



Forest Stewardship Council®



FSC report on generic criteria and indicators based on ILO Core Conventions principles

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The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organization established to promote environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

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A Introduction

In its 65th meeting in March 2014 the FSC International Board of Directors requested the FSC Secretariat to develop a 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).

A subchamber balanced working group (with 6 FSC members in total and one technical expert) was established with the intention of reaching a common understanding within the FSC system about the application of the principles and rights at work as defined in the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the eight ILO Core Labour Conventions. The intended outcome of this process is the delivery of a report containing a set of generic criteria and suggested indicators that define the basis for developing auditable requirements at the level of FSC certificate holders.

Additionally, a set of verifiers was developed to test the auditability of the criteria and indicators. As informative guidance to standard developers, the working group has also developed a set of non-normative explanatory notes on background, intent and meaning of some of the requirements (see FSC-GUI-60-008).

The current report is a result of three working group meetings; one held in September 2015; the second one in April 2016 and the third one in December 2016. The drafting process also included a desk review on ILO Core Conventions and documents from other voluntary certification schemes, input from bilateral negotiations between North American Companies and Building and Woodworkers International (BWI) and in addition inputs from an International Labour Expert.

The report was consulted with the consultative forum in May 2016 and further discussed with the working group in the following months. The public stakeholder consultation was conducted between 10 October and 08 December 2016. The comments from public stakeholder consultation were reviewed by the working group in its third meeting in December 2016. The Policy and Standards Committee has discussed the draft of the working group in its meeting on 9-11 January 2017 and submitted a recommendation of the draft report for the approval by the FSC Board of Directors.

The FSC Board of Directors in its meetings in February and May 2017 requested the FSC Secretariat to partially revise the generic criteria and indicators. A revised version of the report was approved by the Board of Directors in August 2017.

B Scope

Once approved by the FSC Board of Directors the international generic criteria and indicators below will be the basis for developing auditable requirements, which will be incorporated in the applicable normative documents (National Forest Stewardship standards, Chain of Custody standard, Controlled Wood standards).

International FSC standards

After the approval of the international generic criteria and indicators (below) a revision process of the Chain of Custody standard FSC-STD-40-004 and Controlled Wood standards FSC-STD-40-005 and FSC-STD-30-010 will be initiated to incorporate these criteria and indicators. Subchamber balanced working groups will be established to guide this process in accordance with FSC-PRO-01-001. They shall seek advice on all aspects of the development or revision of FSC normative documents from the FSC Global Network (including FSC Network Partners and Standard Development Groups), FSC Board of Directors, FSC accredited Certification Bodies, consultative forum members, FSC certificate holders, other FSC stakeholders and/or relevant technical experts. They shall adopt the criteria and indicators and give due consideration to the variations in national law and to the rights and obligations established by national law. Subject to approval by FSC's decision making bodies indicators may be adapted, dropped or added in exceptional cases where there is a conflict between national laws and the indicators below.

National Forest Stewardship Standards

After the approval of the international generic criteria and indicators (below) national Standard Development Groups shall adopt criteria and indicators.

Standard Development Groups shall give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the generic criteria and indicators. In exceptional cases where there is a conflict between national laws and the indicators, Standard Development Groups may propose indicators to be adapted, dropped or added, subject to approval by FSC's decision making bodies.

Certification bodies developing Interim National Standards shall adopt criteria and indicators. In exceptional cases where there is a conflict between national laws and the indicators, certification bodies may propose indicators to be adapted or added subject to approval by FSC's decision making bodies.

C References

The following referenced documents are relevant for the understanding of this report. For undated references, the latest edition of the referenced document (including any amendments) applies.

FSC-STD-01-001 FSC Principles and Criteria for Forest Stewardship

FSC-STD-01-002 FSC Glossary of terms

FSC-STD-60-002 Structure and Content of National Forest Stewardship Standards

FSC-STD-60-006 Process Requirements for the Development and Maintenance of National Forest Stewardship Standards

FSC-PRO-01-001 Development and Revision of FSC Normative Documents

FSC-PRO-60-006 Development and Transfer of NFSS to FSC P&C

FSC-GUI-60-008 Guideline for Standard Developers on the generic criteria and indicators based on ILO Core Conventions principles

FSC-GUI-60-005 Promoting Gender Equality in National Forest Stewardship Standards

ILO Convention 29 (Forced Labour), 1930

ILO Convention 100 (Equal Remuneration), 1951

ILO Convention 105 (Abolition of Forced Labour), 1957

ILO Convention 111 (Discrimination), 1958

ILO Convention 138 (Minimum Age), 1973

ILO Convention 182 (Worst Forms of Child Labour), 1999

ILO Declaration on Fundamental Principles and Rights at Work, 1998
International Finance Corporation, Performance Standard 2, Labour and Working Conditions, 2012
ILO (2016) Trade Union and Child labour- A tool for Action. International Labour Office, Bureau for Workers Activities (ACTRAV)
Poschen, Peter (2000) Social Criteria and Indicators for Sustainable Forest Management. A guide to ILO texts, Forest Certification Working Paper No 3

D Terms and definitions

Terms for which a definition is provided in the 'terms and definitions' section are formatted in italics and marked with an asterisk*. For the purposes of this report, the terms and definitions provided in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

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.

