



QUESTIONS & ANSWERS ON THE FSC CORE LABOUR REQUIREMENTS

Title: Questions & Answers on the FSC Core Labour Requirements

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Objective of document: This Questions and Answers (Q&A) document has been created to provide non-normative guidance to stakeholders (i.e., certificate holders, certification bodies, contractors and interested parties) on the FSC Core Labour Requirements (CLR).

Confidential? Yes No

Intended audience Internal (FSC) External

Personal data included? Yes No

Publication date: 30 November 2023

INTRODUCTION

This Question and Answer (Q&A) document has been created to provide non-normative guidance to stakeholders (i.e. certificate holders, certification bodies, contractors and interested parties) on the FSC Core Labour Requirements (CLR).

The questions have been collected from the previous Q&A document, as well as stakeholder questions during webinars, meetings, and email enquiries. As this document is provided for general application, any questions that were nation-/region-specific have been excluded.

The Q&A have been separated into sections to help user experience; however, some questions may apply to multiple. For all related to outsourcing, see [Outsourcing and Contractors](#).

For questions or comments on any of the content of this document, please contact the Chain of Custody & Controlled Wood team by email: chainofcustody@fsc.org.

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REFERENCES

The following referenced documents are relevant for the application of this document.

For references without a version number, the latest version of the referenced document (including any amendments) applies:

FSC-ADVICE-40-004-23	Evaluation of contractors against the FSC core labour requirements
FSC-ADVICE-40-004-24	Evaluation of FSC core labour requirements using FSC approved verification schemes
FSC-DIR-40-004	FSC Directive on Chain of Custody Certification
FSC-INT-STD-40-004_61	Chain of Custody Interpretations: <i>Is it required to have a policy statement in the local language of the area in which the organisation or site is located?</i>
FSC-POL-01-004 V3-0	Policy for Association
FSC-STD-20-001 V4-0	General requirements for FSC accredited certification bodies
FSC-STD-20-011 V4-2	Chain of Custody Evaluations
FSC-STD-40-004 V3-1	Chain of Custody Certification
FSC-STD-40-003 V2-1	Chain of Custody Certification of Multiple Sites

ABBREVIATIONS

ADV	Advice Note
APSCA	Association of Professional Social Compliance Auditors
ASI	Assurance Services International
CAR	Corrective Action Request
CB	Certification Body
CH	Certificate Holder
CLR	Core Labour Requirements
CoC	Chain of Custody
eTLA	Electronic Trademark Licensing Agreement
FSC	Forest Stewardship Council
ILO	International Labour Organization
NC	Non-conformity
NDA	Non-disclosure Agreement
NP	Network Partner
PfA	Policy for Association
Q&A	Question and Answer
SEDEX	Supplier Ethical Data Exchange
TLA	Trademark Licensing Agreement

QUESTION & ANSWER (Q&A)

Self-assessment

1. What information should be included in the self-assessment?

The self-assessment is a means for an organization to describe how it conforms to the FSC CLR in its operations. Organizations should identify relevant documents and other materials to refer to and include in its self-assessment, and then this shall be provided to the CB to review to verify the organization's statements.

2. When do we have to submit the self-assessment? Before the annual surveillance audit?

Clause 1.6 of [FSC-STD-40-004 V3-1](#) provides the organization requires to maintain an up-to-date self-assessment and this shall be submitted to the organization's CB. The timeframe for submission is not prescribed and will be agreed between the CH and the CB.

The provision of the self-assessment in advance enables the CB to better plan the audit and optimize the time required for on-site evaluation. It also helps certification bodies to determine which critical control points to check on-site, and which can be evaluated based on documents remotely.

3. Does the self-assessment need to be sent every year to the CB before the audit or only once?

The up-to-date self-assessment shall be submitted to the CB; the timeframe for submission will be agreed between the CH and the CB.

4. Do the self-assessments need to be completed in English as well as a local language?

Self-assessments may be completed in the local language; there is no requirement for the self-assessment to be provided in English. FSC does not prescribe the languages required to complete the self-assessment templates.

5. Do we need to provide the self-assessment to our FSC customers?

No, the self-assessments do not need to be provided to FSC customers. With reference to clause 1.6 of [FSC-STD-40-004 V3-1](#), the self-assessment shall be submitted to the organization's CB.

6. If we apply the transfer system and trading only, do we need to send the self-assessment to our supplier?

No organization is required to send the self-assessment to its supplier, regardless of the control system they use. Hence, as a trader you still need to complete the self-assessment, but some of the clauses might not be applicable, depending on your situation.

7. Where is the template of the self-assessment?

There is a general template provided in [FSC-STD-40-004 V3-1](#) Annex D, with country-specific templates for certain countries available in [Core Labour Requirements Self-Assessment Templates](#). The country-specific templates are provided by the Network Partners and are not created by FSC International.

8. Does the self-assessment need to be sent every year to the CB before the audit or only once?

The up-to-date self-assessment needs to be sent to the C before every audit (main evaluation, re-evaluation, annual surveillance, or audit for new participating sites in the certificate).

9. In addition to the self-assessment, do we need to draft our procedures accordingly for the fulfilment of the requirements?

No, there is no requirement to draft any procedures, however the organization must fulfil all requirements in accordance with the Standard. Policy statements should encompass the FSC CLR and any procedures should be maintained to conform with requirements (see Clause 1.5 and 1.1b of [FSC-STD-40-004 V3-1](#) respectively).

10. What happens if the company answers ‘No’ to question a) *Does your organization comply with Clause X.X? Does the company still conform without nonconformities if they have an appropriate action plan for conformity? Or is it considered a major nonconformity?*

The certified body (CB) assesses the company’s conformity with the FSC requirements. If, in the FSC core labour requirements self-assessment, the company answers negatively to whether it conforms to a requirement, this may be considered a non-conformity by the CB, however it depends on the evidence provided. If the CB evaluates this as a nonconformity, the level assigned is dependent on several factors (see Clause 4.3.13 [FSC-STD-20-001 V4-0](#)). A major nonconformity indicates a fundamental failure, and any major nonconformities are transformed into corrective action requests with timelines indicated (Clause 4.3.16 [FSC-STD-20-001 V4-0](#)).

11. Is it prescribed who needs to complete self-assessment on behalf of an organization (i.e., CEO, the person responsible for certification, etc.)?

FSC does not specify who needs to complete self-assessments but the management representative who has overall responsibility and authority for the organization’s conformity to all FSC certification requirements should sign the self-assessment, as they must confirm the statements to be true and correct to the best available knowledge (see Annex D of [FSC-STD-40-004 V3-1](#)).

12. Do organizations have to list sites/locations that are not part of the certification?

No, the self-assessment is only applicable to the scope of the certification, and therefore only sites/locations which are part of the FSC CoC certificate (see Section B and Clause 1.6 of [FSC-STD-40-004 V3-1](#)).

13. What activities should the core labour requirements self-assessment cover?

The organization (CH) requires to provide the self-assessment for the scope of the certification (see Section B and Clause 1.6 of [FSC-STD-40-004 V3-1](#)). The certificate covers the scope of the organization’s operations including product groups, sites, and activities included in the evaluation.

14. Does the policy statement and self-assessment need to include our suppliers?

No, suppliers do not need to be included in either the policy statement or self-assessment.

15. If the organization has different sites in different countries, is it necessary to complete the self-assessment for every site or on a country level?

The organization is required to provide the self-assessment for the scope of the certification (see Clause 1.6 of [FSC-STD-40-004 V3-1](#)).

The organization may decide to provide a self-assessment at an organizational level, country level or site level; it depends on what suits the organization.

