



FSC core labour requirements: Guidance for organizations and certification bodies

V1-0 - EN

Version History 1

Introduction 1

Guidance document purpose 2

PART I: FSC core labour requirements 4

 Policy statement 5

 Due consideration for national law 7

 The effective abolition of child labour 10

 The elimination of all forms of forced or compulsory labour 15

 The elimination of discrimination in respect of employment and occupation..... 19

 Freedom of association and the effective recognition of the right to collective bargaining.. 25

 Certification body & auditor guidance: Interviews with management and workers..... 30

PART II: FSC core labour requirements self-assessment..... 36

 Implementation guidance..... 36

 Completing the self-assessment 37

ANNEX: FSC core labour requirements resources 39

Version History

V1-0 This version introduces guidance on the FSC core labour requirement as auditable social requirements.

Introduction

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

In January 2021, the Forest Stewardship Council (FSC) reached an important milestone with the approval of the FSC core labour requirements within the Chain of Custody standards. With this new step, the principles of the International Labour Organization’s (ILO) Core





Conventions and the ILO Declaration on Fundamental Principles and Rights at work (1998) are integrated into FSC's Chain of Custody standards.

Using this guidance document

This document is not normative and is only meant for guidance purposes. No part of this document is normative unless referencing normative documents (standards, procedures, etc.). Auditors may use this document, but they also need to factor in the size and scale of operations and the specific country contexts.

The guidance provided here is not prescriptive but only illustrative in nature. Certificate holders and auditors do not need to use everything here and are not limited to what is provided in this document. Based on ongoing feedback, FSC international will periodically update this document.

Guidance document purpose

The objective of this informative document is to:

- Guide organizations certified against the FSC Chain of Custody Standard to implement the FSC core labour requirements within their operations.
- Inform certification bodies and auditors
- Support prospective organizations to prepare for FSC Chain of Custody certification

This document is not intended to be exhaustive or prescriptive but guides organizations and certification bodies from a generic, international perspective. This document does not include guidance on procedures developing advice or procedural systems to evaluate the requirements. The information included in this document might be more or less relevant in certain contexts, regions, or countries. In-country nuances and issues are covered within the [Question and Answer \(Q&A\) document](#).

The guidance document is divided by each requirement and covers the following:

Certificate holders

- The FSC core labour requirements
- Useful terms and definitions within FSC-STD-40-004 and other sources
- Background information for each requirement



- Demonstrating conformity including examples of documents and records.

Certification bodies and auditors

- Common issues of non-conformity for each core labour requirement. The guidance is not exhaustive however, one should be aware of the context and details of the organization or industry. Meeting with local unions and NGO's in the country or region can provide useful information on existing labour conditions and the main issues for workers.
- Management system and document review suggest the type of documents and records which could be viewed and sighted by auditors.
- Conducting interviews with management and workers, this section includes potential topics and questions to ask.
- Site observations for consideration.

Certification bodies are responsible for evaluating the self-assessment to ensure that the information and referenced evidence (policies, procedures, etc.) adequately demonstrate conformity to each FSC core labour requirement or thoroughly addresses the organization's situation regarding the requirements (i.e., when national law restricts conformity). Depending on the certification body's means of verification, auditors may need to review additional documentation, conduct interviews with workers and management, perform on-site observations, etc.

Confidentiality of these interviews is important to protect workers from any possible reprisals. If possible, the auditor should consider the most appropriate interviewing methods, such as individual and group interviews, the sample of interviewees and the possibility of using off-site interview locations.

Certification bodies can determine the scale as well as in-depth issues of some of the factors to consider when deciding on the cross-section of interviews to undertake.

PART I: FSC core labour requirements

Implementation guidance



Review existing policies and procedures to see if they address the FSC core labour requirements.



Create additional policies and procedures as needed and modify existing policies and procedures. Larger and more complex organizations may need greater and more comprehensive policies and procedures.



Implement policies and procedures into action, if they do not already exist within the organization.





Policy statement

Requirement 1.5 The organization shall adopt and implement a policy statement, or statements, that encompass the FSC core labour requirements. The policy statements shall be made available to stakeholders (i.e., affected and interested stakeholders) and to the organization's certification body.

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

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

Background FSC requires the organization to have and implement one or more policy statements that encompass the FSC core labour requirements. Many organizations already have statements or implemented policies that cover the principles and practices outlined in the FSC core labour requirements, and such statements and implemented policies may be used to demonstrate conformity.

Demonstrate conformity

- Develop new, update, or use an existing policy or policies
- Management and staff are aware and informed of the policies
- You have updated pre-existing operations, procedures, and systems (or create new ones)
- Monitoring and enforcing the policies (as needed)
- The policy is available to stakeholders (i.e., on the organization's website, newsletter, posted in the workplace, handouts, posters, message board, employee manual or code of conduct)

Documents and records

- Policy statement(s)
- Related procedures or policies related to the policy statement(s)
- Records that it is issued to or accessible by stakeholders



Guidance: Policy statement text example

‘The company will not tolerate the use of child or forced labour, nor exploitation of children in any of its global operations and facilities.’¹

Guidance: New or modified policy statement

Organizations do not need to create a new or exclusive statement or document for the FSC core labour requirements. Organizations can choose to update existing policy documents (i.e., Code of Conduct Policy) to incorporate the requirements.

Certification body and auditor guidance: Policy statement

Common issues

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Management system and document review

Auditors can consider or examine the following:

- check if the policy statement(s) meet the requirements of the FSC core labour requirements.
- confirm if the organization regularly update and amend related policies, procedures, and practices.
- confirm that the organization is implementing systems demonstrating conformity with the core labour requirements
- check for any documentary evidence of these practices and what they are.
- records demonstrating that the policy statement relating to the core labour requirements have been communicated to relevant managers and workers (e.g., meetings, training updates, etc.)
- procedures and mechanisms that exist to make the policy available to interested stakeholders

Site observations

No guidelines currently. Future updates may expand this section.