Child: any person under the age of 18 (C182, Article 2).

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 (C98, Article 4).

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 C111, Article1). * 'Sexual orientation' was added to the definition provided in C111, as it has been identified as an additional type of *discrimination** which may occur.

Due consideration: To give such weight or significance to a particular factor as under the circumstances it seems to merit, and this involves discretion (Black's Law Dictionary, 1979).

Employment and Occupation: includes access to vocational training, access to employment and to particular occupations, and terms and conditions of employment (C111, Article1.3).

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).

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 (C 29, Article 2.1).

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).

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.

In determining the type of hazard child labour referred to under (article 3(d) of the Convention No 182, and in identifying where they exist, consideration should be given, inter alia, to:

- 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.

ILO Core (Fundamental) Conventions: these are labour standards that cover fundamental principles and rights at work: freedom of association and the effective recognition of the right to *collective bargaining**; the elimination of all forms of *forced or compulsory labour**; the effective abolition of *child** labour; and the elimination of *discrimination** in respect of *employment and occupation**.

The eight Fundamental Conventions are:

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

ILO Committee on Freedom of Association: a Governing Body Committee set up in 1951, for the purpose of examining complaints about violations of freedom of association, whether or not the country concerned had ratified the relevant conventions. Is composed of an independent chairperson and three representatives each of governments, employers, and *workers**. If it decides to receive the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of freedom of association standards or principles, it issues a report

through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations.

ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour conference at its Eighty-sixth Session, Geneva, 18th June 1998 (Annex revised 15 June 2010): is a resolute reaffirmation of ILO principles (art 2) which declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the organization, to respect, to promote and to realize, in *good faith** and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (a) freedom of association and the effective recognition of the right to *collective bargaining**;
- (b) the elimination of all forms of *forced or compulsory labour**;
- (c) the effective abolition of *child** labour; and
- (d) the elimination of *discrimination** in respect of *employment and occupation**.

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).

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.
(FSC-STD-01-001 V5-2)

Organization (The): The person or entity holding or applying for certification and therefore responsible for demonstrating compliance with the requirements upon which FSC certification is based (FSC-STD-01-001 V5-2).

Remuneration: includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the *workers** employment (C100, Article1a).

Uphold: to acknowledge, respect, sustain and support (FSC-STD-01-001 V5-2).

Workers: all employed persons including public employees as well as 'self-employed' persons. This includes part-time and seasonal employees, of all ranks and categories, including laborers, administrators, *supervisors, executives, contractor employees as well as self-employed contractors and sub-contractors (C 155; FSC-STD-01-001 V5-2). *Definition of functions of employees such as supervisors varies from country to country. In situations where they have authority, in the interest of the employer or management to hire, transfer, suspend, lay off, recall, promote, discharge, assign,

reward or discipline other employees or have responsibility to direct them, they may be non-eligible to join unions.

Workers' organization: any organization of *workers** for furthering and defending the interest of *workers** (adapted from C87, 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.

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).

Verbal forms for the expression of provisions

[Adapted from *ISO/IEC Directives Part 2: Rules for the structure and drafting of International Standards*]

"shall": indicates requirements strictly to be followed in order to conform with the standard.

"should": indicates that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required. A certification body can meet these requirements in an equivalent way provided this can be demonstrated and justified.

"may": indicates a course of action permissible within the limits of the document.

"can": is used for statements of possibility and capability, whether material, physical or causal.

Generic criteria and indicators

The criteria and indicators below have been developed in reference to the *ILO Declaration on Fundamental Principles and Rights at Work** and the 8 *ILO Core Conventions**:

- a. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- b. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- c. Forced Labour Convention, 1930 (No. 29)
- d. Abolition of Forced Labour Convention, 1957 (No. 105)
- e. Minimum Age Convention, 1973 (No. 138)
- f. Worst Forms of Child Labour Convention, 1999 (No. 182)
- g. Equal Remuneration Convention, 1951 (No. 100)
- h. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Instructions for Standard Developers:

The standard development processes for Chain of Custody, Controlled Wood and National Forest Stewardship Standards shall give due consideration to the rights and obligations established under applicable national law.