The self-assessment is ultimately reviewed and evaluated by the CB, and therefore how the organization chooses to maintain self-assessments to ensure they are up-to-date should be considered carefully.

16. 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?

For Group CoC certificates, the Central Office shall be responsible for all participating sites under the scope of the certificate (see clause 4.2 in [FSC-STD-40-003 V2-1](#) and the Note on page 36 in Annex D of [FSC-STD-40-004 V3-1](#)).

17. Is time dedicated to self-assessment review prior to the audit, considered part of the audit time?

Audit time is decided by the CB and not prescribed by FSC. The review of the self-assessment is included in the evaluation (see clauses 2.3 and 11.3 of [FSC-STD-20-011 V4-2](#)).

18. Do country-specific self-assessment templates provide worked examples?

No, country specific self-assessments are not filled out, rather they are tailored in a way that helps certificate holders of those countries to fill out the self-assessment more easily due to the synergies between core labour requirements and national laws.

19. Is the self-assessment available in different languages?

The generic self-assessment is available in English and Spanish (Annex D [FSC-STD-40-004 V3-1](#)). To check if a version is available in your language, please visit the [Chain of Custody Webpage for Core Labour Requirements](#) to view the country-specific self-assessment templates that have been created by the FSC Network Partners.

20. Can we have a third party or a consultant to review our self-assessments?

There are no restrictions on this. The standard requires organizations to provide a self-assessment and make it available to the CB before the audit. The organization may use services of consultants to develop or review the self-assessment if they feel the need to, or the organization may choose to not have it reviewed.

21. Should the self-assessment include links to documents (evidence) for review?

The self-assessment is primarily for the CH to use to describe how it applies the FSC core labour requirements to its operations. It is not required to provide links, however links to evidence may facilitate access to documents for both within the organization and external e.g. CB.

22. Is there a requirement for the CH to request CLR documentation from FSC-certified suppliers (self-assessment, policy, etc)?

No, it is not required to request CLR documentation from FSC-certified suppliers.

FSC Policy Statement(s)

23. Does the policy statement need to be publicly available?

Conformance to Clause 1.5 ([FSC-STD-40-004 V3-1](#)) means making the policy available to stakeholders i.e. affected and interested stakeholders and the organization's CB. This does not mean it requires to be made available to the wider public, but an organization may opt to publicize it.

24. What if we don't have a policy statement on the FSC core labour requirements on our homepage or anywhere else is this acceptable?

FSC does not prescribe where the policy statement encompassing FSC core labour requirements should be found. An organization may choose to have a policy statement on their website, but conformity to Clause 1.5 ([FSC-STD-40-004 V3-1](#)) is assessed on whether the statement is made available to stakeholders and the CB.

25. Is it sufficient if we make our policy statement available to stakeholders upon request?

Providing this only 'on request' may not be considered as meeting this requirement. For example, as workers would be considered 'affected stakeholders'. To ask about a policy or procedure, stakeholders require to know of its existence. Therefore, communication about this is advised.

26. What does 'made available to stakeholders' mean?

'Made available' means that the statement must be available to stakeholders; there is no prescription on the form to consider the various types and sizes of organizations. Organizations may choose to include the statement on, for example: handouts, posters, employee handbooks/manuals, by email etc.

Please note, it should be made available in the local language, and consideration should be given to languages of contractors (see INT-STD-40-004_61 in [Chain of Custody Interpretations](#)).

27. If the policy statement(s) are written in internal procedures, should these procedures be made available to all stakeholders?

The requirement is only for the policy statement(s) to be made available to the affected and interested stakeholders. Organizations can provide procedures in place of policy statement(s). If the policy statement(s) are provided in internal procedures, the organization must still ensure these are available to affected and interested stakeholders. Please see the relevant clause 1.5 in [FSC-STD-40-004 V3-1](#).

28. Can the self-declaration from FSC-POL-01-004 fulfil the requirements in paragraph f) in the self-assessment (Annex D of FSC-STD-40-004)?

No, the self-declaration in [FSC-POL-01-004](#) (Policy for Association) cannot be used as a 'policy statement, or statements made by your organization' in the self-assessment for Section 7 ([FSC-STD-40-004 V3-1](#)). This is because the self-declaration does not provide sufficient detail related to each of core labour requirements.

29. Does FSC provide policy statement templates?

No, FSC does not provide policy statement templates.

30. 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'?

Organizations do not need to create a new or exclusive policy or document for the FSC core labour requirements so long as all core labour requirements topics have been covered in their existing policy. Organizations can choose to update existing policy documents (e.g., Code of Conduct Policy) to incorporate the core labour requirement topics which cover:

- Child labour

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

31. We already signed the self-declaration as part of the trademark license agreement (TLA) and Policy for Association (PfA), which contains the ILO labour conventions, can this be considered as our policy statement?

No, the self-declaration for the TLA is an agreement between FSC and the organization. The self-declaration for TLA in the context of the FSC CLR 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.

The policy statement is specifically for CLR and shall be freely available to stakeholders (i.e. affected or interested stakeholders) and the CB, against which it would be audited. However, elements of the self-declaration can be incorporated into the policy statement(s).

32. Do certificate holders have to send their organizational policy statement(s) with FSC alongside their self-assessment prior to audit by CB?

The self-assessment should include reference to evidence that shows how the organization complies with the FSC CLR. The policies referred to in the self-assessment may include one related to conformity with FSC requirements, however the information provided as evidence of conformity is not prescribed by FSC.

National Law and ILO Conventions

33. If a country has ratified the ILO Eight Fundamental Conventions which cover the FSC CLR, do organizations located there need to follow the requirements?

Organizations in countries where the ILO Eight Fundamental Conventions have been ratified still need to follow the requirements to show conformance with FSC CLR. Organizations located in these countries may refer to the ratified Conventions as part of their self-assessment.

34. Is proof of adhering to national legislation and regulation sufficient?

In the self-assessment, the organization can state how they comply with national legislation and regulation. However, as the FSC CLR may go beyond what is required at a national level, conformity to national laws and regulation may not be sufficient to conform to the CLR.

35. 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:

- Specify the relevant legal obligations and how they would prevent conformance (local laws may not require compliance, but as an organization you will need to show how they actively prevent conformity with CLR).
- Specify other mechanisms to demonstrate conformance with CLR.
- Inform your CB regarding the specific challenges. If there are challenges, then the CB can discuss with FSC for possible solutions.

For some countries, the self-assessment templates provide reference to local law, which may assist organizations to identify relevant legislation. Country specific templates for certain countries are available in the Core Labour Requirements Self-Assessment Templates.

36. Do organizations have to list laws which meet the core labour requirements?

Providing the laws related to CLR and how the organization conforms to them is helpful to include, to demonstrate how the organization conforms with the FSC requirements. For some countries, the self-assessment templates developed by regional offices (Network Partners) provide reference to local law, which may assist organizations to identify relevant legislation.

The organization can choose to quote the law or reference it. Therefore, it is expected that there would be familiarity with the labour laws in the country of operation. However, if the organization is unfamiliar with these, it may contact its Ministry of Labour or government department, labour organizations, and unions, FSC National Office or CB to understand which may impact conformity with the FSC CLR.

Child Labour

37. 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 CLR. The organization cannot easily control what happens outside its factory grounds, however, organizations should be aware of the potential risks (health and safety and security) of non-workers, especially children, present in the organization grounds. The organization should ensure measures are in place to prevent and mitigate these.

The FSC CLR apply to the scope of the CoC certification which includes product groups, sites, and activities that are included in the certification scope.