¹ This example is provided solely for informational and illustrative purposes



Due consideration for national law

Requirement	7.1 In the application of the FSC core labour requirements, the organization shall give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements.
Useful terms and definitions	National laws: the whole suite of primary and secondary laws (acts, ordinances, statutes, decrees), which is applicable to a national territory, as well as secondary regulations, and tertiary administrative procedures (rules / requirements) that derive their authority directly and explicitly from these primary and secondary laws. (<i>FSC-STD-01-001 V5-2</i>)
Background	Central to the FSC core labour requirements is their interplay with applicable national law. The requirements reflect the ILO Conventions which most countries have implanted into legislation and national law. Organizations based within these countries may find that they already operating under the FSC core labour requirements.
Demonstrating conformity	<ul style="list-style-type: none">• An analysis or description of the rights and obligations under national law and conform to the FSC core labour requirements.• Conducting labour risk assessments• Conformity with labour laws and legislations.• Identify and describe any legal obligations that may impact the ability to conform with the FSC core labour requirements.
Documents and records	<ul style="list-style-type: none">• References to national law or labour legislations,• Court reports• Awards from part of documents and records• Completed self-assessment with analysis or description• Labour risk assessment reports



Guidance: Conflict between FSC core labour requirements and national law

At all times, organizations are expected to conform to applicable national law. However, in some situations, national law allows action that is prohibited by the FSC core labour requirements or gives rights to the organization that may result in behaviour that contravenes the principles of the FSC core labour requirements.

In some cases, it may look like there is a contradiction between national or applicable law and the FSC core labour requirements which may be perceived that it will be difficult to demonstrate conformity. How to achieve that balance is not always clear and is best accomplished by an explanation offered in the self-assessment.

Guidance: When national law covers all the FSC core labour requirements

When national law already covers all the FSC core labour requirements, the organizations are not automatically exempted from demonstrating their conformity to the requirements. It is still required to demonstrate compliance. However, it may be more straightforward to do so if the organization is already complying with national law.

Certification body & auditor guidance: Due consideration for national law

Common issues

In certain contexts, there may be national, regional, or local laws or legal obligations which may impact the ability of the organization to conform.

1. Laws impose limits on freedom of association

In certain contexts, there may be laws that limit or restrict trade union choice and prevent or restrict workers from organizing independently. The opposite, where union membership is a condition of employment, is also a concern.

In addition, unions and employers' organizations may be organized by sectors or industrial base, implying that a union member cannot just move to another union as they may be limited to the unions in that sector only.

2. State-imposed forced labour and child labour

Companies may be unaware they are using state-imposed forced



labour. State-imposed forced and child labour can be involuntary work performed by citizens for a limited duration or compulsory civil service. It can be work performed involuntarily by prisoners or political prisoners who have not been charged with a crime or prosecuted, not convicted in court or sentence with a fair hearing².

Management systems and document review

Auditors can consider or examine the following:

- confirm that the organization is implementing systems demonstrating conformity with the core labour requirements while respecting national, regional, or local law.
- check for any documentary evidence of these practices and what they are.
- records demonstrating that the policy statement relating to the core labour requirements have been communicated to relevant stakeholders (i.e., subcontractors, outsourcing activities)

Site observations

No guidelines currently. Future updates may expand this section.

² <https://www.ethicaltrade.org/resources/state-imposed-forced-labour-briefing>



The effective abolition of child labour

Requirement 7.2 The organization shall not use child labour.

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

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

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

Useful terms and definitions

Hazardous work (in the context of child labour): any work which is likely to jeopardise children's physical, mental or moral health, should not be undertaken by anyone under the age of 18 years. Hazardous *child* labour is work in dangerous, or unhealthy conditions that could result in a *child* being killed or injured/maimed (often permanently) and/or made ill (often permanently) as a consequence of poor safety and health standards and working arrangements.

- Work which exposes children to physical, psychological or sexual abuse;
- Work underground, under water at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- Work in unhealthy environment which may, for examples, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer (ILO, 2011: IPEC Mainstreaming Child labour concerns in education sector plans and Programmes, Geneva, 2011& ILO Handbook on Hazardous child labour, 2011).

Heavy work (in the context of child labour): refers to work which is likely to be harmful or dangerous to children's health.



Light work: national laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is- a) not likely to be harmful to their health or development; and b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (C138, Article7).

Minimum age (of employment): is not less than the age of finishing compulsory education, and which in any case, should not be less than 15 years. However, a country, whose economy and educational facilities are insufficiently developed, may initially specify a minimum age of 14 years. *National laws* may also permit the employment of 13-15 year olds in *light work* which is neither prejudicial to school attendance, nor harmful to a *child's* health or development. The ages 12-13 can apply for *light work** in countries that specify a minimum age of 14 (C 138, Article 2).

Worst forms of child labour: comprises a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced labour, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a *child* for prostitution, for the production of pornography or for pornographic performance; c) the use, procuring or offering of a *child* for illicit activities, in particular for production and trafficking of drugs as defined in the relevant international treaties; d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (C182,Article 3).

Background Each country regulates the minimum age of employment (generally 15-16 years old). Child labour is work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development³. Child labour can be identified and addressed through the organization's due diligence of recruitment procedures and processes, and with interviews with workers, and workers representatives.

Children under the required minimum age of employment may occasionally assist their parents in the family business. This is not considered child labour if it includes work that is undertaken at home, or other light work for few hours which does not interfere with the child's education, safety, and development.

