



Forest Stewardship Council®



Technical Working Group for the incorporation of the generic ILO criteria and indicators into Chain of Custody (CoC) standards

Terms of Reference and Operating Rules

05 October 2018

WORKING GROUP SUMMARY

Type of Working Group:	Technical
# of TWG members:	5
# of Technical Experts:	-
Coordinator:	Evelin Fagundes dos Santos
Working language	English (other languages may be supported as needed)

PROJECT SUMMARY

Project Title:	Incorporation of the generic ILO criteria and indicators into Chain of Custody (CoC) standards
Project Manager:	Evelin Fagundes dos Santos
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PROJECT INFORMATION

1 Background of the Project

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 sub-chamber 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. As a result of this process, the FSC Board approved in August 2017 a final report containing the generic criteria and indicators based on ILO Core Conventions principles, requesting their further incorporation into the FSC Chain of Custody (CoC) standards.

A new process is being initiated now to develop robust but also feasible requirements to be incorporated into CoC standards regarding the generic ILO criteria and indicators.

2 Set up of the project

In the context of this project, FSC will establish a Technical Working Group to deliver on the tasks and responsibilities outlined in these Terms of Reference (TOR).

In addition, the following bodies are involved in the project, established in line with FSC-PRO-01-001 V3-1:

A **Project Manager**, appointed by the Policy Director, to manage the project, and to coordinate the TWG and the Consultative Forum. The Project Manager is also acting as the TWG Coordinator and responsible for ensuring that the TWG operates responsibly and in accordance with its terms of reference and applicable procedures.

A **Steering Committee** (usually composed of the FSC Director General, the Policy Director and the Coordinator, and others on invitation) which provides oversight on all phases of the process until the final decision by the FSC Board of Directors. Liaisons from the FSC Board of Directors and the Policy and Standards Committee can be invited to the Steering Committee, though they do not have a decision-making role on the Steering Committee.

A **Consultative Forum** (optional) is a self-selecting group of interested/affected members, certificate holders, certification bodies and other stakeholders interested in providing ongoing, direct and meaningful input into the process.

TECHNICAL WORKING GROUP INFORMATION

3 Objective

The Technical Working Group (TWG) is expected to support and contribute to the integration of the generic ILO criteria and indicators into CoC certification, by developing the CoC accreditation requirements that define how certification bodies shall evaluate these criteria and indicators in CoC certification.

Furthermore, a critical view of possible impacts of the new developed requirements and ways to address them are also included in the expected outcomes of this process.

4 Tasks and responsibilities of the Technical Working Group

The members of the TWG will work together throughout the process, discussing issues and interacting with each other as a group in and outside of meetings as necessary and/or required by the coordinator. The applications are open to all interested stakeholders, including but not limited to certificate holders, certification bodies, accreditations bodies, independent professionals, researchers, workers representative bodies. The TWG composition is expected to cover the broadest possible perspective in terms of Chain of Custody certification, accreditation, and labour issues in the supply chain, with special focus on ILO Core Conventions.

In particular, the members of the TWG shall:

- Agree on a Chairperson for the Technical Working Group;
- Analyze, discuss, and negotiate the requirements of the document regarding the need for revision;
- Seek comprehensive advice on the development and outcome from the FSC Global Network, FSC Board of Directors, FSC accredited CBs, FSC certificate holders, other FSC stakeholders and/or relevant Technical Experts;
- Provide detailed input into the development of draft versions;
- Reviewing and advising on comments received during public consultation;
- Participating in stakeholder outreach and information-sharing forums, as needed;
- Recommend when a draft is ready for public consultation;
- Recommend when the final draft is ready to be sent for decision making by the FSC Board of Directors.
- Make the best efforts to participate and respond to the tasks and activities defined in the process workplan.

5 Selection of Technical Working Group members

A call for expressions of interest (supported by CVs) will be launched to the public for identifying the candidates of the Technical Working Group.

Members of the Technical Working Group will be selected by the Steering Committee according to the following criteria:

- a) Understanding of and support for FSC's mission and vision;
- b) Ability to provide specific technical input on CoC certification, accreditation and/or labour issues, with special focus on ILO Core Conventions;
- c) Up-to-date knowledge and experience of FSC's systems and procedures;
- d) Understanding of the potential impact of a normative document on affected stakeholders;
- e) Desire to seek and reach consensus on controversial issues;
- f) Ability to contribute with solutions and innovations;
- g) Ability to review and comment on documents submitted in the working language(s) agreed for the TWG;
- h) Track record on successful working groups is an asset;
- i) Gender balance and balance of geographical regions, where possible.