38. Since there is no remediation or mitigation required in the standard, what should be done in case a child labour is found in an organization?

The CB would be required to raise a non-conformity—and the CH would then be required to take corrective action.

The FSC system does not provide information on what remedial measures or actions should be taken to mitigate or improve a situation. The FSC CLR in the CoC standard only define what the organization needs to do. Remediation measures for child labour, while desirable and encouraged, are beyond the scope of the standard at present. The organization's policy on child labour may include remedial actions; it is recommended the action protect the interests of the child and ensure access to education for school age.

39. What if our company has interns aged 13-15?

Internships for 13–15-year-olds is covered in the exception requirements in Clause 7.2.2 of [FSC-STD-40-004 V3-1](#). As internships provide valuable work experience for young people, only if permitted by national law and regulations, organizations are permitted to have interns. For young workers, the organization must ensure the work does not interfere with schooling or be harmful to the young worker's health or development. For any workers under the age of 18, they must not conduct hazardous or heavy work except for the purpose of training within the approved national laws and regulations (Clause 7.2.3).

40. If the local laws forbid organizations to demand and keep a copy of birth documents, how should they verify the age of their workers?

Organizations should not keep original documentation, as this may restrict mobility/movement of workers (Clause 7.3.2 of [FSC-STD-40-004 V3-1](#)). To verify worker identity and age, it is recommended organizations have a documented process which includes requiring to view original identification documents, such as passports, identity cards, or birth certificates. If copies are permitted to be held, these should always be stored securely.

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

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

Anyone under the age of 18 is considered a child, however child labour is considered for those under the age of 15, unless national laws and regulations permit employment of persons between the ages of 13 to 15 in light work (Clause 7.2.2).

If a child occasionally assists their parents/family business, this may be considered child labour depending on the circumstances presented.

Forced Labour

- 42. Is it considered a major non-conformity if the organization holds or keeps a foreign worker's passport? 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 is not permitted for organizations to hold original identity documents of workers without the worker's voluntary agreement, as this may impact a worker's mobility/freedom of movement (Clause 7.3.2 of [FSC-STD-40-004 V3-1](#)). In cases where there is documented voluntary agreement between the worker and the organization, and this is corroborated through worker interview, the organization must ensure the worker always has immediate access to the documentation. It is important to ensure voluntary consent to hold any passport/identification documentation was provided freely by the worker.

- 43. 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.

ILO Forced Labour Conventions (C29 and C105) do not prohibit the use of prison labour, but they do place clear restrictions on its use¹. Under the CLR the use of prison labour needs to take into consideration the laws and context of the country, and the work must be conducted with mutual consent. Prison workers should be hired only on a voluntary basis, and the conditions (wages, benefits, occupation health and safety) should be comparable to the conditions of regular workers. The organization should have a procedure in place to protect workers against coercion and ensure that the work is undertaken or entered in a 'free employment relationship'.

- 44. 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?**

The FSC CLR do not explicitly cover working hours, however it does include a requirement that organizations to give 'due consideration to the rights and obligations established by national law'.

The working hours of workers should correspond with their contractual agreement, with any overtime being voluntarily agreed to by the worker. The organization should ensure working hours do not exceed the national limits, and required break periods and rest days must be adhered to.

Depending on the circumstances, this example may be raised as a nonconformity of Clause 7.1 or likewise, if the hours worked are not freely agreed to by the worker, a nonconformity of Clause 7.3.

- 45. What about cases in which work is carried out in the forest with communities that do not have current employment contracts, and everything is developed by tradition and custom? Would this be considered forced labour?**

When the employment contracts are not present and work is done in a traditional way that is not documented, organizations must still demonstrate conformity to the requirements.

This may involve the auditor conducting interviews and reviewing existing documents. It is not recommended for organizations to have only verbal contracts, but in case of no formal employment contracts, the evidence available should demonstrate the employment relationship is voluntary and based on mutual consent, and there is no indication of indicative practices of compulsory or forced labour (see Clause 7.3.1 and 7.3.2 of [FSC-STD-40-004 V3-1](#) respectively).

¹ https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_FL_FAQ_EN/lang--en/index.htm#Q3 Question: *When is it ok to use prison labour?*

46. In cases where national laws allow labour recruitment agencies to charge a 'service fee', would it be considered a nonconformity?

Recruitment fees or any fee required to secure employment may be an indication of forced labour (Clause 7.3 of [FSC-STD-40-004 V3-1](#)). The organization should give due consideration to national law, while also fulfilling the core labour requirements (Clause 7.1). These laws are in contradiction with ILO, 'no recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.'

If a fee charged by labour recruitment agencies to workers is permitted by national law, the auditor must evaluate whether this indicates forced labour, based on the evidence provided (Clause 7.3.2). Aspects to consider is if the fee is excessive, as this may indicate debt bondage.

Discrimination

47. If the law establishes that the minimum age to work is 15 years old and the company has determined internally that it does not hire minors under 18 years of age, could it be considered discrimination?

Under Clause 7.4 of [FSC-STD-40-004 V3-1](#), the organization shall ensure that there is no discrimination in employment and occupation. Under Clause 7.1, the organization shall give due consideration to the rights and obligations established by national law, but still fulfil the CLR. ILO Convention No.111 defines discrimination, stating it occurs 'when a person is treated less favourably than others because of characteristics that are not related to the person's competencies or the inherent requirements of the job'².

If national law provides the minimum working age as 15, however the organization decides not to hire anyone under the age of 18, this may be considered discrimination, it depends on the justification provided. If there is objective justification, e.g. hazardous or heavy work poses high risk of accident or injury for young workers, it may not be classified as discrimination.

A recent example found that an organization was not employing anyone under 18 to avoid administrative burdens associated with younger workers. In this case, not employing young workers was considered discriminatory.

48. How can an organization demonstrate the absence of discrimination within employment and occupation?

The organization must demonstrate the elimination of discrimination in respect of employment and occupation (Clause 7.4 of [FSC-STD-40-004 V3-1](#)).

FSC does not prescribe the evidence required to demonstrate this, however in the [FSC Core Labour Requirements Implementation Guidance](#), there are suggestions. The organization can provide policies and procedures that show they do not actively or indirectly discriminate and promote equality in opportunity and treatment in the workplace at all stages of the employment relationship.

To evaluate this, the auditor may decide to check job adverts, pay records to check equal pay for equal work, performance assessments. Worker interviews may also assist in demonstrating the absence of discrimination.

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

Assessment of conformity to the CLR is conducted at an organizational level, not a national level. In cases where it is found there is a gender pay gap at a national level, this does not mean a nonconformity applies at the organizational level. A gender pay gap at a national level provides only background information for the auditor and may be a potential indicator. The auditor should objectively assess the organization by reviewing the evidence available. Several factors should be considered, including but not limited to: age, education, experience, training, skills. The principle of equal remuneration for men and women who produce 'work of equal value'³ should also be considered.

50. What does the term "discrimination in employment and occupation" mean?

Definitions of 'discrimination in employment and occupation' are provided in Annex E of [FSC-STD-40-004 V3-1](#).

- **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

² [Business, Non-discrimination and Equality \(ilo.org\)](#)

³ [Chapter 2: How many different minimum wage rates should there be: 2.4 Equal remuneration for work of equal value \(ilo.org\)](#)

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

51. 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?

Uneven distribution of male and female employees does not necessarily indicate discrimination based on gender or sex. When evaluating if an organization conforms to Clause 7.4 of [FSC-STD-40-004 V3-1](#), and does not discriminate in employment and occupation, workforce demographic information is useful, however it cannot be used as the only indicator. The sector and industry must be taken into consideration. Certain sectors traditionally have male employees and women may not apply for those roles. However, if they did apply, the company shall 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.

