



Procedure for Processing FSC Policy for Association Complaints V4-0 – revision crosswalk

5 January 2021

This crosswalk identifies the differences between the revised FSC-PRO-01-009 V4-0 *Procedure for Processing FSC Policy for Association Complaints* (version 4) and the previous version (version 3). The changes in the revised version are identified by colour coding (see legend below).

Legend for identifying change	
	No conceptual change
	Procedure modified
	New concept
	Added from another document

Requirements	Change to previous procedure
Part A: Objective	
<p>This procedure is used to process complaints* about violations of the <i>FSC Policy for Association</i>, as well as to define the consequences to the associated* organization (and their affiliated groups*) or individuals when a violation is found to have occurred.</p> <p>The procedure defines several pathways to reach a conclusion in the process, the most severe of which is a decision to disassociate* from the organization (and their affiliated groups*) or individuals that are found to be in violation of the <i>FSC Policy for Association</i>. The procedure also allows FSC to impose measures to</p>	<p>Objective of procedure added to the procedure.</p>

<p>redress operations depending on the gravity of the violations and when deemed necessary to preserve FSC's reputation.</p>											
<p>Part B: Scope</p>											
<p>This procedure is applied to individuals and organizations associated* with FSC (i.e., members, certificate holders and certification bodies) and to their affiliated groups*.</p> <p>An evaluation according to this procedure may be initiated by FSC upon presentation of substantial information* that the associated party (or its affiliated group*) might be in violation of the <i>FSC Policy for Association</i>. This may occur through a formal complaint* lodged by a stakeholder or by other means, as further detailed in Clause 2.3 below.</p> <p>This procedure is only used to evaluate possible violations to the <i>FSC Policy for Association</i>. Complaints* against an organization related to the six unacceptable activities of the <i>FSC Policy for Association</i> that overlap with certification requirements shall follow the ordinary route for dispute resolution defined in respective certification requirements and <i>FSC-PRO-01-008 Processing Complaints in the FSC Certification Scheme</i>. The complaints* will be processed according to dispute resolution procedures of the certificate-holder, the certification body and/or Assurance Services International (ASI).</p>	<p>Scope is revised to add clarity. Reference to handling of non-PfA complaints (FSC-PRO-01-008 Processing Complaints in the FSC Certification Scheme) is added here.</p>										
<p>Part C: Effective and validity dates</p>											
<table border="0"> <tr> <td>Approval date</td> <td>3 December 2020</td> </tr> <tr> <td>Publication date</td> <td>5 January 2021</td> </tr> <tr> <td>Effective date</td> <td>5 January 2021</td> </tr> <tr> <td>Transition period</td> <td>Applies immediately to all complaint cases where complaint panel has not been established before 31 December 2020. In case there is a decision to be taken before the Decision Panel is fully functional, FSC Board of Directors shall continue to take all PfA complaint case decisions.</td> </tr> <tr> <td>Period of validity</td> <td>Until replaced or withdrawn. NOTE: The period</td> </tr> </table>	Approval date	3 December 2020	Publication date	5 January 2021	Effective date	5 January 2021	Transition period	Applies immediately to all complaint cases where complaint panel has not been established before 31 December 2020. In case there is a decision to be taken before the Decision Panel is fully functional, FSC Board of Directors shall continue to take all PfA complaint case decisions.	Period of validity	Until replaced or withdrawn. NOTE: The period	<p>New effective and validity dates added.</p>
Approval date	3 December 2020										
Publication date	5 January 2021										
Effective date	5 January 2021										
Transition period	Applies immediately to all complaint cases where complaint panel has not been established before 31 December 2020. In case there is a decision to be taken before the Decision Panel is fully functional, FSC Board of Directors shall continue to take all PfA complaint case decisions.										
Period of validity	Until replaced or withdrawn. NOTE: The period										

