



Forest Stewardship Council®



Technical working group to revise the procedures for disputes handling in FSC

Terms of reference and operating rules

November 2019



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Project Information

1. Introduction and background

The FSC system of managing disputes is undergoing an overall revision. A part of the revision is focused on the procedures in place for disputes processing as the current procedures guiding the processing of complaints and appeals do not any longer fully support a framework enabling efficient and adequate case processing.

The goal is to have a system in place to allow for variety of mechanisms when handling particularly the Policy for Association cases and to seek for efficiencies and better targeted measures in disputes handling. The project builds on previous work carried out but not yet completed by a working group to revise the Policy for Association from 2015-2017.

The project may also include a review of the general complaints and appeals handling concerning FSC and FSC certification system which is being reviewed for revision during 2019.

This project is part of a two phased project, where the first part is focused on creating processes and infrastructure to allow efficient disputes handling in FSC. The second part will be focused on the Policy of Association itself and is not included in the work of this technical working group.

2. Set up of the project

FSC will establish a technical working group (TWG) to deliver on the tasks and responsibilities outlined in these Terms of Reference (ToRs). In addition to the TWG, the following bodies are involved in the project, established in line with FSC-PRO-01-001 V3-1:

A project and TWG coordinator who is an FSC staff member, is appointed to administer the process and to manage the TWG and the consultative forum. The coordinator is responsible for ensuring that the TWG operates responsibly and in accordance with its terms of reference and the applicable procedures. The coordinator is also responsible for coordinating with FSC staff and seeking other expertise as necessary. The coordinator will send the invitations to online calls and meetings, draft agendas for the meetings, draft minutes of the meetings and maintain recordings of the process. The coordinator is responsible for the overall project management (timelines, agendas, minutes, workplan, communications and budget planning). The coordinator manages communication to the steering committee and plans and organizes consultations.

A project supervisor is appointed to supervise the process and to support the working group in reaching its goals.

A drafter to draft all products of the TWG incorporating input and comments from the rest of TWG members.

A steering committee is composed of the FSC Director General, the Director of Policy Operations, the project supervisor.

3. Tasks and responsibilities of the technical working group (TWG)

The members of the TWG will work together throughout the process, discussing issues and interacting with each other as a group through online calls, email communication and meetings as necessary and/or required by the coordinator.

The TWG will develop a complaints processing framework that ensures fair, timely and accurate complaints processing. At minimum, this will include:

- reviewing the development work already done by a PfA working group
- reviewing and integrating elements of the process for ending disassociation being developed through the generic roadmap for disassociated companies
- developing new possibilities for including third parties to carry out part of the process to support efficiency and to reduce conflict of interest
- introduce alternative dispute management mechanisms into FSC processes
- develop a scalable system of escalation of the cases, including criteria for using probation as a sanction
- reviewing all parties and creating criteria for ensuring avoiding issues with conflict of interest

News items, and other communications will be drafted by the FSC secretariat.

4. Selection of technical Working group members

A call for expressions of interest supported by Curriculum Vitae will be published to identify candidates for the TWG. The members of the TWG will be selected by the steering committee.

The TWG will comprise of three experts. Following criteria is used in selection of the members:

- Experience with developing complaints systems in organizations
- Experience with reputational risk management
- Expertise on alternative dispute resolution mechanisms
- Experience with managing complicated dispute cases
- Demonstrated focus on cost-efficiency aspects of process development
- Familiar with FSC Policy for Association
- Up-to-date knowledge of and experience with FSC system
- Understanding and support of FSC's mission and values
- Ability to review and comment documents in English
- Confirmed availability to actively participate in the revision process
- Gender balance and balance of geographic regions where possible

5. Expected outputs

FSC will have simplified Policy for Association complaints and dispute procedures in place to protect its reputation and to improve processes and performance on the ground. The procedures enable FSC to react to complaints in a fast and targeted

manner, provide transparency to stakeholders for processes and mechanisms used and enable use of proportionate measures.

The procedures are resource efficient, financial expenditures are apportioned appropriately and all decision-making is free of conflict of interest.

Revised documents:

- Processing Policy for Association Complaints in FSC Certification Scheme (FSC-PRO-01-009)

If projects are approved:

- Processing Complaints in the FSC Certification System (FSC-PRO-01-008)
- Processing Appeals (FSC-PRO-01-005)

6. Workplan and time commitment

The work of the technical working group will start January 2020. The PfA complaints procedure is foreseen to be finalized in July 2020 and the possible revisions of complaints and appeals procedures in December 2020.

An estimated timetable is provided in Annex X. The timetable and detailed work plan will be updated as necessary. It is foreseen that there will be monthly calls and draft reviewing and email discussions in between calls. At least two face-to-face meetings are envisaged for 2020.

7. The working language

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

All drafts for public consultation, as well as other documents, as requested and as possible, shall be translated into Spanish.

8. Expenses and remuneration

FSC is an international not-for-profit organization with limited funds.

Participation in the TWG is on voluntary unpaid basis. However, FSC offers to pay a small stipend for participation in the TWG discussions if needed by members whose participation is not covered by their employers.

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

9. Confidentiality and conflict of interest

TWG members 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 are not considered confidential, unless otherwise specified.

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. Deliberation and decision making

For the TWG to meet and deliberate, there must be a quorum, defined as minimum of 2 (for a TWG of 3 members). The project coordinator will strive to select meeting dates and venues that allows for full participation of all TWG members.

All TWG members must participate in each point of decision-making. If any of the member(s) is 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. 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 decisions.

The coordinator, FSC staff, steering committee members and any other supportive personnel shall not participate in any decision-making. If the TWG is not able to agree on critical discussion points, the steering committee shall take a decision on how to move forward with the process.

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 will apply:

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 consider the views of the interested parties, particularly those directly affected, and to reconcile any conflicting arguments. It need not imply unanimity (adapted from ISO/IEC Guide 2:2004).

Dispute: Umbrella term for all complaints and appeals in the FSC system.

Annex 2: Organogram

Policy steering group:

FSC Policy steering group (starting Jan 2020)

Project supervisor:

Lieske van Santen, Global Alignment and Integrity Director

Project team:

Saija Hotti, Coordinator

Alexander Green, Project Support

Technical working group:

Three experts in dispute management mechanisms

Annex 3: Estimated work plan

		2019		2020											
		Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
PFA PROCEDURE															
Preparations															
	ToRs for WG														
	Identify technical WG														
	Identify steering committee														
	Confirm TWG with SC														
	Invite participants														
	Publish start of the process														
Drafting															
	Drafting														
	First meeting														
	Drafting														
	Second meeting														
	Draf 1 completed														
	Translations and comms														
Public consultation															
	Public consultation														
	Webinars														
	Comments analyses														
	Third meeting														
	Drafting														
	Draft for final comments														
Submission preparations															
	Impact assessment														
	Review report														
	Submit to PSC														

		2019		2020											
		Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
COMPLAINTS AND APPEALS PROCEDURES															
Approval to review															
	Review of procedures														
	Review report														
	Publish website, email														
	Stakeholder comments														
	Final report														
	Request to PSC to review														
Drafting															
	Drafting														
	First meeting														
	Drafting														
	Second meeting														
	Draft 1 completed														
	Translations and comms														
Public consultation															
	Public consultation														
	Webinars														
	Comments analyses														
	Third meeting														
	Drafting														
	Draft for final comments														
Submission preparations															
	Impact assessment														
	Review report														
	Submit to PSC														