52. 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 not be based on an employee's sex or gender, but an objective evaluation of the work performed. This differs from equal pay for equal work, as it the equal value is applicable to different types of work, so long as the value is the same. The value is assessed through the job evaluation method.⁴

53. Does discrimination in the context of employment and occupation include gender?

In relation to Clause 7.4 and the ILO Convention Right No.111, discrimination includes race, colour, sex, religion, political opinion, national extraction or social origin (see Annex E of [FSC-STD-40-004 V3-1](#)). Sex is the biological category, whereas gender is the culturally expression of being male or female; therefore, gender by inference is included.

54. Do organizations have to show their pay records during the audit?

FSC is not prescriptive in the evidence organizations provide for audit, however in the [FSC Core Labour Requirements Implementation Guidance](#), pay records are included in suggestions for documents to check for various clauses in Section 7. This is because pay records can help auditors understand if workers are being paid correctly as per their employment contracts, and this can be cross-checked with timesheets. This information can help in assessing conformity on forced and compulsory labour (Clause 7.2), as well as for Discrimination (Clause 7.3).

55. How does an industry, which traditionally finds it very difficult to recruit women or ethnic minorities exemplify that they are applying appropriate equality actions?

The organization must demonstrate the elimination of discrimination in respect of employment and occupation (Clause 7.4 of [FSC-STD-40-004 V3-1](#)).

⁴ [Guidelines: Equal Pay - An introductory guide \(ilo.org\)](#)

FSC does not prescribe the evidence required to demonstrate this, however suggestions can be found in the FSC Core Labour Requirements Implementation Guidance. The organization can provide policies and procedures that show they do not actively or indirectly discriminate and promote equality in opportunity and treatment in the workplace at all stages of the employment relationship. The organization may choose to include information about the difficulty to recruit women or ethnic minorities in detail provided in the self-assessment.

56. Are policies sufficient to prove the organization does not discriminate?

Policies may be used as evidence to show the elimination of discrimination in respect of employment and occupation (Clause 7.4 of [FSC-STD-40-004 V3-1](#)). The organization can provide policies and procedures that show they do not actively or indirectly discriminate and promote equality in opportunity and treatment in the workplace at all stages of the employment relationship. The CB will determine their sufficiency when evaluating at audit.

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

FSC does not prescribe thresholds to determine conformity for Clause 7.4 of [FSC-STD-40-004 V3-1](#). It is acknowledged that there may be complexities in different countries and regions, however, most countries have national legislation on this matter.

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 (Clause 7.1). The organization shall provide information and evidence on how they conform to the requirements in Section 7, and it is the responsibility of the CB to assess this.

Freedom of Association and Right to Collective Bargaining

58. Is it OK if there is no trade union membership for all staff?

To conform with Clause 7.5 of [FSC-STD-40-004 V3-1](#), an organization shall respect freedom of association and the effective right to collective bargaining. Respecting these rights does not mean all staff must have trade union membership. The organization shall provide evidence of conformity that staff are free and feel protected to establish or join such organizations, and for collective bargaining, for these to be voluntarily negotiated and negotiated in good faith for the maintenance of harmonious labour relations.

59. How many employees should we have when we develop a trade union?

Conformity to Clause 7.5 of [FSC-STD-40-004 V3-1](#) is not dependent on the existence of a trade union for employees. FSC does not prescribe requirements on this matter. It is recommended to contact an appropriate national agency or otherwise local labour relations specialist to find out more information on this.

60. If organizations don't have unions, will CB attempt to encourage the employees to establish unions?

Certification bodies will not attempt to encourage workers to establish unions; the role of the CB is to evaluate the organization on its conformity with the requirements only.

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

In case of a trade union not being recognized in a country, the organization will not restrict workers from developing alternative mechanisms to protect their rights. For example, some countries limit trade union choice, so organizations should provide opportunities for workers to establish their own organization, representatives, or committees at an organizational level instead, thus still complying with national law.

Where national law restricts workers' organizations, the organization shall not restrict workers from developing alternative mechanisms to protect their rights regarding working conditions and terms of employment.

62. If an organization does not allow any form of solicitation on company grounds or would not consider working with a labour union, would it affect CoC certification?

To conform with Clause 7.5 of [FSC-STD-40-004 V3-1](#), an organization shall respect freedom of association and the effective right to collective bargaining.

An organization may still conform to Clause 7.5 while not allowing solicitation on the organization's grounds, so long as they respect the workers' rights to engage in lawful activities related to joining, forming, or assisting a trade union or workers association. The organization shall not discriminate against those who choose to exert this right.

Labour unions can be either voluntarily recognised by the organization or by the law. If not legally recognized, the organization can choose to recognise them or refuse, however the organization can agree to negotiate with labour union despite not recognizing them officially. As the union represents the workers, the organization shall 'negotiate in good faith and with best efforts' to reach collective bargaining agreements. If an organization refuses to negotiate with a union/labour organization, it will not conform to the requirement.

63. 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?

This letter of affiliation can be used as evidence to demonstrate the organization facilitates freedom of affiliation. However, Clause 7.5 of [FSC-STD-40-004 V3-1](#) does not only cover the freedom to join a worker organization, and therefore provision of this letter would not demonstrate complete conformance to clause 7.5.

64. Are union officials required to be actively involved in the company's FSC system?

There is no requirement for union officials or representatives to be actively involved in the organization's FSC system regarding requirements covering freedom of association. The organization can freely choose to involve them.

Audits and surveillance evaluations

65. Should certification bodies expect the audit time for certificate holders to increase to cover the additional requirements? Is there any guidance on this?

Yes, certification bodies can expect the audit time to increase to cover the CLR. However, the time increase will be dependent on the information provided in the Self-Assessment, with the rationale of the Self-Assessment to reduce the required time for any audit, as the organization provides information and evidence on conformance with Section 7, with more detail enabling the auditor to assess better 'on-site'.

FSC does not prescribe audit time to assess conformity to requirements, these are determined by the CB who shall determine the time required to evaluate the Chain of Custody control system in accordance with [FSC-STD-20-011 V4-2](#). Please see FSC Core Labour Requirements Implementation Guidance for general information.

66. Could the self-assessment affect the audit duration?

The self-assessment must be submitted to the CB prior to audit. The CB is responsible for evaluating it. Depending on the content, the CB may require to review additional documentation, conduct interviews, perform on-site audits; this may increase the overall audit duration.

However, an efficient self-assessment may result in significant reduction in the audit time provided the self-assessment is detailed, factual and based on evidence.

67. What if the Company gets a visit of Assurance Services International (ASI) and the self-assessment is in the local language? In this case, when ASI auditor is not a native speaker, how will they be able to assess the self-assessment properly?

ASI are there to assess the CB, not the CH.

The self-assessment can be in the local language. The CB auditor is expected to have knowledge of the local language to conduct the audit, with at least one member of the audit team, either fluent in the main language of the area or a designated independent interpreter (see Clause 1.3 in Annex 3 of [FSC-STD-20-001 V4-0](#)).

As ASI are assessing the CB, ASI may arrange interpretation/translation of any records.

68. Do organizations need to have workers and workers' representative for interviews to ensure conformity with the requirements? Should an audit include observation of the workers' dormitory?

