



Frequently Asked Questions (FAQ)

FSC Policy for Association Complaints

12 February 2015

Overview

1. What is the FSC Policy for Association?
2. Why was the FSC Policy for Association created, and when? When will this Policy be revised and why?
3. What specific behavior would lead to a disassociation decision?
4. Isn't auditing by a certification body sufficient to determine whether an operation meets the Policy for Association?
5. What are the procedures that FSC uses before making a decision on disassociation?
6. Why is only a summary of the Complaints Panel report made public?
7. What are the consequences for an organization from which FSC disassociates?
8. Is it possible to become re-associated with FSC?



1. What is the FSC Policy for Association?

The “FSC Policy for Association of Organizations with FSC” (FSC-POL-01-004) defines FSC’s position on unacceptable activities of organizations (members, certificate holders or others) associated with FSC. Unacceptable activities range from violations of traditional and human rights in forestry operations to illegal logging. The Policy also defines the mechanism for disassociation where a company is found to be directly or indirectly involved in relevant unacceptable activities.

2. Why was the FSC Policy for Association created, and when? When will this Policy be revised and why?

The policy originated in FSC’s earlier approach towards partial certification, an issue virtually as old as FSC certification itself. “Partial certification” is the scenario where a company has some of its forest areas and/or supply chain operations certified for compliance with FSC requirements, while at the same time is engaging in unacceptable forest practices in uncertified areas and operations. The key question debated by FSC’s many constituents was whether a certified company should be able to enjoy the benefits of using the FSC good name and trademarks for promotion of their activities and products while some part of their operations continued to violate the very fundamentals FSC stands for.

In 2007, FSC decided to follow a new and broader approach out of the recognition that it was necessary to define a set of criteria for the association of any third party with FSC’s good name and trademarks that would allow a considered and informed review of companies and organizations who appear to be greenwashing their overall business practices or who would simply have insufficient internal policies and safeguards to avoid their involvement in controversial activities, leading towards considerable harm to people or the environment, and thereby constituting a risk to FSC’s reputation and ultimately to its ability to deliver on its mission.

The first part of the Policy laying down the unacceptable activities was approved in July 2009. The second part stipulating the implementation of the policy was finalized as a draft in October 2010 and approved by the Board, together with “terms and definitions”, in September 2011.

FSC’s brand integrity is fundamental to achieving its mission and the Policy for Association (PfA) has quickly become a core document in the FSC system and an important tool for safeguarding FSC’s reputation.

Since the last approval of the PfA in 2011, the FSC community has witnessed what works well, and not so well, with its implementation, including inconsistencies in its application and a continuous need for interpretations. In light of these experiences, the FSC Board of Directors mandated a review of the FSC Policy for Association in 2013.

Following this mandate, a sub-chamber balanced Working Group of six FSC members was established in June 2014. This Working Group leads the revision process, and is joined by four Technical Experts.

The revision will include, but not be limited to, a review and revision (where necessary) of the following key elements:

- The concept of 'involvement' and to what extent an Organization is considered 'responsible' for a violation
- The concept of 'Indirect involvement' and the threshold for being considered indirectly involved.
- The time dimension associated with how far back a violation is relevant for the PfA
- Definitions related to the six unacceptable activities
- The scope of application of the PfA
- Procedures for Due Diligence Evaluations

3. What specific behavior would lead to a disassociation decision?

Specific behaviors could be a failure in respecting traditional and human rights; the destruction of high conservation values; involvement in illegal logging; a failure in respecting core workers' rights; the significant conversion of forests to plantations or the introduction of genetically modified organisms in forestry operations. The Policy includes definitions of the terms referred to in the unacceptable activities such as illegal logging or conversion of forest lands to plantations or non-forest uses.

4. Isn't auditing by a certification body sufficient to determine whether an operation meets the Policy for Association?

The main scenario targeted by the Policy for Association is an organization's involvement in unacceptable activities in areas or operations which are not covered by the scope of an FSC certificate. Auditing by a certification body may or may not come across such violations, depending on whether they are occurring across the board of the organization's activities, but often only those parts of an organization are put forward for certification which are known to have few issues.

In certain situations, though, such a violation may even occur within the scope of a certified operation and still not be raised through the auditing process. This is because the unacceptable activities stipulated by the Policy for Association are related to fundamental values and thereby necessarily have to be kept general in their formulation – as such they cannot be audited in a standardized manner by ticking off a checklist, at least not in those settings where relevant violations regularly occur by a variety of actors and it is the level of involvement that decides over an organization's responsibility for a specific incident. To make such a decision requires a root cause analysis considering the broader socio-economic context and the role the organization plays in what is often a mesh of dependencies and interlinkages between relevant actors.

Attempting to address all relevant situations in forest management and production through certification requirements would likely result in complexities that would unduly burden the vast majority of credible and serious businesses. Therefore, the Policy for Association has been developed as an ultimate, high-level resort for those cases which cannot be evaluated through standardized auditing processes.



5. What are the procedures that FSC uses before making a decision on disassociation?

FSC has a dedicated and publicly available procedure for the processing of Policy for Association complaints: "Processing Policy for Association Complaints in the FSC Certification Scheme" (FSC-PRO-01-009). According to this procedure, complaints are evaluated by an independent panel, which is impartial, free of any conflict of interest in relation to the complaint, and whose members have been endorsed by the parties to the complaint. Appointed within thirty days of accepting the complaint, the Panel is supposed to evaluate the complaint and provide recommendations to FSC for final decision-making.

For an overview of the FSC dispute resolution system and to download the above procedure, please go to <https://ic.fsc.org/dispute-resolution.139.htm>.

6. Why is only a summary of the Complaints Panel report made public?

Complaints panels must have an ability to communicate the full reasons behind their decisions to the FSC, including the names and affiliations of key contacts, while maintaining the confidentiality of their sources. The publication of the full report would create a constraint on the panel, lessen the likelihood that they would obtain honest responses from witnesses and contacts, and limit their freedom to write openly. Moreover, confidential sources and stakeholders interviewed are listed in panel reports. The fact that full reports are not made public protects these sources and is conducive to more open interviews. FSC has developed templates to standardize the format of full Panel reports and public summaries, so that stakeholders can see what is kept confidential.

7. What are the consequences for an organization from which FSC disassociates?

Disassociation means to cut all formal relationships existing between FSC and the relevant organization, including its parent and sister companies, and subsidiaries with a minimum ownership of 51%. These relationships include the organization's membership at international or national level, license agreements with the organization, accreditation agreements or any other cooperation and partnership agreement. It implies the suspension of any FSC certificate held by the organization, because a valid license agreement is the prerequisite for FSC certification.



8. Is it possible to become re-associated with FSC?

It is indeed possible for an organization to become re-associated with FSC. Conditions and timelines for re-association, taking into account the seriousness of the violation, are proposed by the Complaints Panel to the FSC Board of Directors. The FSC BoD takes the final decision on these.