Note: This is a non-membership setting.

6 Structure and Accountabilities

The TWG consists of 5 members.

The term of TWG members ends with the submission of the final draft for decision making.

Appointed TWG members are expected to adhere to the rules and regulations of this TOR and are expected to donate sufficient time to thoroughly fulfil their duties.

Appointed TWG members shall sign a service and confidentiality agreement with FSC upon appointment.

The TWG will start its activities considering, at least, the following documents to be provided by the Coordinator:

- FSC-STD-40-004 Chain of Custody Standard;
- FSC-STD-20-011 Chain of Custody Evaluation;
- FSC-PRO-01-001 V3-1 The Development and Revision of FSC® Normative Documents (document which this ToR are based on)
- FSC report on generic criteria and indicators based on ILO Core Conventions principles
- ASI ILO study and outcomes

7 Work plan and time commitment

The TWG will be established after the approval of this TOR.

The expected start-date for the Technical Working Group is 11 and 12 December 2018, with a targeted completion by the end of 2019. The second in-person meeting is expected to occur on 16, 17, 18 July 2019 and the third

in-person meeting is expected to occur on 10, 11, 12 December 2019. All the meetings are expected to be held in Bonn but depending on the members' location the place can be redefined.

An estimated time table is provided in Annex 2. The timetable and the detailed work plan will be updated as necessary.

The TWG will conduct most of its work via e-mail or similar means of electronic communication (e.g. Go-to meeting conference), and through one-on-one calls with the Coordinator when required. At least two calls with the group are expected. Three face-to-face meetings are envisaged, including a kick-off meeting to refine the Work Plan, and a meeting to review and consolidate final conclusions and outcomes in last quarter of 2019.

8 Expenses and Remuneration

FSC is an international not-for-profit membership organization with limited funding. Participation in the TWG takes place on a voluntary non-paid basis.

If required, FSC covers reasonable travel and accommodation expenses related to the work plan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

9 Confidentiality and conflict of interest

Technical Working Group members as well as any experts shall sign a confidentiality and non-disclosure agreement with FSC at the beginning of their work.

Per default, non-attributable content of discussions and papers prepared by or presented to the TWG is not considered confidential, unless otherwise specified.

The TWG operates according to Chatham House Rules. So, while members of the TWG have full authority to share the non-confidential substance of discussions and papers, they shall not report or attribute neither the comments of individuals nor their affiliations outside of meetings, whether conducted face to face or virtual.

Members are expected to declare any conflicts of interest, where they arise. This will cause the person(s) to be excused from the discussion and to abstain from participating in decision-making.

10 Language

The working language of the TWG is English. Language support to Spanish is provided on request.

All drafts for public consultation, as well as other documents, as requested and as possible, should be translated into Spanish. Documents may also be translated into other languages if requested by the Technical Working Group and depending on resource availability.

OPERATING RULES

11 Deliberations and Decision Making

For the TWG to meet and deliberate, there must be quorum, defined as a minimum of 4 TWG members. The Coordinator will strive to select meeting dates and venues that allow for full participation of all Technical Working Group members.

NOTE: a neutral facilitator may be appointed for each working group meeting to support the Technical Working Group in running a successful meeting.

All TWG members must participate in each point of decision-making. If member(s) are not present for a decision, then a provisional decision may be made, subject to participation by the absent member(s). Quorum is required for any provisional decisions, and full member participation is preferred.

The TWG shall strive and make every effort possible to take decisions by consensus (see Glossary).

If consensus cannot be achieved, outstanding concerns shall be documented and presented to the FSC Board of Directors in the final report that accompanies the document presented for decision.

The Coordinator, FSC Staff, Steering Committee members, liaison persons and any other supportive personnel shall not participate in any decision-making.

If the TWG is not able to agree on a final draft within three (3) months after the final round of public consultation, the Steering Committee shall take a decision on how to move forward with the process.