It is the responsibility of the certification body to assess the organization's conformity with the requirements ([FSC-STD-20-011 V4-2](#)). The organization shall provide information to the auditor to enable them to make this assessment. The auditor may choose to conduct worker interviews as a means of verification. It is important any interviews are conducted in a way that ensures worker safety and protection from any possible reprisals. The auditor should select the most appropriate interview method, depending on the organization. The method selected will determine who is interviewed.

For sites with dormitories, it is highly recommended that these are observed during on-site visits. Living arrangements of workers can provide helpful indications into possible discrimination and/or forced labour. For example, if dormitories are provided *on-site*, when the CB evaluates the living conditions for both national workers and migrant workers and discovers the living conditions for migrants is poorly maintained in comparison to the nationals' living conditions, this may indicate discrimination against migrant workers.

69. How do we demonstrate at the audit that a requirement is fulfilled?

An organization can demonstrate conformity to requirements in various ways, FSC does not prescribe this, and instead provides guidance: FSC Core Labour Requirements Implementation Guidance.

Organizations shall provide detail on how they conform to the requirements in the Self-Assessment, with reference to evidence. It is the responsibility of the CB to evaluate this using various verification methods.

70. What do 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?

When national law already covers all the FSC core labour requirements, the organization must still 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 the agency as evidence of conformity to the relevant core labour requirement, as part of their self-assessment. The organization would still need to be audited to verify an up-to-date self-assessment and its effectiveness.

71. 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 or operations of the organizations or if the trader takes physical possession or not, the conformity to the core labour requirements must be assessed. For much smaller organizations, this process may be more straightforward. By completing the self-assessment, the trader can provide information about their operations and how they conform to the core labour requirements in the self-assessment.

72. How should the auditor evaluate wages in relation to discrimination?

FSC does not prescribe how certification bodies should evaluate evidence.

Wage information is useful to check when assessing conformity with Clause 7.2 (forced labour) and 7.4 (discrimination). For discrimination, the organization should demonstrate they have policies and procedures in place to show it does not actively or indirectly discriminate in employment or occupation practices. In addition, the auditor may choose to check pay records, job adverts, employment demographics and ratio, and see reports of any discrimination in the workplace. The auditor may also choose to conduct worker interviews.

If, with the evidence available, there is suggestion of discrimination on grounds of gender, only then would further information be required. Differences in wages between workers is not considered discriminatory where it exists based on inherent requirements or specifics of the job (length of employment, qualification, experience, performance etc.)

73. If an organization has 1000 employees, what's a good representative sample of employee records to review and confirm in a 1-day audit?

The number of days for conducting an audit of an organization of 1000 employees is not prescribed by FSC, however shall be determined by the CB. The auditing time shall be determined by the CB, in accordance with its documented procedures, and be the time needed to accomplish the evaluation to cover all requirements that are applicable to the scope of the certification (see Clause 2.3 of [FSC-STD-20-011 V4-2](#)).

FSC does not prescribe sample size for employee record review, however Clause 2.6 of [FSC-STD-20-011 V4-2](#) provides that for both management records and interviews shall include, 'sufficient variety and number'.

74. According to clause 7.3.2, are auditors required to check the payroll system?

Working hours and wages should be checked. Checking the payroll system may provide evidence of forced and compulsory labour in clause 7.3 of [FSC-STD-40-004 V3-1](#), therefore, it may be useful for the auditor to check it to see if workers are paid correctly, within the terms of their employment contract.

75. What evidence should be collected to evaluate conformity to core labour requirements, in light of CoC auditors limited social audit experience?

Evidence provided by the certificate holder will vary case-by-case. FSC does not prescribe what evidence must be collected to evaluate conformity. FSC Core Labour Requirements Implementation Guidance provides some general examples of evidence.

It is acknowledged that CoC auditors are not specialized in labour rights, however it is the responsibility of the CB to ensure the auditor acknowledges and understands the requirements to evaluate conformance with CLR, this may mean an auditor would require assistance from one with specific competencies (Clause 11.3(e) of [FSC-STD-20-011 V4-2](#)).

76. In Clause 11.3 of [FSC-STD-20-011 V4-2](#), what is meant by the effectiveness of the organization's self-assessment?

With reference to Clause 11.3 of [FSC-STD-20-011 V4-2](#) 'effectiveness' in this context relates to the content of the self-assessment and whether it provides clear detail on how the organization conforms to the core labour requirements, with relevant evidence referenced. The self-assessment should be clear to understand, include relevant information and cover all the core labour requirements adequately.

77. In Clause 11.3 of [FSC-STD-20-011 V4-2](#), what is the difference between scope and scale in this context?

With reference to Clause 11.3 of [FSC-STD-20-011 V4-2](#), the scope refers to the certification scope, with definition provided in the Annex E of [FSC-STD-40-004 V3-1](#): *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.*

The scale relates to the size of the operations of the organization including sites and group members.

78. For Clause 11.3(b) of [FSC-STD-20-011 V4-2](#), what are examples for the identification of legal requirements related to the FSC core labour requirements and applicable to the organization/site?

With reference to Clause 11.3(b) of [FSC-STD-20-011 V4-2](#), 'identifying legal requirements related to the FSC core labour requirements and applicable to the organization/site' refers to the laws in the country which encompass the core labour requirements, or which contradict these. For example, countries have laws on working age, which is relevant for Clause 7.2. On the other hand, there are countries where national legislation bans or restricts trade unions, which contradicts Clause 7.4.

79. Clause 11.3 c) of [FSC-STD-20-011 V4-2](#) 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?

With reference to Clause 11.3(c) of [FSC-STD-20-011 V4-2](#), FSC does not prescribe the sources certification bodies may use to corroborate evidence.

This may include 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 may

also include publicly available information, news reports, websites, social media, NGO reports, NRA/CNRAs, World Bank Indexes, third party assessments reports etc.

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

The results of the previous audit related to the FSC core labour requirements and the self-assessment (i.e., number of CARs and type of CARs). A CH's risk profile 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.

81. 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 V4-2](#), Clause 2.6 b).

It is expected that auditors have completed auditor training which includes the required competencies and skills for conducting interviews.

82. Does FSC require any social compliance auditor qualification, such as APSCA (Association of Professional Social Compliance Auditors)?

No, at present FSC does not require any specific social compliance auditor qualification, however there are general qualification requirements for auditors (see Table 3 of [FSC-STD-20-001 V4-0](#)). This includes successful completion of CoC auditor training as specified in [FSC-PRO-20-004 V1-2](#).

If needed, the CB should include auditors with specific competencies in social auditing (Clause 11.3(e) of [FSC-STD-20-011 V4-2](#)).

83. 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?

For workers who conduct work for the organization at home, this activity is still covered by the certification and so must be included, however this does not mean the requirement to audit worker homes.

Home working can be difficult to assess in a social compliance audit, as it takes place outside the business premises.

The organization should be able to provide detail on the nature of the work and those undertaking this work. It is recommended that the organization has systems and processes in place to manage homeworking. Worker interviews may also help to evaluate rights of homeworkers and meeting with local organisations including trade unions in the country or region can also provide useful information on the context; existing labour conditions and the main issues facing workers there.

84. Do auditors need to interview both employer and employee organizations (STD-20-011 Clause 2.6(b), 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 V4-2](#). 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 concerned⁵.

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 may 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

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

No, there is no requirement for the auditor to contact external stakeholders, in the event of no employee association. The auditor may choose to contact an external stakeholder e.g. NGO or local trade union, however this is at the auditor's discretion.

Meeting with local unions in the country or region can provide useful information on the context; existing labour conditions and the main issues facing workers there.

For more information, please see FSC Core Labour Requirements Implementation Guidance.

