Individual, company, or other legal entity contracted by an organization for any activities under the scope of an FSC CoC certificate. Hereafter referred to as contractors.

## **I AM NOT AN FSC CH, DOES THIS APPLY TO ME?**

Yes. As a contractor, if you have an outsourcing agreement with an FSC CHs, you will need to show that your organization conforms with the FSC core labour requirements.

## **HOW DO I SHOW CONFORMANCE WITH THE FSC CORE LABOUR REQUIREMENTS?**

This can be demonstrated in several ways. One way could be by adding a signed declaration to the outsourcing agreement. Another way is to have a separate agreement, which states that, as a company, or other legal entity, contracted by an FSC CHs for an activity under the scope of an FSC CoC Certificate, you understand and agree to follow the FSC core labour requirements. In addition to a declaration, you will need to provide evidence of your conformance to your CHs. Your CHs should provide guidance on what evidence they need from you and how to provide such information.

## **DOES THIS MEAN EACH YEAR WE WILL BE AUDITED OR HAVE TO PROVIDE DOCUMENTS TO THE FSC CH?**

The CHs needs to update the self-assessment on an annual basis, and they are responsible for ensuring that it has up-to-date information on its contractors related to conformity with FSC core labour requirements.

## **WHO IS CONSIDERED A WORKER ACCORDING TO FSC CERTIFICATION?**

FSC defines workers as, “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).”



## **THE CORE LABOUR REQUIREMENTS PROVIDE AN AUDITABLE SOCIAL COMPONENT**

## **WHAT IS THE SELF-ASSESSMENT, AND DO I NEED TO COMPLETE ONE?**

It is the responsibility of the CHs to complete a self-assessment describing how it applies the FSC core labour requirements to its operations. As part of the self-assessment, the CHs must explain how their contractors conform to the core labour requirements, as they do for conformance with all other aspects of the CoC standard. The way information on conformance is provided should be decided between CHs and their contractors. CHs could request for you to complete a self-assessment and ask to check a sample of the information listed. Another way could be an internal audit by the CHs to check that contractors are conforming. If available, CHs might provide you with FSC example of country-specific self-assessment template (also available on the FSC website) or a template developed by CHs based on the CoC standard. These templates list examples of evidence and documentation relevant to a specific country that you can provide to show conformity. Examples of self-assessment templates for each country can also be found on the FSC website.

## **DO WE NEED TO BE AUDITED BY THE CERTIFICATION BODY ANNUALLY?**

It will depend on several factors. For example, it will depend on how the FSC CHs demonstrates their contractors' conformance with the requirements. As part of the CHs' audit, their certification body will review the self-assessment and any associated documents and will evaluate the need to further include contractors in the audit.

If there is evidence (i.e., from stakeholders, observations, inadequate documentation, etc.) that contractors might not be in conformance, the CHs may be asked by the certification body to provide additional information. The certification body might want to conduct interviews with workers, or other activities deemed appropriate to verify the information. In any case, the certification body is auditing the CHs and its practices regarding the contractor, not the contractor itself, so is the CHs that has responsibility for ensuring that contractors are conforming.

## **IS THE INFORMATION WE PROVIDE TO THE FSC CH OR THEIR CERTIFICATION BODY CONFIDENTIAL?**

The confidentiality of information provided to the CHs is typically governed by business contracts. The information provided to certification bodies is covered by confidentiality agreements. Certification bodies will decide on what information is required to verify conformity with the core labour requirements and ensure that the requirements do not violate applicable laws such as the General Data Protection Regulation (GDPR) in the European Union.

## **WHAT IF WE ARE ASKED TO PROVIDE DOCUMENTS OR INFORMATION THAT OUR COMPANY'S LAW ADVISORS SAY WE LEGALLY CANNOT PROVIDE?**

You should notify the FSC CHs, who then would notify their certification body. The certification body can explain how to proceed. The documents or information requested by the CHs is not prescriptive, you can discuss other options which are suitable for both parties.

# **FOR A RESPONSIBLE FOREST MANAGEMENT**

## **I'M AN FSC-CERTIFIED SUBCONTRACTOR, DO I HAVE TO PROVIDE MY SELF-ASSESSMENT OR BE INCLUDED IN THE SELF-ASSESSMENT OF THE FSC CH WITH WHOM I AM CONTRACTING MY SERVICES?**

No. As an FSC certified CHs, you are already audited to the core labour requirements and, in addition, are not required to sign an outsourcing agreement with the CHs.

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# **MAKE QUESTIONS! UNDERSTAND! CHOOSE FSC !**

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