12 Effective TWG meetings

- Established solid foundation at the start (objectives, roles, timetable, etc)
- Agreed meeting protocols
- Detailed agendas provided before and at meetings; meeting materials provided well in advance of meetings whenever possible to ensure that members have sufficient time to review.
- Clear decision-making structures, e.g., Use of decision-making matrix based on criteria that need to be considered and scenario-testing
- Simple, logical discussion format, e.g., commencing with clarifying the issue(s) the requirement is meant to address before starting to comment on the specific requirement
- Regular, ongoing temperature checks on points-of-agreement
- Decision point, end of day and end of meeting summaries
- Development of workplan during the first meeting to guide process
- Use of PSU and technical experts in drafting the documents to support TWG's role and task
- Decision on use of sub-groups, break-out groups in meetings, etc.
- Temperature check from stakeholder groups before a final draft is recommended to the FSC Board for approval.

- When impasse issues arise that cannot be resolved by the TWG, they will be addressed through the consultative process, with options and perspectives circulated for consultation. The TWG will then work to resolve the issues based on comments received. If the issue is highly technical in nature, additional research/investigation on that issue might also be called upon to provide additional information for making informed decisions.
- Straw poll of the TWG before going to decision-making.

13 Effective communications and representation of stakeholders

TWG members are expected to consult with other colleague(s) to ensure a wide range of views are sought.

To support stakeholder engagement, the Coordinator will also:

- Implement a communications strategy to ensure ongoing and meaningful stakeholder engagement
- Proactively push communication towards those who self-declare their interest, or otherwise may be impacted by the standard/policy, via email news briefs to the self-selecting Consultative Forum as well as the FSC mailing lists (Network Partners, Members, etc.)
- Make available for all interested parties via the website:
 - Background documentation and references
 - TWG agendas
 - TWG minutes (non-attributable)
 - Signed off internal documents and drafts of the TWG
 - Attributable comments of stakeholders on draft documents (unless requested otherwise in writing)
- Use tracking/document handling software tools to facilitate dialogue amongst stakeholders as part of the consultation process.
- Seek FSC-related forum to provide updates and solicit input on the documents, for example at Network Partner meetings, regional FSC meetings, global meetings, etc.

Annex 1: Glossary

For the purpose of this document, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

Chairperson: a Technical Working Group member, chosen by the other members, to act as a contact point and spokesperson for the Technical Working Group. He/she brings together the shared concerns, suggestions and recommendations of the Technical Working Group members and shares them with the other actors involved in the project.

Chamber balanced WG: a group of selected FSC members with professional experience in the field of question, to advise and provide content related input to the development or revision of a FSC normative document, equally representing the perspectives of the social, environmental and economic chamber of the FSC membership (and Southern and Northern perspectives in case of a Sub-chamber balanced WG).

Chatham House Rule: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". The Chatham House Rule has the aim to encourage openness and the sharing of information at meetings.

Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests.

NOTE: Consensus should be the result of a process seeking to take into account the views of interested parties, particularly those directly affected, and to reconcile any conflicting arguments. It need not imply unanimity (adapted from ISO/IEC Guide 2:2004).

Technical consultation: targeted internal consultation to receive feedback on a FSC normative document during the drafting or re-drafting stage before the document is released for public consultation.

Technical Expert(s): an experienced specialist in the field of question, invited to participate in Working Groups discussions as resource person.

Technical WG: a group of experts appointed by FSC with professional experience in the field of question, to advise and provide content related input to the development or revision of a FSC normative document.

Annex 2: Estimated Timelines

Process steps	2018				
	Aug	Sep	Oct	Nov	Dec
Study on ILO impacts and challenges in CoC					
Process announcement to stakeholders					
Working Group applications					
Meeting preparation and logistics					
Working Group meeting					
Delivery of the first study draft by ASI					

Process steps	2019											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
ASI field tests												
Delivery of the final study by ASI												
Labour Solutions Forum												
Working Group meeting /call												
Drafting of the requirements												
Public consultation preparation												
Public consultation												
Processing of stakeholders' comments												
Working Group meeting												
Drafting												
Second public consultation												
Processing of stakeholder's comments												
Working Group meeting												

Process steps	2020									
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Draft finalization										
Submission of final draft to the PSC and the Board										
Board Approval										
Publication										
Development of training and communication materials										
Webinars										
CoC auditors training and accreditation										
Free online training to certificate holders and provision of materials										
Establishment of a dispute resolution mechanism to deal with ILO in CoC										
Standard becomes effective to all CoC certificate holders										