86. Is having a current corporate social responsibility audit in the year sufficient to meet the requirements of this assessment?

No, however, organizations can use the relevant evidence from any corporate social responsibility audit to demonstrate conformity with the core labour requirements.

However, if the audit is SA8000, this is considered equivalent and is approved by FSC (see [ADVICE-40-004-24](#) for more information (available in [FSC-DIR-40-004](#)).

87. Can the Supplier Ethical Data Exchange (SEDEX) annual audit which is conducted by a third party replace the self-assessment?

All organizations must complete the FSC Self-Assessment unless the organization has a valid certificate from an FSC-approved verification scheme. The only scheme currently approved is SA8000:2014.

A SEDEX audit is *not currently* approved by FSC. See ADVICE 40-004-24 in [FSC-DIR-40-004](#) for more information on FSC approved verification schemes.

An organization may use information related to the SEDEX audit, to evidence conformity to CLR in its self-assessment.

88. Does an SA8000 certified organization need to submit a self-assessment?

No, as provided in ADVICE-40-004-24 (see [FSC-DIR-40-004](#)), organizations that use an FSC approved verification scheme (i.e. SA8000), may be exempted from implementing clause 1.6 of FSC-STD-40-004. An organization certified under an approved verification scheme will require to make all records available related to the assessment under that scheme for the C to check.

89. Should organizations be certified against a labour or social certification scheme (e.g. SEDEX) to be eligible to be certified with the new Chain of Custody Certification Standard?

No, organizations do not need to be certified to any labour or social certification scheme to be certified against the FSC Chain of Custody Certification standard, as this standard is standalone. However, if they are certified against an approved verification scheme by FSC, ADVICE-40-004-24 (see [FSC-DIR-40-004](#)) provides instructions on the requirements certification bodies and certificate holders must follow.

90. Do national self-assessment templates refer to country specific schemes?

No, the national self-assessment templates, in general, do not refer to country-specific schemes. The self-assessments are provided by FSC Network Partners to facilitate filling in the self-assessment form, by providing relevant country information i.e., applicable laws and regulations.

91. 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?

Yes, the organization can use the audit report from a voluntary social scheme as evidence of conformity with FSC CLR, however unless the voluntary scheme is an FSC approved verification scheme, the organization will still require to provide a policy statement, self-assessment, and be audited. The CB will decide if evidence provided is sufficient to satisfy conformance.

If the organization is audited by an FSC approved voluntary scheme, it still requires to provide a policy statement (see ADVICE-40-004-24 in [FSC-DIR-40-004](#)).

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

Only if those certification schemes have been recognized as an approved verification scheme by FSC. ADVICE-40-004-24 (see [FSC-DIR-40-004](#)). If an organization is covered by an approved verification scheme, the CB is still required to check the validity and authenticity of the certification, and to document this, according to Section 12 of [FSC-STD-20-011 V4-2](#).

No audit report other than FSC approved verification schemes is recognized equivalent. An audit report can be used as evidence of conformity to the FSC core labour requirements, but the organization will still require fulfilling all relevant requirements, including policy statement, self-assessment and audit.

93. Does the certification body need to assess on Clause 1.6 of FSC-STD-40-004 V3-1 if Section 2.1a) and 2.1b) of ADVICE-40-004-24 apply?

As provided in ADVICE-40-004-24 (see [FSC-DIR-40-004](#)), the organization may be exempted from implementing clause 1.6 of FSC-STD-40-004 V3-1. As the organization does not require to provide a self-assessment, the CB will not be required to assess the self-assessment. Instead, the CB must apply clause 2.1 in ADVICE-40-004-24.

Outsourcing & Contractors

94. Do the FSC core labour requirements apply to contractors?

Yes, the scope of conformity to core labour requirements (CLR) includes contractors, operating under an outsourcing agreement in accordance with Section 13 of [FSC-STD-40-004 V3-1](#).

A contractor refers to an 'individual, company, or other legal entity contracted by an organization for any activities under the scope of an FSC CoC certificate' ([FSC-STD-01-002](#) EN FSC Glossary of Terms)

If the contractor is already FSC-certified, it must conform to the CLR under its own certification and therefore will not be included in the certificate holder's organization Self-Assessment.

ADVICE 40-004-23 (see [FSC-DIR-40-004](#)) provides more information on how CLR applies to outsourcing contractors operating under outsourcing agreements.

Please also be aware of the definition of 'Workers' that includes 'contractors' (see [FSC-STD-01-002](#) EN FSC Glossary of Terms).

95. How should organizations assess their contractor to verify the contractor is conforming to core labour requirements?

Organizations must check the conformance of the contractor against the FSC core labour requirements mentioned in Section 7 of the [FSC-STD-40-004 V3-1](#).

The organization can include provisions in the outsourcing agreement specifying commitment to the FSC core labour requirements, or the contractor may demonstrate its commitment by references (e.g., an internal policy).

As the organization includes information about contractors in its self-assessment, they can assess conformance of a contractor by requesting it to provide evidence for each section of the self-assessment.

96. If the outsourcer is not required to complete the self-assessment, does the certified company need to audit the outsourcer regarding FSC core labour requirements?

If the outsourcer is covered by the organization's Chain of Custody certificate, it can choose to provide its own self-assessment to the organization or be included in the organization's self-assessment (see Section 1 FSC-ADV-40-004-23 in [FSC-DIR-40-004](#)). There is no requirement for the outsourcer to have their own self-assessment.

Ultimately, the certificate is issued to the FSC certified organization on the understanding that the organization is meeting all the FSC requirements (irrespective of whether it is doing all the production on its own, or if it is outsourcing some work to contractors).

Information on evaluation requirements for certification bodies to audit outsourcers is provided in ADV-40-004-23 (in [FSC-DIR-40-004](#)).

97. What if I own the factory outsourcing, should that factory follow the requirements for contractors with outsourcing agreements?

The legal ownership of the outsourcer does not waive the requirement to conformity with the core labour requirements. Any organization acting in accordance with an outsourcing agreement as per Section 13 in [FSC-STD-40-004 V3-1](#) is required to conform.

If the organization being assessed for FSC-certification owns the outsourcer, information provided on the conformity to CLR for the outsourcer should be easily accessible to include in the Self-Assessment.

98. Do low-risk contractors have to be audited?

Yes, if a contractor is considered 'low risk' according to FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#))(Clause 2.2), the requirements for audit are provided in Section 3. The audit shall be a 'desk-based audit' as a minimum, with covering conformity requirements in clauses 1.1 and 1.2 of this advice note; commitment to the FSC core labour requirements included in the outsourcing agreement or demonstrated by policy, and description of this conformity provided in the self-assessment.

99. Is a desk-audit for each contractor expected under Clause 3.1 and 3.2 of ADV-40-004-23?

No, there is not the expectation for each and every contractor to be audited, as sampling will apply. For low-risk contractors, it states that 'the CB shall at least conduct a desk-based audit of the contractor' (clause 3.2). Applying the same logic as for high-risk contractors (Section 5), the CB would be expected to check a sample of 'low risk contractors', following the calculation provided in Clause 9.6 of [FSC-STD-20-011 V4-2](#).

100. Are stevedores that load product at the port for a manufacturer also considered outsourcers?

Yes, stevedores, persons who load or unload ships, may be considered outsourcers if they are covered by the outsourcing agreement (i.e., if the stevedoring/logistical service is part of the outsourcing agreement), with reference to Section 13 of [FSC-STD-40-004 V3-1](#), specifically Clause 13.2. They may be considered a contractor, as this includes any individual contracted by an organization for any activities under the scope of an FSC CoC certificate. The scope of the certification covers all activities included in the evaluation by the FSC-accredited CB.