³ What is child labour ,<https://www.ilo.org/ipecc/facts/lang--en/index.htm>



Self-assessment for child labour

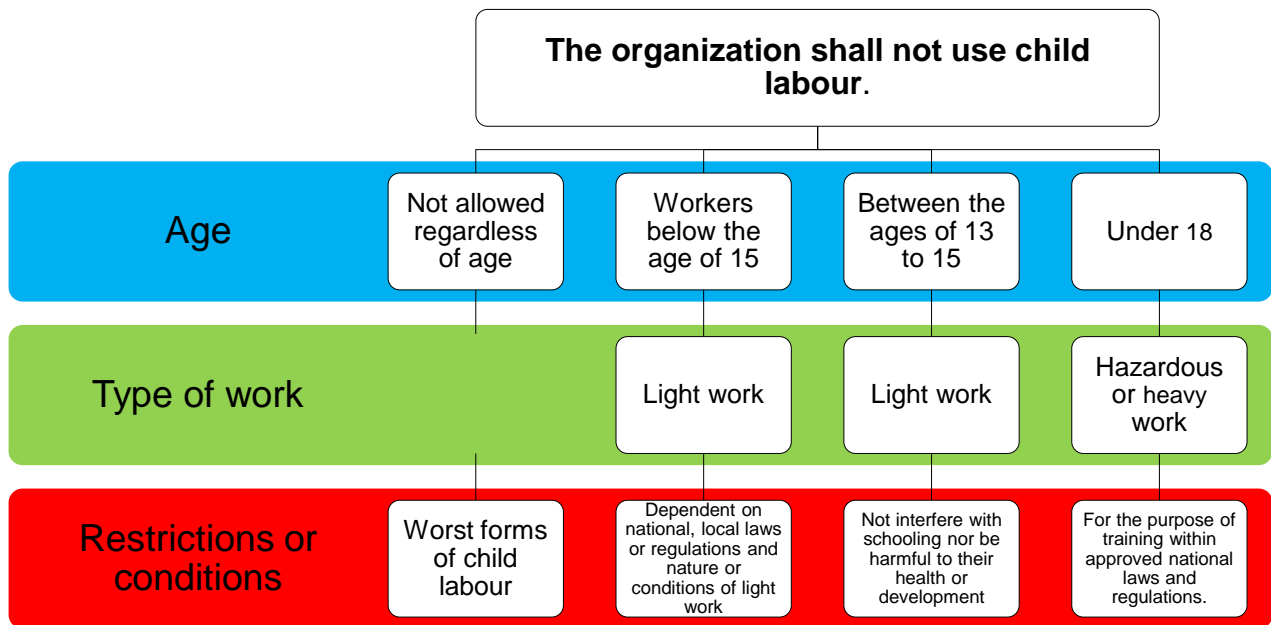
- Do you have a policy on child labour?
- What is the statutory, legal, or regulated minimum age at the place of your operations?
- What measures have you taken to ensure that child labour is not used in your operations?
- Do you register the age (date of birth) of your workers and how do you verify that this is the actual age? Do you check the identification papers?
- If there are legal or regulatory restrictions which to your understanding would limit your ability to comply with the requirement, describe how you mitigate those limitations.
- If you employ workers below the age of 18, describe what measures you have taken to ensure that they don't perform hazardous or heavy work. If there is a requirement for training and education, indicate supporting documents.
- Is the employment of children between the age of 13 or 15 legally allowed? Do you employ children between that age? If yes on both accounts, specify measures you have taken to ensure that they only perform light work that is not harmful to their health or development and that allows them to work outside school hours only.

Demonstrate conformity

- A policy on child labour.
- Children are not employed within the organization except for the aforementioned exceptions.
- Apprentices or trainees who are hired on on-the-job training programs are hired to learn the job skills they were employed.
- Age or identification verification procedure as part of the recruitment and hiring process.
- Children and young workers are not exposed to hazardous or heavy work except for training within approved national laws and regulations.

Documents and records

- A policy on child labour
- Work contracts or agreements, including with recruitment agencies
- Employment policy and hiring procedures, age, and identification verification procedure etc.
- Employee records including seasonal and migrant workers (age Register), identity documents such as copies of birth certificates, national ID cards or school or university certificates
- Risk assessments on child labour




Certification body & auditor guidance: Child labour

Common issues It is always not clear when an organization uses child labour or if a worker is under the minimum age of employment due to several factors.

General issues relegated to child labour which are linked to hiring practices:

- inadequate personal file record keeping.
- no system is in place to verify workers age, or to authenticate documents.
- employing children under the minimum age of employment, as a cost-cutting measure.



Important tip: strive to know the schooling period in each country as this will help to ascertain if a child should be in a class or holiday period.

Management systems and document review Auditors can consider or examine the following:

- Examine policies and written procedures for child labour
- Evaluate any training/apprenticeships schemes in operation



and records the terms and conditions. Check if these meet the law. This may include but is not limited to the signature of parent or guardian or registered with the local authority.

**Site
observations**

- Observe if children are on site.
- Consider announcing audits at short notice



The elimination of all forms of forced or compulsory labour

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

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

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

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

Useful terms and definitions

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

Bonded labour: also known as debt bondage, when a person has entered slavery as security against a loan or debt.

Voluntary: Workers' consent to enter into employment and their freedom to leave the employment at any time.

Threat of penalty: Any form of coercion such as threats, violence, the retention of identity documents, confinement/imprisonment, or non-payment of wages.

Background

Forced labour can be understood as work that is performed involuntarily and under the threat of any penalty. It is estimated that 25 million people are in forced labour worldwide, and out of these million women are disproportionately represented, and a majority of forced labour are in the private sector⁴.

The purpose of the indicative practices indicative of labour or compulsory is to support the identification of workers who may be

⁴ Ending forced labour by 2030: a review of policies and programmes International Labour Office - Geneva: ILO, 2018



trapped in forced labour. These indicative practices represent the most common signs that point to the possible existence of forced labour⁵.

