






Forest Stewardship Council®



Frequently asked questions about Processing FSC® Policy for Association Complaints

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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.

Introduction

The procedure FSC-PRO-01-009 V4-0 EN *Processing FSC Policy for Association Complaints*, describes the process FSC uses to address formal complaints of violations to the *FSC Policy for Association* (PfA) in a timely, independent and effective manner.

This document answers frequently asked questions regarding the recent revision of this procedure and the changes it entails. The questions outlined in the document are as follows:

1. What is this procedure?
2. Who is this procedure for?
3. How was the procedure developed?
4. Why was the procedure recently revised?
5. When will the new version of the procedure become effective?
6. How will the procedure be updated in the future?
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8. Do you have to be an FSC member to submit a complaint?
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15. Why does the procedure not describe how alternative dispute resolution approaches should look?
16. Why are complaints about noncompliance with FSC certification requirements not covered by this procedure?
17. Why isn't disassociation the only possible sanction for companies involved in unacceptable activities?
18. Will maintaining association with conditions be an effective option to respond to unacceptable activities?
19. Is maintaining association with conditions any different from the probation type cases previously used in the FSC system?
20. Is this procedure used also for cases where companies are working towards ending their disassociation from FSC?
21. Who is responsible for implementing this procedure?
22. Who will pay for implementing this procedure?
23. How will cases be planned and prioritized?
24. Where can I find information about closed and ongoing PfA complaint cases?

Background on the procedure

1. What is this procedure?

The procedure FSC-PRO-01-009 V4-0 EN *Processing FSC Policy for Association Complaints* is one of the tools that protect the integrity of the FSC system. It gives us a range of approaches to identify and respond to organizations associated with FSC that do not comply with our basic principles of responsible operations (as specified in FSC-POL-01-004 *Policy for the Association of Organizations with FSC*).

The procedure also helps us find opportunities to address the environmental and social impacts of those operations. Such solutions can be implemented through alternative dispute resolution approaches, conditions for improvement, or by exclusion from the FSC system.

2. Who is this procedure for?

This procedure is for FSC to protect its reputation that might be placed at risk due to unacceptable activities performed by associated organizations.

However, anyone can use this procedure to submit a complaint, from those directly facing environmental and social impacts to those concerned about the overall integrity of the FSC system.

The procedure also clarifies how issues are handled, the decision-making process and potential outcomes for complainants and organizations subject to complaints.

3. How was the procedure developed?

FSC established an expert working group in 2020 to develop the new, revised version of the procedure, in collaboration with FSC staff and with input from 50 respondents to a public consultation. The expert working group was established to complete the work of a technical working group that worked on the PfA revision process until 2017.

4. Why was the procedure recently revised?

The previous procedure required lengthy, administrative complaint processes, and did not offer the flexibility needed to find solutions to the issues in complaints. There were also insufficient measures to protect against conflict of interest at key decision points.

The aim of the revision is to become more focused on solutions and impact, to improve efficiency to respond faster to complaints and to mitigate conflict of interest. Including external experts in investigations and decisions and allowing flexibility in processes and sanctions was vital to achieving this aim.

- 5. When will the new version of the procedure become effective?**
- FSC-PRO-01-009 V4-0 EN *Processing FSC Policy for Association Complaints* will become effective for all new Policy for Association complaint cases from 1 January 2021, and also for cases where a complaint panel has not been established prior to that date.

The procedure will then run on a trial basis until mid-2022, during which FSC will review how the procedure is working and whether course correction is needed. FSC will also continue to align the procedure with other related developments in the FSC system, such as the Policy for Association – to be revised in 2021 – which defines the unacceptable activities and the scope of companies that they apply to.

- 6. How will the procedure be updated in the future?**
- FSC procedures are reviewed every five years to assess whether updates are needed. This assessment includes lessons learned from implementation and any comments from stakeholders we receive about the procedure. If there is a need to align with an updated FSC policy, we might carry out smaller technical revisions between the regular revisions.
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- 7. When will the Policy for Association be revised? Why was this not done at the same time with this procedure?**
- The Policy for Association will be revised during 2021. The process page can be found [here](#).
- The Policy for Association will be significantly impacted by results of other processes, such as development of the FSC Policy on Conversion, development of labour requirements in the Chain of Custody and FPIC guidance, and had to wait for such processes to be in final stages before the revision could be started.

The complaint procedure itself is not dependent on any particular activity defined in the Policy for Association – it applies to all relevant activities. Since FSC was having ongoing issues with working with the old procedure – heavy and lengthy processes, no flexibility, issues with conflict of interest – it was decided to proceed with the procedure with urgency. Once the PfA revision is completed in early 2022, it will be possible to align concepts in the procedure as needed through a technical revision.

Content of the procedure

- 8. Do you have to be an FSC member to submit a complaint?**
- No, you do not have to be an FSC member to submit a complaint. Any stakeholder who is interested in safeguarding FSC's reputation – or who is being affected by unacceptable activities – can submit a complaint. It is to FSC's benefit to hear about situations where its reputation might be at risk.
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9. For which reasons could a complaint be rejected?

A complaint could be rejected if there is insufficient evidence provided to support the allegations. Other reasons to reject a complaint could include:

- The allegations are not within the scope of PfA (activities are not covered by PfA);
 - The allegations are related to FSC certified operations in which case FSC will inform the complainant about the correct body to whom to address the complaint;
 - Submitting a complaint without attempting to address the issues directly with the defendant (where relevant) first.
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10. When can FSC open a case itself (without a complaint being submitted)?