101. If the contractors are not dealing with FSC-certified material, do we (the CB) require to assess them and audit to check conformity to core labour requirements?

Yes, if the contractors are conducting activities subject to an outsourcing agreement in accordance with Clause 13.2 of [FSC-STD-40-004 V3-1](#), they require to be assessed for conformity to the FSC core labour requirement.

The FSC core labour requirements apply to all parts of the FSC processes that are covered in the certificate scope, irrespective of whether they are covered in-house or outsourced. If the product carries the FSC claim, that means that the product conforms with FSC requirements in all aspects, including the conformity with core labour requirements.

FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)) provides clear instructions on how these requirements must be applied to contractors operating under outsourcing agreements.

102. Do we have to verify FSC-certified contractors or just non-FSC certified contractors?

If contractors are in scope of CoC with outsourcing agreement under Clause 13 of [FSC-STD-40-004 V3-1](#), they are required to conform to the core labour requirements.

If the contractor is FSC-certified, it is already required to conform to the core labour requirements in its own certification, and this is evaluated by the CB in its own audit. Therefore, there is no requirement to assess the FSC-certified contractors.

If the contractor is not FSC-certified and subject to an outsourcing agreement, information about it and how it conforms to core labour requirements should be included in the organization's Self-Assessment and the CB will assess this as part of the CoC evaluation process. See FSC-ADV-40-004-23 in [FSC-DIR-40-004](#) for more details.

103. Should organizations add all the core labour requirements when they develop MoU with our contractor?

The organization may choose to include the core labour requirements in their Memorandum of Understanding (MoU) with contractors, or any form of outsourcing agreement. This provides opportunity for the contractor to understand the requirements and agree to its conformance with them.

In Section 1 of FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)), it provides that inclusion of the core labour requirements in the outsourcing agreement is a way for contractors to show their commitment to the core labour requirements.

- 104. What happens if contractors decline to answer some questions due to privacy laws etc.?**
The level of detail required from the contractor is dependent on the organization, however more detail is recommended. The questions asked of the contractor should cover the core labour requirements in sufficient detail to evaluate if the contractor conforms or not.
Failing to provide sufficient detail to answer questions related to CLR may require further assessment by the CB.
In FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)), it provides that the contractor should be able to demonstrate its commitment to the core labour requirements, either in provisions in the outsourcing agreement or by referencing internal policy. This information is provided in the organization's self-assessment to be assessed by the CB.
- 105. Do core labour requirements apply to contractors 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 or the scope of the certificate (Clause 13.2 of [FSC-STD-40-004 V3-1](#)), the FSC core labour requirements are not applicable. See also FSC-ADV-40-004-23 for more detail.
- 106. What is meant by 'desk-based audit', and what is the expectation of CBs to conduct desk-based audits for 'low-risk' contractors?**
A 'desk-based audit', with reference to FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)) shall mean a document-based audit, i.e. no requirement for on-site checks. For contractors considered as 'low risk', the expectation of CBs is to check the outsourcing agreement/policy that specifies commitment to the core labour requirements (CLR), and the self-assessment, which describes how the organization has confirmed the contractor's conformity to CLR (see clause 1.1 and 1.2 of FSC-ADV-40-004-23). The classification of 'low risk' is provided in Clause 2.2 of FSC-ADV-40-004-23, which includes complaints, non-conformities, nature of last FSC audit, previous audits, and country risk scoring based on indices.
- 107. What is meant by 'first-party audit'? Does this require to be conducted on site?**
The 'Terms and definitions' section of FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)) defines 'First party audit as: an assessment that is performed within the organization by their own auditing resource (i.e., internal audit)'.
This definition relates to an audit conducted internally. This applies when internal resource(s) of the organization/company conducts an audit of that organization/company i.e., itself. Please note, it would still be considered first-party if the company/organization hired staff (e.g., a consultant) to conduct the audit, as it is still the company/organization auditing itself.
It is inferred that this audit type takes place 'on-site', with reference to clause 2.2(d) of FSC-ADV-40-004-23, which provides further detail on the regularity required and references 'on-site visit'.
- 108. For first-party audits on contractors, how can these be evidenced?**
With reference to FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)), a first-party audit would be conducted by the organization's internal resources, or in the context of contractors, the contractor auditing themselves. Documentation of an audit 'conducted at least annually' would be required to evidence its occurrence. There is an expectation of an audit report including evidence and conducted by someone with relevant competencies; some proof of competence to conduct the audit to be included.

- 109. What is meant by ‘second-party audit’? Does this require to be conducted on site?**
The ‘Terms and definitions’ section of FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)) defines Second-party audit as an assessment that is performed by a person or organization that has an interest in the object of the assessment (e.g., an organization conducts an audit of their contractor).
This definition relates to an audit where the organization/company has arranged the audit of another organization/company to be conducted, and the organization/company has a vested interest in the audit.
For example, the organization/company has a contractor and instructs someone (internal/hired) in the organization to audit the contractor. Another example would be a certification body hired by the organization/company to audit the contractor.
It is inferred that this audit type takes place ‘on-site’, with reference to clause 2.2(d) of FSC-ADV-40-004-23 (see [FSC-DIR-40-004](#)), which provides further detail on the regularity required and references ‘on-site visit’.
- 110. Can non-active contractors be excluded from Section 7 requirements (CLR)?**
Contractors included in the scope of the certification are required to conform to the requirements. If they are non-active, they should not be included in scope for certification, however if they are included in the scope, section 7 requirements (CLR) must be applicable.
- 111. In clause 2.2 of ADVICE-40-004-23, what does ‘previous evaluation’ refer to?**
‘Previous evaluation’ refers to the previous audit/evaluation conducted by the certification body. For the definition of ‘evaluation’, please see ‘Terms and definitions’ in [FSC-STD-20-011 V4-2](#).
- 112. If only a sample of high-risk contractors are audited, does this mean some would neither be audited by the CB or the CH?**
Yes, if there is more than one non-FSC-certified contractor classified as ‘high risk’ by applying Clause 2.2 of ADVICE-40-004--23 means Section 5 of the Advice Note would apply, and a sampling of relevant contractors in accordance with Clause 9.6 of [FSC-STD-20-011 V4-2](#) applies.
Additionally, Clause 9.5 of [FSC-STD-20-011 V4-2](#) provides that new high risk contractors which are added between CB evaluations, but are to be included in the certification scope, require CBs to conduct an expansion of scope evaluation, and conduct physical inspection of a sample, following the criteria provided in Clause 9.6.
The CB can add relevant contractors to the pool of contractors, however there will be instances where high-risk contractors are neither audited by the CB of the CH.
- 113. Can ‘low risk’ contractors be audited on-site by the CB, at the request of the CH?**
Yes, contractors evaluated as ‘low risk’ may still be included for evaluating on-site at the request of the CH. To be evaluated as ‘low risk’, Section 2 of ADVICE-40-004-23 in [FSC-DIR-40-004](#) applies, and Section 1 must be met.
Applying Section 3 of ADVICE-40-004-23, if the contractor is considered ‘low risk’, the minimum requirement is a ‘desk-based audit of the contractor’, and this shall cover the policy statement and the self-assessment information provided.
There remains the option for the CB to include such sites in on-site evaluation at its own discretion, to ensure confidence in a certification (see Clause 2.6 of [FSC-STD-20-011 V4-2](#)).
- 114. How often should low-risk contractors be audited by the CB?**
The audit requirements for contractors are same as the audit requirements for the organizations. This applies to low-risk and high-risk alike. An audit should be conducted annually. ‘Annually’ is defined in Section 3 of [FSC-STD-20-011 V4-2](#) as ‘at least once per calendar year, but no later

than 15 months after the last evaluation (determined by the date of the field visit or desk evaluation)'.