Self-assessment for child labour

- Do you have a policy that prohibits forced and compulsory labour?
- Do you ensure that any wage advances or loans to workers are not tied to the commencement and continued employment?
- Do you make sure workers do not pay any fees or deposits to commence or access employment in your organization?
- Do you allow workers to leave the workplace at the end of the working day and are free to move around the workplace?
- How do you ensure that the workers have access to their passports and identification documents at all times while at the same time offering a safe place for storing the documents?
- How do you ensure that there are no threats of denunciation of workers to the authorities?

Demonstrate conformity

- A clear and transparent policy that prohibits force and compulsory labour and includes measures taken to prevent forced labour and compulsory labour.
- All workers have written contracts, in language that they can easily understand, stating their rights about payment of wages, benefits, overtime, retention of identity documents, and other issues related to preventing forced and compulsory labour.
- Employment is voluntary, and workers can choose to leave their place of employment without pressure, coercion, or threats.
- Workers can move through the organization/site without reasonable restrictions (i.e., use of canteen, access to bathroom etc.).
- Terms of employment do not differ from the terms initially offered during employment.
- Do not withhold personal documents (i.e., passport, identification documents)
- Not withholding or deducting wages with the aim of indebting workers.
- Working with recruitment agencies that are licensed.
- Workers do not pay any fees to access employment to the organization.
- Wage advances or loans to workers are not tied to continued employment.

⁵ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf



- Documents and records**
- Application forms
 - Pay records
 - Employment contracts
 - Mandatory or statutory deductions (e.g., tax, social security or insurance, health insurance)
 - National/industry pay standards (for comparison)
 - Dispute and grievance procedures and records
 - Records of licensed recruitment agencies
 - Records of labour inspectorate/departments
 - Work Agreements

Guidance: Prison labour and the FSC core labour requirements

ILO Forced Labour Conventions (C29 and C105) do not prohibit the use of prison labour, but they do place clear restrictions on its use⁶. Under the core labour requirements the use of prison labour needs to take into consideration the laws and context of the country. One of the key factors that separate forced labour from any other kind, is the aspect of mutual consent, and even in the case of prison labour. It is the way it is administered and the legality of the prison labour in the country's system is the key defining factor.

Prison workers should be hired by companies only on a voluntary basis, and conditions with regard to wages, benefits and occupational safety and health should be comparable to conditions for regular workers. This means having a procedure in place to protect workers against coercion and ensure that the work is voluntarily undertaken or entered in a 'free employment relationship'.

Certification body & auditor guidance: Forced or compulsory labour

Common issues A single practice indicative of forced or compulsory labour in some cases imply the existence of forced labour. However, you may need to look for several indicators which, taken together, will point to forced labour and compulsory labour.

1. Third-party recruitment agencies

Many companies use third-party recruitment agencies and do not conduct due diligence checks on the recruitment agencies' practices.

⁶ Combating forced labour: a handbook for employers and business / International Labour Office -- 2nd ed. - Geneva: ILO, 2015, https://www.ilo.org/wcmsp5/groups/public/-ed_norm/-declaration/documents/instructionalmaterial/wcms_099624.pdf



2. Obstruction of workers' right to terminate their employment

Workers may experience their employer obstructing their right to legally terminate their employment contract. It is not as obvious as imposing financial penalties, delaying, or withholding wages until the term of employment has ended or the withholding of identity documents. Be aware in some countries there are legal requirements to retain worker's papers but must give their informed written consent.

3. Subcontracting

Organizations do not conduct due diligence checks on their subcontractors. Although organizations might not use forced and compulsory labour intentionally, their subcontractors may directly use forced or compulsory labour without their knowledge.

Management systems and document review

Auditors can consider or examine the following:

- If the organization have conducted their due diligence on their subcontractors.
- national law and employment contracts and consider provisions on notice periods for terminating both indefinite/permanent and fixed-term contracts.
- company policies related to overtime.
- workers' timesheets, ensuring a representative selection that includes different types of workers as well as those on different types of contracts.
- where relevant, examine terms in employment contracts concerning hours of work and overtime, and discuss these with workers.
- legal records for any evidence of outstanding complaints or actions taken against the company, for example in a labour tribunal, to determine whether there have been past allegations of the use or threat of physical or sexual violence, harassment, or intimidation against workers.

Site observations

- Workers have unreasonable restrictions on their freedom of movement
- Consider visiting the workplace outside of usual business hours



The elimination of discrimination in respect of employment and occupation

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

7.4.1 Employment and occupation practices are non-discriminatory.

Useful terms and definitions

Affirmative action: A policy or a program that seeks to redress past discrimination through active measures to ensure equal opportunity, as in education and employment.

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

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

Equal remuneration for men and women workers for work of equal value: refers to rates of remuneration established without discrimination based on sex (C100 Article, 1b).

Background

Organizations need to demonstrate they have policies and procedures in place that does not actively or indirectly discriminate in employment and occupation practices. These can be anti-discrimination procedures or policies which promote equality of opportunity and treatment in the workplace at all stages of the employment relationship, including recruitment, retention, promotion and termination practices, remuneration, access to vocational training and skills development.

Non-discriminatory employment practices, therefore, include the principle of equal remuneration for men and women who produce



'work of equal value'⁷, these are jobs that are different but of equal value. And 'equal pay for equal work' means that similarly qualified women and men will be paid equally when they perform the same or virtually the same work in equivalent conditions such as:

- Gardeners and drivers/caterers and clearers
- Waste collectors/Librarians
- Mail handlers, sorters, postal workers/accounting clerks
- Security guards/ aged care wardens

Direct discrimination also occurs when the same job has different titles, depending on the gender of the jobholder. Jobs with female titles typically earn less than "male" jobs, such as:

- Chef/Cook
- Salesman/sales assistant
- Technician/Operator
- Administrator/sectary

Examples of common, discrimination in employment and occupation within the workplace:

- An employee is fired because they are pregnant or fired for joining a union
- Not getting promoted due to personal religious beliefs
- Workers of a certain age, race, religion, political opinion, national descent, origin, or social characteristics are not hired or promoted.