FSC can open a case itself when:

- Stakeholders – for example whistleblowers – provide substantial information that an organization is involved in unacceptable activities, but do not wish to take part in the complaint process publicly as a complainant;
 - Certification bodies, ASI (the body accrediting FSC's certification bodies) or FSC offices provide substantial information indicating that an organization is involved in unacceptable activities;
 - There is substantial information in the public domain that an organization is involved in unacceptable activities.
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11. How are cases that FSC opens itself processed?

The process is the same whether the case is initiated through a complaint or by FSC.

The only difference is that there is no complainant in cases that we open ourselves. Parts of the procedure that specify actions related to the complainant (for example informing the complainant that a complaint is accepted) would therefore not apply.

12. Can a case be decided on without FSC carrying out an investigation?

Yes, the procedure makes it possible to decide on a case without first conducting an FSC investigation if there is already 'clear and convincing evidence' that an organization is involved in unacceptable activities.

In such cases, we will still prepare a report outlining the evidence available. Organizations named in the report will then have the chance to respond and provide counterevidence (in the same way as when an FSC investigation is carried out).

13. Why are alternative dispute resolution approaches part of this procedure?

This procedure presents a range of approaches to address environmental and social impacts of associated organizations that do not comply with the PfA.

Alternative dispute resolution is one way to focus on solutions to issues and can offer an efficient process that empowers and builds trust between participants.

In introducing this option, we are aiming to find effective and efficient solutions and give space for more positive relations to develop between parties to disputes

14. Who decides whether alternative dispute resolution approaches can be used to manage handle a case?

Affected stakeholders, complainants and defendants decide whether they should enter into an alternative dispute resolution process or not. They agree on the purpose, principles, scope and structure of the process. They also decide on whether to abandon the process if it is not working.

No one is forced to join an alternative dispute resolution process. Nor is anyone prevented from accessing other pathways in the procedure, for example an investigation, if they do not want to participate in an alternative dispute resolution process.

15. Why does the procedure not describe how alternative dispute resolution approaches should look?

Each case is different, and we want to keep the procedure flexible to allow the most suitable approaches and the best possible outcomes.

16. Why are complaints about noncompliance with FSC certification requirements not covered by this procedure?

FSC sets the requirements that FSC-certified operations follow but does not determine whether such requirements are met or not. This separation of roles is an important part of our commitment to avoid conflict of interest. For that reason, we remain independent from decisions taken to award or revoke FSC certificates.

Complaints about FSC-certified operations can be addressed directly to the operations themselves or to the certification bodies.

We will support anyone who contacts us to find the correct way to make a complaint.

17. Why isn't disassociation the only possible sanction for companies involved in unacceptable activities?

The cases FSC receives through this procedure are often very complex. We need to address their complexity with a flexible range of approaches to help us find the best outcome.

Sometimes disassociation (i.e. excluding a whole corporate group from the FSC system) is the best solution, e.g. if a company is not willing or able to immediately work with FSC to correct the wrongs. If a company is willing and able to do so, it is possible to set immediate timebound conditions for improvement and remedy. This procedure allows us to focus on the most suitable and efficient approach to reach the best results. In some cases, when prescribed criteria are met, it also enables the organization to correct and improve their operations in line with other FSC processes instead of immediately facing disassociation – the most severe outcome in the FSC system.

18. Will maintaining association with conditions be an effective option to respond to unacceptable activities?

This procedure brings in new criteria for situations when an organization can stay associated with FSC but has to complete additional conditions:

- 1) the unacceptable activities have stopped occurring;
- 2) there is no risk of products from unacceptable sources entering the FSC supply chain, and;
- 3) there is no significant risk to FSC's reputation.

These new criteria help ensure this option is only used in an environment where there is space for remedy and important organizational changes can be made quickly. They also provide a clear alignment for FSC and all experts involved in the process.

The decision to disassociate remains a possibility if the conditions are not met within defined timelines.

19. Is maintaining association with conditions any different from the probation type cases previously used in the FSC system?

Yes, as there are several new aspects in the procedure to ensure that the processes will set the framework for deciding whether to maintain association with conditions or not:

- FSC will use external experts for neutral investigations in the future;
- The procedure now describes the criteria to consider when evaluating if maintaining association is a viable option, to assess risk systematically and to align use of this possibility across cases;
- An independent decision panel will take decisions and make recommendations based on facts provided by the investigation.

20. Is this procedure used also for cases where companies are working towards ending their disassociation from FSC? The procedure lays out preconditions for FSC to engage with a company to end their disassociation as Annex 4 of the document and explains the main steps of the process. The requirements and indicators of the PfA remediation framework for companies are being tested during 2021 aiming to finalize the framework in early 2022. The objective of the framework is to remedy, correct and prevent reoccurrence of unacceptable activities under the FSC Policy for Association.

It also includes other trust-building measures. Disassociation can be lifted only upon completion of the agreed conditions and thresholds specified in the plan. More details about the framework and the first case to be tested can be found [here](#).

Implementing the procedure

21. Who is responsible for implementing this procedure? A dedicated team at FSC International and staff from FSC national and regional offices – in case-relevant countries – will coordinate on each step of the process.

22. Who will pay for implementing this procedure? FSC International will cover the costs of investigations and decision-making processes. If an organization is found to be involved in unacceptable activities, it is required to reimburse the costs of its investigation and decision-making process. It will also cover the costs of measures to remedy impacts and improve their performance.

23. How will cases be planned and prioritized? The procedure makes it possible for FSC to prioritize cases based on their severity and risk to the reputation of the FSC system. This allows us to focus on cases that represent an immediate risk to the system over, for example, a case that might be important to solve but is not time critical. Timelines will be more flexible to let us manage expectations around individual cases.

24. Where can I find information about closed and ongoing PfA complaint cases? All PfA cases can be found [on this page](#).



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