Standards developers shall take into account that: 'being FSC certified means accepting higher standards which can mean relinquishing certain rights available under national law' (principle confirmed by FSC Board at BM75), but also that certificate holders are not expected to violate national law in conforming to FSC requirements.

1. The effective abolition of *child** labour

Criterion and indicators	Means to evaluate conformity (verifiers)
1.1 <i>The Organization*</i> shall not use child labour. 1.1.1 <i>The Organization*</i> shall not employ <i>workers*</i> below the age of 15, or below the <i>minimum age*</i> as stated under national, or local laws or regulations, whichever age is higher, except as specified in 1.1.2. 1.1.2 In countries where the <i>national law*</i> or regulations permit the employment of persons between the ages of 13 to 15 years in <i>light work*</i> 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.	<u>Documents</u> • Pay records • Records of labour inspectorate • Employer Records (Age Register), identity documents such as copies of birth certificates or national ID cards • Risk Assessment & Hazardous Substance Assessment • Employment Policy/ Procedures • Local/ <i>national law*</i> • Findings of employment surveys • School records and social <i>workers*</i>

1.1.3 No person under the age of 18 is employed in <i>hazardous*</i> or <i>heavy work*</i> except for the purpose of training within approved <i>national laws*</i> and regulation. 1.1.4 <i>The Organization*</i> shall prohibit <i>worst forms of child labour*</i>.	• Local labour office <u>Interviews</u> • Sample of <i>workers*</i> • Representatives of <i>workers*</i> and unions • School authorities and social <i>workers*</i> • Representatives of employer <u>Observations</u>
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2. The elimination of all forms of *forced or compulsory labour**

Criterion and indicators	Means to evaluate conformity (verifiers)
2.1 <i>The Organization*</i> shall eliminate all forms of forced and compulsory labour. 2.1.1 Employment relationships are voluntary and based on mutual consent, without threat of a penalty. 2.1.2 There is no evidence of any practises 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.	<u>Documents</u> • Pay records • Records of labour inspectorate • Employment contracts • Statutory deductions (tax, social security) • National / industry pay standards (for comparison) • Dispute and grievance records • Records of licensed recruitment agencies • Work Agreements <u>Interviews</u> • Sample of <i>workers*</i> • Representatives of <i>workers*</i> and unions • Social <i>workers*</i> and NGOs • Supervisors • Representatives of employer <u>Observations</u> • Visit to camping/ housing sites

3. The elimination of *discrimination in respect of *employment and occupation****

Criterion and indicators	Means to evaluate conformity (verifiers)
3.1. <i>The Organization</i>* shall ensure that there is no discrimination in employment and occupation. 3.1.1 <i>Employment and occupation</i>* practices are non-discriminatory.	<u>Documents</u> • Pay records • Records of labour inspectorate • Adverts • Job application records • Grievances/ complaints register • Job evaluation (appraisals) • <i>Affirmative action</i>* program • Policies and procedures • Employment demographic/ gender ratio in job types • Discriminatory reports/ Social responsibility reports • <u>Interviews</u> • Representatives of employer • Sample of <i>workers</i>* • Representatives of <i>workers</i>* and unions <u>Observations</u> • Welfare facilities for men and women

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

Criterion and indicators	Means to evaluate conformity (verifiers)
4.1 <i>The Organization</i>* shall respect freedom of association and the right to collective bargaining. 4.1.1 <i>Workers</i>* are able to establish or join <i>worker organizations</i>* of their own choosing.	<u>Documents</u> • Organizational policies • Complaints register • Collective agreements • Minutes of bilateral meetings

4.1.2 <i>The Organization*</i> respects the full freedom of <i>workers' organizations*</i> to draw up their constitutions and rules. 4.1.3 <i>The Organization*</i> respects the rights of workers to engage in lawful activities related to forming, joining or assisting a <i>workers' organization*</i>, or to refrain from doing the same; and will not discriminate or punish workers for exercising these rights. 4.1.4 <i>The Organization*</i> negotiates with lawfully established <i>workers' organizations*</i> and/ or duly selected representatives in <i>good faith*</i> and with the best efforts to reach a <i>collective bargaining*</i> agreement. 4.1.5 <i>Collective bargaining*</i> agreements are implemented where they exist.	• Minister of labour/ Industrial Relations reports • Court reports/ awards <u>Interviews</u> • <i>Workers*</i> & trade union representatives • Human Resource personnel • Representatives of employer <u>Observations</u>
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