Self-assessment for discrimination in employment and occupation

- Does your company have a policy that promotes equal opportunity?
- Do you have policies about non-discrimination?
- Is your hiring process based on the skills and experience of the candidates??
- Do you ensure all employees have a fair opportunity for promotion according to their performance?
- Do you have policies about non-discrimination?
- Is there gender/age ratio parity?
- Do you have an ethnically diverse workforce?

Demonstrate conformity

- Job advertisements with language detailing the skills required for the position with no preference or exclusion given to a characteristic (i.e., gender, age etc...)

⁷ Source: Q&As on business, discrimination and equality https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_BDE_FAQ_EN/lang-en/index.htm



- Job classification systems and pay structures should be based on objective criteria (education, skills and experience required) irrespective of the gender of the workers concerned
- Implementing a Code of Conduct that describe elements of discrimination that are aligned with the FSC core labour requirements on discrimination
- Transparent of policies and procedures (i.e., policy establishing clear procedures on non-discrimination and equal opportunities)
- Implemented procedures to avoid and remove discrimination from the organization
- Workers can submit grievances regarding discrimination without fear of threat or punishment
- Implementing other equal opportunity practices including positive discrimination or affirmative action.

Documents and records

- Pay records
- Records of labour inspectorate or departments
- Job adverts
- Job application forms and records
- Equal opportunity policies
- Grievances/ complaints procedures and records
- Job evaluation (appraisals) or performance assessments
- Positive discrimination or affirmative action program
- Employment demographic/ gender ratio in job types
- Discriminatory reports/ Social responsibility reports
- Work contracts and agreements
- Performance assessments

Guidance: Inherent requirements required for a role

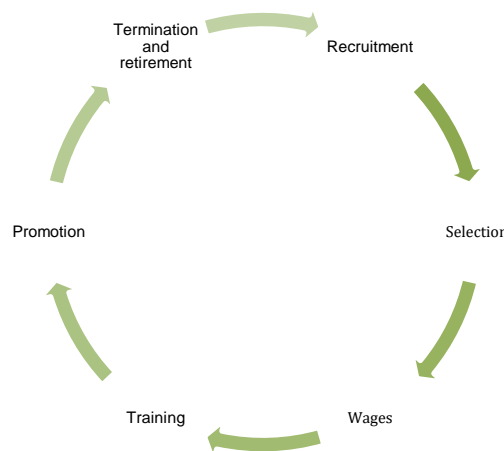
Concerning non-discriminatory employment and occupation practices, differences in remuneration between workers are not considered discriminatory where they exist due to inherent requirements or specifics of the job (e.g., due to length of employment, experience, technical expertise, and performance).

Certification body & auditor guidance: Discrimination in employment and occupation

Common issues 1. Discrimination within recruitment and promotions

Workers of a certain age, race, religion, political opinion, national descent, origin, or social characteristics are not hired or promoted.

Auditors should look at all stages of the employee life cycle regarding discrimination in employment and occupation, from recruitment to termination and employment opportunities. To determine if discrimination exists is to review job advertisements and position descriptions, if there is no preference or exclusion given to a personal characteristic (i.e., gender, age etc...) this is considered discriminatory except the organization can demonstrate the characteristic is part of the inherent requirements of the job. The inherent requirements of a position will vary depending on the job, such as the ability to perform tasks that are essential to the performance of the job and the required quality.



2. Occupation segregation by gender

Inherent and intentional division of labour between male and female-presenting workers such as only female line workers/sewers and only male line managers/supervisors. This is often a result of stereotyped assumptions regarding what type of work is “suitable” for men and women⁸.

⁸ Equal Pay - An introductory guide, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_216695.pdf



3. Unequal pay and wage gaps

Verifying the organization conformity with the discrimination in employment and occupation requires an understanding of the type of roles within the organization and the workers who perform these roles including reviewing the organization's policies, procedures, and practices.

4. Foreign workers

Different treatment of local and migrant workers. Migrant workers may face discrimination as lack of equal access to employment, vocational training and education, job promotion and advancement, job security, and equal pay for work of equal value and poor conditions of work (i.e., lower wages than local workers or poorly maintained dorms)

Review wage records to ensure that wage levels are the same for local and migrant workers.

Management systems and document review

Organizations normally have what they refer to as "Equal Pay Policy" which can inform on the practice or even an "Equal Employment policy" which is a commitment to engage in employment practices and procedures which do not discriminate, and which provide equality between individuals of different groups or sex. To have a significant effect on employment practices, the adopted policy must be closely monitored and evaluated by the organization itself.

Auditors can consider or examine the following:

- Review wage/remuneration policies or records to ensure that equal remuneration for men and women workers for work of equal value.
- Review termination policy and practices (i.e., pregnancy, breastfeeding, or trade union membership are not included).
- Recruitment process - systems for advertising and hiring new staff, how the workers are selected for interviews, and how interviews are conducted what questions are asked.
- Policies and requirements for any health checks before commencing employment that is not discriminatory
- Contracts to examine potential discrimination
- Profession development and training policies are available to all and/or with a clear criterion.



Site observations

- Any indication of inequality, discrimination, harassment, or intimidation.



Freedom of association and the effective recognition of the right to collective bargaining

- Requirement** 7.5 The organization shall respect freedom of association and the effective right to collective bargaining.
- 7.5.1 Workers are able to establish or join worker organizations of their own choosing.
- 7.5.2 The organization respects the full freedom of workers' organizations to draw up their constitutions and rules.
- 7.5.3 The organization respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers' organization, or to refrain from doing the same, and will not discriminate or punish workers for exercising these rights.
- 7.5.4 The organization negotiates with lawfully established workers' organizations and/ or duly selected representatives in good faith and with the best efforts to reach a collective bargaining agreement.
- 7.5.5 Collective bargaining agreements are implemented where they exist.