115. From when do the requirements for contractors apply:

1) From inclusion 2) From next annual evaluation?

The requirements under the CoC Standard apply to contractors from when the outsourcing agreement is established. Applying Section 13 of [FSC-STD-40-004 V3-1](#), the organization shall inform the CB of the new contractor (activity, name, contact details). The contractors are subject to 'a risk analysis by the CB and sampling for on-site purposes', with reference to Section 9 of [FSC-STD-20-011 V4-2](#).

116. What happens if an NC is identified for a CH's contractor?

A nonconformity identified for a CH's contractor would follow the same process as for an NC found at the CH/organization level, applying [FSC-STD-20-001 V4-0](#). The CB will determine if the NC constitutes 'major' or 'minor', and it will be transformed into a corrective action request (CAR).

117. What information is required about contractors in the self-assessment? E.g., name, outsourcing agreement, internal policy?

Organizations are required to provide information on contractors in their self-assessment. The organization must show how they have confirmed the contractors' conformity to the FSC labour requirements (Clause 1.2 of [ADVICE-40-004-23](#)).

The information provided for the contractor is not prescriptive, however it is recommended to mirror that of which the organization provides for itself.

118. For CH companies who hold ISO accreditation would this be acceptable evidence for conformance to ILO requirements for contractors/outsourcers?

No, currently, CHs may only use FSC-approved verification schemes as per FSC-ADV-40-004-24 (see [FSC-DIR-40-004](#)) as evidence of conformance to the FSC core labour requirements.

119. Do contractors need to complete the self-assessment or the organizations? Can an outsourcing agreement replace self-assessment for contractors?

The self-assessment should be filled out by the organization i.e., the person or entity holding or applying for the certification. Outsourcing agreements do not replace the requirement for self-assessment.

Organizations are required to include contractors that have an outsourcing agreement, in their organization's self-assessment. This could be inclusive or separate for each contractor. In all cases, the self-assessment would need to show how the organization (and the contractor) fulfil the core labour requirements, referring to evidence of conformance. FSC-certified contractors and contractors who are certified by an FSC approved verification scheme are exempt from the organization's self-assessment (see ADVICE-40-004-24 in [FSC-DIR-40-004](#)). ADVICE-40-004-23 (see [FSC-DIR-40-004](#)) also provides detailed instructions on evaluation of contractors against the FSC core labour requirements.

120. When adding a new contractor, is it necessary to submit a self-assessment covering the new contractor at the time of adding it? Or will it be checked collectively at the time of the annual review?

It is the responsibility of an organization to maintain an up-to-date self-assessment (see Clause 1.6 of [FSC-STD-40-004 V3-1](#)). The self-assessment is only required to be submitted for review to the CB prior to audit, for review and evaluation by the auditor. Therefore, it is recommended an organization updates its self-assessment with any new contractors, however the self-assessment is only required to be submitted prior to an audit.

121. How can CBs check the self-assessment is correct at the contractor level when the CB does not have to audit low-risk contractors on-site?

If a contractor is considered 'low risk' in terms of Section 2.2 of ADVICE-40-004-23 (in [FSC-DIR-40-004](#)), evaluation would consist of a desk-based audit as a minimum. The information about the contractor provided in the organization's self-assessment should demonstrate to the auditor on how they conform to each clause of Section 7 [FSC-STD-40-004 V3-1](#).

As a 'desk-based audit' is a minimum requirement, the CB may ask for further evidence from the contractor if they consider it necessary.

122. What is the minimum means of verification required by FSC to verify the FSC core labour requirements at outsourcer level?

For outsourcer level, ADVICE-40-004-23 (in [FSC-DIR-40-004](#)) provides details on how certification bodies are to assess contractors for their conformity to the FSC core labour requirements.

For outsourcers that are FSC-certified, the evaluation of requirements is covered in their own FSC certification.

For non-FSC-certified outsourcers, the Advice Note provides information on the required steps, including ensuring outsourcers' commitment to conformity with CLR (policy statement), information on how they conform to each requirement (self-assessment), and depending on their risk-level, on-site or desk-based audit.

123. How are certification bodies to assess conformity to the FSC core labour requirements for outsourcers who transport materials (e.g. railway companies, couriers etc.)?

An outsourcing agreement covers the activities in scope of an organization's certificate (clause 13.2 of [FSC-STD-40-004 V3-1](#)).

As transportation is not considered as taking 'physical possession' within the context of the standard (see definition of 'physical possession' in Annex E of [FSC-STD-40-004 V3-1](#)), outsourcers providing services to transport materials would not be required to be assessed for the FSC core labour requirements.

124. How can organizations meet clause 1.2 of ADVICE-40-004-23?

Organizations are requested to include outsourcers in their self-assessment and describe 'how the organization has confirmed the contractor's conformity to the FSC core labour requirements'.

FSC does not prescribe how organizations confirm outsourcer conformity. In clause 1.1, this provides how the contractor is committed to conforming to core labour requirements either via the Outsourcing Agreement, or with its own policy or procedure encompassing the CLR. The outsourcer can provide information to the organization on how it conforms, using the self-assessment; checks on this information would help confirm the contractor's conformity to the organization.

125. What is the audit requirement for Clause 2.2d) of ADVICE-40-004-23?

Clause 2.2d) provides how contractor's conformity to CLR is 'confirmed with evidence of documentation and records from a first-party or second-party audit'.

To audit this requirement, the information provided in the self-assessment on the contractor would be assessed in conjunction to evidence of a first-party or second-party audit. This may include an audit report and documents assessed e.g. contractor confirms conformity to clause 7.2 of [FSC-STD-40-004 V3-1](#), with provision of a child labour policy document. A first- or second-party audit confirmed policy commitment upheld via, for example, checks of recruitment procedure e.g. Age Register.

126. If there are legal implications for receiving information from contractors, how should they be approached?

The organization (the client) is required to sign an agreement with the CB prior to evaluation, and this agreement provides that the CB has the right to 'access confidential information, examine documentation deemed necessary, and access to the relevant equipment, location(s), area(s), personnel, and bodies providing outsourced services to clients' (see Clause 1.2.2 and 1.2.3(q) of [FSC-STD-20-001 V4-0](#)). Therefore, contractors providing 'outsourced services to clients' are included in this right to access information. Information provided is maintained in confidentiality (see Clause 1.8 of [FSC-STD-20-001 V4-0](#)).

The CB must assess a contractor's conformance with CLR. Evaluating conformance can only cover the evidence available to the CB during the audit. The CB should have means to assess the contractors for core labour requirements and use means available to do so. This may include a signed non-disclosure agreement (NDA) to provide assurance that the information will only be viewed by the CB and used for the audit.

127. Will nonconformities referencing ADV-40-004-23 only be applied after the transition end date (i.e., from 1st January 2025)

CBs are required to evaluate contractors as per clause 9.1 of [FSC-STD-20-011 V4-2](#); ADVICE-40-004-23 (see [FSC-DIR-40-004](#)) provides a risk-based approach to conduct these audits.

Until 31 December 2024, CBs have the option to use the mechanism outlined in this advice note or other mechanisms that they have developed based on clause 11.3 of [FSC-STD-20-011 V4-2](#). Starting 1 January 2025, CBs are required to audit contractors according to the actual version of ADVICE-40-004-23.



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