Useful terms and definitions

Collective bargaining: a voluntary negotiation process between employers or employers' organization and workers' organization, with a view to the regulation of terms and conditions of employment by means of collective agreements (ILO Convention 98, Article 4).

Good faith in negotiation: The organization (employer) and workers' organizations make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and give sufficient time to discuss and settle collective disputes (Gerning B, Odero A, Guido H (2000), Collective Bargaining: ILO Standards and the Principles of the Supervisory Bodies. International Labour Office, Geneva).

Examples of 'good faith in negotiation':

- Providing workers with information to support collective bargaining (i.e., pay scales)
- Complying with what was agreed
- Not to prolonging negotiations and making an effort to reach an agreement



Workers' organization: Any organization of workers for furthering and defending the interest of workers (adapted from ILO Convention 87, Article 10). It is important to note that rules and guidance on composition of workers' organization vary from country to country, especially in relation to those who are considered as rank and file members, as well those who are deemed to have power to "hire and fire". Workers' organization tend to separate association between those who can "hire and fire" and those who cannot.

Background The organization should be able to demonstrate that they developed and implemented procedures to ensure workers feel comfortable and protected to establish or join organizations of their choosing or in full freedom.

Furthermore, the voluntary negotiation of collective agreements is a fundamental aspect of freedom of association that includes the obligation to negotiate in good faith for the maintenance of harmonious labour relations.

Collective bargaining can take place at the enterprise level, at the sectoral or industry level, and at the national or central level. It is up to the parties themselves to decide at what level they want to bargain.

Self-assessment for freedom of association and the right to collective bargaining

- Can your workers freely join workers' organizations, including trade unions, of their choice, with no interference from your organization?
- If workers are represented by a union, is the union autonomous and independent?
- What forms of worker representation other than unions exist at the site?
- Do you make time and space available to worker representatives to carry out their roles?
- Does management remain neutral if more than one workers' organization exists with the organization?
- Are there collective bargaining agreements in place that cover workers, and if so, how do you ensure compliance with such agreements?

Demonstrate conformity

- Do not prevent workers from participating in the activities of unions or other workers' organizations or threaten workers who participate in the election of workers' representatives.
- Respects workers' right to bargain collectively
- Collective bargaining agreements are available to workers and



are within employment contracts

- Do not discriminate against workers who are union members or worker's representatives.
- Allow workers' representatives to interact and communicate with workers on sites within the law.
- Does not favour or discriminate one workers' organization in the workplace over another if there is more than one within the organization.
- Implement non-discriminatory policies and procedures concerning anti-union discrimination
- Act in good faith to bargaining collectively with worker's organizations.

Documents and records

- Organizational policies
- Complaints register
- Collective bargaining agreement
- Minutes or documents from meetings related to the development of the collective bargaining agreement
- Minutes of the workers' committee meeting
- Minister of labour/ Industrial Relations reports
- Court reports/ awards
- Documented evidence and records of the workers' representative(s) elections

Certification body & auditor guidance: Discrimination in employment and occupation

Common issues

The following examples of common areas of non-conformity. The guidance is not exhaustive however, auditors should be aware of the in-country context and details of the organization or industry. Auditors should evaluate that these practices do not occur within the organization.

1. Anti-union discrimination of workers

Workers may be subject to the condition of not joining a union or giving up trade union membership to commence or remain employed. Workers may experience prejudice because they are a member of a union or because they participate in union activities outside working hours or, with the consent of the employer, within working hours.

2. Lack of 'good faith'

Employers and management may not act in 'Good faith' in acting in a genuine effort for both workers and management to



reach and respect collective bargaining agreements. The intent of lack of good faith is difficult to prove but some indicators can be:

- Making changes in wages, hours, working conditions, or other mandatory subjects of bargaining before negotiating with the union
- Consistent cancelling of bargaining sessions
- Fail to meet with the union at reasonable times and reasonable intervals.
- Lockout employees to pressure the union to consent to a contract modification.
- Delays/Extended periods of unavailability for bargaining
- Refusal to provide information or meet union requests for information that is relevant to the bargaining process or to the employees' terms or conditions of employment.
- By-passing the union/direct dealing

3. Interference of unions and worker's organizations

Auditors should determine if the trade union or workers' organizations are under the influence or control of management and if management is interested in the creation or administration of the trade union or workers' organizations. Examples of interference are:

- providing financial support or showing favoritism with one union over others to gain control or influence over trade unions or workers' organizations.
- entertaining union offices with outside union activities
- Promoting a preferred candidate as part of the elections of worker's representatives
- Placing workers' organization under the control of manager or employers' representative organizations.

Management systems and document review

Auditors can consider or examine the following:

- Examine and review written policies and procedures with relevant staff to understand what processes are in place to manage freedom of association and collective bargaining.
- Documentary evidence for these practices (i.e., meeting minutes are circulated)
- Records or evidence responding or actioning concerns and proposal raised at meetings



Guidance: when national law dictates trade union choice

In countries where national law limits the trade union choice (i.e., China⁹, Vietnam¹⁰ and other countries) and prevents workers from organizing independently. The Chinese government, for example, restricts union membership to only those trade unions that fall under the All-China Federation of Trade Unions (ACTFU).

The organization can provide opportunities for workers to establish their own workers' organization, representatives or committees at an organizational level while complying with national law.

Guidance: when national law restricts workers' organizations

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

Guidance: Essential or Emergency services workers and union membership

It is important to keep in mind situations that exist where one can and cannot join a union based on the definition of 'essential services' in a country context.

Firefighting could be considered as an 'essential or emergency service' in some countries, in such situations laws may indicate they can be exempted from joining unions, on this ground it is recommended that proof be given that by their role or functions¹¹.

⁹ <https://www.ilo.org/beijing/areas-of-work/workers-and-employers-organizations/lang-en/index.htm>

¹⁰ Labour legislation in Vietnam creates a single trade union system with the Vietnam General Confederation of Labour as the recognised union , https://www.ilo.org/dyn/irlex/en/f?p=LEGPOL:1100:16085084977568:::P1100_THEME_ID:105092

¹¹ Guideline for Standard Developers on the Generic Criteria and Indicators based on ILO Core Conventions Principle (FSC-GUI-60-008), <https://fsc.org/en/document-centre/documents/resource/245>

Certification body & auditor guidance: Interviews with management and workers

Requirement	Interview guidance	Questions for management	Questions for workers	Questions for trade unions or worker's representatives
Policy statement	Consider speaking with managers first, before interviewing with a cross-section of workers as this is part of fostering cordial industrial relations at workplace.	Speak with managers about: <ul style="list-style-type: none"> • if policy or statement been communicated to the workers and stakeholders (e.g., workers, communities, customers, suppliers, the public etc.). • how they implemented the policy statement(s) 	Speak with a representative cross-section of workers: <ul style="list-style-type: none"> • to establish if they are aware of the policy statement(s) on the FSC core labour requirements 	-
Due consideration for national law	Issues on national, regional, or local law need to be verified with management, but only when further evidence is required auditors may consider interviewing cross section of the workers	Speak with managers about: <ul style="list-style-type: none"> • how the balance their obligations the law while ensuring conform with the core labour requirements • how they implemented the policy statement(s) 		-
Child labour	Strive to know the schooling period in each country	Speak with managers	Speak with a representative cross-section of	-

	as this will help to ascertain if a child should be in a class or holiday period.	<p>about:</p> <ul style="list-style-type: none"> • Policies concerning child labour and its worst forms. • Specific measures are used to prevent the recruitment or engagement of children in the company. • Speak with managers about policy engagement of the children in company operations and by private employment agencies. 	<p>workers:</p> <ul style="list-style-type: none"> • The recruitment process, whether there are procedures implemented to prevent the recruitment of child workers. • their traineeship or apprenticeship, if are they learning on the job to fulfil their qualifications. 	
Forced or compulsory labour	One of the key factors that separate forced labour from any other kind, is the aspect of mutual consent.	<p>Speak with managers about:</p> <ul style="list-style-type: none"> • Policies and written procedures with relevant managers, to understand and record what controls and processes are currently in place to manage the risk of forced and compulsory labour • Employment policies and examine copies of these policies. • Organizational policy on violence, harassment, and 	<p>Speak with a representative cross-section of workers including those on different types of contracts (i.e., indefinite, fixed duration, casual) about:</p> <ul style="list-style-type: none"> • Their hiring experience, if they were recruited via a recruitment agency, did they pay high recruitment fees or were they asked to pay a deposit to commence employment. 	-

		<p>intimidation in the workplace, and examine copies of such policy.</p> <ul style="list-style-type: none"> • Review a random selection of payroll and other wage-related records to consider whether there is an indication of misconduct. • If the employer uses employment agencies to hire workers, speak with management about policies related to this. • Cross-check the information provided by management and workers to corroborate information. 	<ul style="list-style-type: none"> • Their wages and wage payment practices (i.e., are their wages paid directly to them or are do they go to another individual, are they paid on time and dedications are correct and understandable). • Can explain the dedications and benefits on their payslips. • If their papers or identification documents are surrendered, do they always have access to identify documents and know their location? • Their knowledge and understanding of the terms and conditions of their employment contracts with a focus on their right to resign or terminate their employment • Hours of work and overtime, if they whether they are ever required to work more than the legally authorised amount. 	
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			<ul style="list-style-type: none"> • Any additional fees they must pay or loans. This includes loans/credit with unfair conditions, payment of safety equipment, uniform, deduction of training costs etc. • If they can refuse over time and if so, how. 	
<p>Discrimination in respect of employment and occupation</p>	<p>Take into consideration the local or cultural context and the sector.</p>	<p>Talk to management about:</p> <ul style="list-style-type: none"> • The recruitment process • How they equitably allocate tasks and jobs and if it is solely based on competencies • How access to overtime allocated • Review promotion practices: review how you promote your workers. Promotion and appraisals should be done solely on merits and performance and should be transparent • The disciplinary procedure is it uniformly applied and 	<p>Speak with a representative cross-section of workers about:</p> <ul style="list-style-type: none"> • If they are aware of any anti-discrimination policies within the organization • The role and positions they have held within the organizations • If they feel discriminated against with regards to any aspect of their employment • If they are aware of any maternity or paternity benefits 	-

		<p>based on workers 'actual misconduct and do workers have a right of appeal to management?</p> <ul style="list-style-type: none"> • Any indication of inequality, discrimination, harassment, or intimidation. 	<ul style="list-style-type: none"> • Experience relating to people reporting issues of discrimination and action taken as a result. • Do they know how to report discrimination? • If workers have equal access to training to improve their skills and chances of promotion, including workers with family responsibilities • Allocation of overtime 	
<p>Freedom of association and collective bargaining</p>	<p>It is important to interview any workers who are 'union or worker representatives, or workers committee members. Interviews are an important means of investigation to verify if workers' rights to association and collective bargaining are not restricted and to verify if workers are being threatened or punished. It is recommended for auditors to corroborate information from interviews with trade union repre-</p>	<p>Talk to management about:</p> <ul style="list-style-type: none"> • Policies concerning disciplinary measures and about management responses to strike action. • If they recognize and negotiate with unions • If the freedom of association is restricted under law, do support alternative or parallel options? 	<p>Speak with a representative cross-section of workers about or a trade union/worker representative:</p> <ul style="list-style-type: none"> • If they have attempted to form a trade union and if the attempt was not successful, why was it not successful • If no, workers representation exists how are they free or able to communicate issues between managers and workers 	<p>If trade unions or worker's organizations are present:</p> <ul style="list-style-type: none"> • If they know about their trade union, the trade union representative(s) • If union officials are freely allowed to perform their functions/roles according to the law • The last strike, walk-out, work stoppage etc. and why it occurred



	<p>representatives or equivalent, with management with union members and non-union members.</p>		<p>If no trade union or worker's organizations are present:</p> <ul style="list-style-type: none"> • If they have attempted to form a trade union and if the attempt was not successful, why was it not successful • If no, workers representation exists how are they free or able to communicate issues between managers and workers 	<ul style="list-style-type: none"> • If they participated in or led a strike to understand if they experience discrimination or punishment • Where are meetings documents and communicated within the site? Are their minutes and are they circulated? • If there are known discrimination against workers representatives • Are worker representatives elected by members as stipulated in the Union's Constitution?
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PART II: FSC core labour requirements self-assessment

Self-assessment template provides the organization with the opportunity to share insight on existing national legislations, and conflict if any and describe how the organization apply the FSC core labour requirements. The self-assessment is a tool that assists in identifying risks while explaining how risks are addressed.

Implementation guidance



Should be accompanied with the policy statement(s)



Describe how the FSC core labour requirements are applied to your operations by responding to each question. You can use the standard self-assessment or an applicable national self-assessment.



Identify relevant documents, records, and other materials that the auditor can review to verify the referenced response



Identify any legal obligations that may affect your ability to comply, even in the case of legal impairments, organizations still must demonstrate conformity.



Once complete, submit it to the certification body.



Your certification body will evaluate the self-assessment, evaluating the relevance, effectiveness, and adequacy.



Completing the self-assessment

Questions	Guidance
a) Does your organization comply with Clause X.X? If yes, continue at (c).	Answer 'Yes' or 'No' if your organization complies with the corresponding core labour requirement.
b) If the answer is no to (a) above, please describe how or why your organization does not comply with Clause X.X.	<p>If you have answered 'No' describe in detail how or why you do not comply.</p> <p>For example:</p> <ul style="list-style-type: none"> • <i>National legislation does not prohibit state-sponsored force labour</i> • <i>Our organization has not implemented a procedure on child labour.</i>
c) For the individuals employed by you at the site/sites holding the certificate, describe how your organization knows it complies with Clause X.X.	<p>Describe how your organization conform, for example:</p> <p><i>Workers can form and participate in the activities of unions or other workers' organizations. We have implemented the collected bargaining agreement.</i></p> <p><i>National law restricts the choice of unions for workers within our country, however workers have expressed the will to organize a worker's committee. We have allowed them to organize worker elections and for a worker's committee without interference without going against national law.</i></p>
d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause X.X.	<p>Identify any documents or other records (and their location) such as policies, procedures, photos.</p> <p>For example:</p> <ul style="list-style-type: none"> • Collective bargaining agreement • Minutes from meetings • Letter of support from a union representative • Policy statement(s) is on our organization website: www.woodcompany.com • Procedure of worker's election process



e) Identify any legal obligations that you believe may impact your ability to comply with Clause 7.2. Please describe them, and how they impact your ability to comply with Clause 7.2.

If a national or local law prohibits or restricts conformity with the FSC core labour requirements, then that law needs to be documented in the self-assessment. Explain how your organization meet the requirement as best as you can or show how you cannot meet the requirement and still conduct business legally.

It is essential to know the applicable relevant national laws and if your country has ratified the following 8 ILO Core Conventions:

- i. *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*
- ii. *Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*
- iii. *Forced Labour Convention, 1930 (No. 29)*
- iv. *Abolition of Forced Labour Convention, 1957 (No. 105)*
- v. *Minimum Age Convention, 1973 (No. 138)*
- vi. *Worst Forms of Child Labour Convention, 1999 (No. 182)*
- vii. *Equal Remuneration Convention, 1951 (No. 100)*
- viii. *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*

To obtain this information, check the website of the Ministry of Labour or government department within your country on the national laws which cover the core labour requirements. This could be:

- how national law defines child labour
- the minimum age for employment

The FSC [National Risks Assessments \(NRAs\)](#) and [National Forest Stewardship Standards \(NFSS\)](#) can be used as sources for the self-assessment but cannot be the only sources used. You can also check if country has ratified ILO core conventions at ILO website below:

<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::#U>



f) Attach a policy statement, or statements, made by your organization that encompasses Clause X.X.	Attach your policy statement(s) that includes the FSC core labour requirement.
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Guidance: Self-assessments for the multi-site site and group certificates

The Central Office (CO) is responsible for completing the self-assessment for all Participating Sites under the scope of the certificate. The CO can choose to complete a single self-assessment for all site/group members or a separate self-assessment for site/group members located in each country.

ANNEX: FSC core labour requirements resources

FSC e-training courses of the FSC core labour requirements

FSC's e-training platform gives you access to a variety of online courses related to the FSC core labour requirements, to find out more visit: <https://etraining.fsc.org/>

Webinar recordings

Webinars on the FSC core labour requirements are available on our website in English and Spanish, please visit: <https://fsc.org/en/chain-of-custody-certification>

FSC core labour requirements 'Question and Answer' document

FSC has prepared a question and answer (Q&A) document on the topic of the FSC core labour requirements. The questions are compiled from stakeholder enquiries and are loosely sorted into categories. You can access them here: <https://fsc.org/en/chain-of-custody-certification>

National self-Assessment templates

To ease the transition to version 3-1 of the FSC Chain of Custody Certification standard, FSC has been provided national adaptations of the FSC core labour requirements self-assessment template. These adaptations provide guidance on national context for filling out the self-assessment. You can access them here: <https://fsc.org/en/chain-of-custody-certification>