<p>until the Policy for Association revision is completed or until 1,5 years has passed from the approval of V4-0, is considered a trial period.</p>	
<p>Part D: References</p>	
<p>The following references are relevant for the application of this document. For undated references, the latest edition of the referenced document (including any amendments) applies.</p> <p><i>FSC-POL-01-004 Policy for the Association of Organizations with FSC</i> <i>FSC-PRO-01-008 Processing Complaints in the FSC Certification Scheme</i></p>	<p>FSC Guidance on FSC Dispute Resolution System removed as a reference as the guidance is no longer in use.</p>
<p>1. Principles and general requirements</p>	
<p>1.1. In the spirit of the FSC system, and following the “lowest-level principle*”, stakeholders should first attempt to resolve potential <i>FSC Policy for Association</i> violations through dialogue* and/or mediation* and to engage in all reasonable efforts to address concerns.</p> <p>NOTE: Before initiating an evaluation according to this procedure, FSC will first assess whether the potential violation can be addressed through alternative dispute resolution* techniques within a reasonable time, and to the satisfaction of FSC and affected stakeholders*. Dialogue* with the parties* with the aim of resolving the issue through less formal means is a cornerstone of this procedure and is encouraged wherever possible.</p>	<p>Language revised and alternative dispute resolution introduced as an early action in resolving Policy for Association complaints.</p>
<p>1.2. The principles of fair treatment and inclusivity are followed. Throughout the process, FSC will provide the parties* with opportunities to supply evidence and counterevidence, stating their position and commenting on conclusions.</p>	<p>Language simplified and condensed.</p>
<p>1.3. The parties* and FSC should refrain from commenting publicly on the situation and actions being taken by FSC until such time as defined in this procedure. The parties* may be expected to sign a Non-Disclosure Agreement (NDA) in relation to any confidential information produced during the investigation.</p>	<p>Provision of NDA added as a requirement in the procedure.</p>

1.4. The parties * shall cooperate in the process.	Language simplified and condensed.
1.5. All entities involved in investigating, evaluating and decision-making shall be free of conflict of interest.	Language simplified.
1.6. The associated organization* may voluntarily terminate its association* with FSC at any time. However, FSC has the discretion to continue the investigation and evaluation process.	Added provision for FSC to continue the process without formal association of defendant should FSC choose to.
1.7. The complainant* may withdraw the formal complaint* voluntarily at any time. However, if there is substantial information* of a possible violation, FSC has the discretion to continue the investigation and evaluation process.	Added provision for FSC to continue the process if the complainant withdraws complaint.
2. Initiating an evaluation	
2.1. An evaluation of a potential violation of the <i>FSC Policy for Association</i> is initiated through the submission of a formal stakeholder complaint *, accompanied by substantial information * about allegations*.	Requirements of Policy for Association complaints reformulated in this section as “Initiating an Evaluation”. Language modified for simplicity and adding “substantial information.”
2.2. Any stakeholder may submit a formal complaint*.	“Stakeholder” used as an umbrella term to combine previous wording of “individual or organization”.
2.3. FSC may use its discretion to independently initiate an evaluation if substantial information* is brought to the attention of FSC through other means.	Added provision for FSC to initiate an evaluation without formal complaint submission.

	<p>2.4. The process for evaluating whether the organization is in violation of the <i>FSC Policy for Association</i> is effectively the same irrespective of which of the above pathways (Clause 2.1 or 2.3) are used to initiate the process, with additional sub-steps defined for the complainant in situations where there is a complainant* involved in the process (i.e., when a formal stakeholder complaint* has been lodged).</p>	<p>Continued clarification of evaluation/investigation without a formal complainant.</p>
	<p>2.5. The scale and timing of FSC's response to allegations* of violation of <i>Policy for Association</i> shall be based on the severity of the issues and the risk to FSC's reputation. (See Annex 3 as reference for initial assessment of severity)</p>	<p>Introduction of a scale of severity of violations to inform FSC's response to allegations.</p>
<p>Notification and receipt</p>		
	<p>2.6. FSC shall be notified and provided with substantial information* that the associated organization* or its affiliated group* may be in violation of the <i>FSC Policy for Association</i>.</p>	<p>Addition of requirement to include substantial information in the formal complaint.</p>
	<p>2.7. The complainant* shall complete the complaint form on FSC website in either English or Spanish. Only complaints* that provide all required information in the form shall be accepted. Affected stakeholders* with limited resources may seek FSC's assistance with translation or use of an alternative submission channel.</p>	<p>Revised language and process for simpler complaint submission through the FSC website. Inclusion of access considerations for affected stakeholders.</p>
	<p>2.8. Receipt of the complaint* shall be acknowledged within ten (10) business days.</p>	
<p>Resolution or initiation of evaluation</p>		
	<p>2.9. Where appropriate, FSC shall contact the parties* with the aim of promoting dialogue* between the parties* and to resolve the situation without initiating a full investigation. Mediation* or other forms of facilitated dialogue* may take place, if accepted by the defendant* and the affected parties. FSC shall not act as a mediator but may assist in identifying facilitators and will monitor the process and the outcome.</p>	<p>Added dialogue and mediation as potential paths for Policy for Association complaints.</p>

	<p>2.10. In case the substantial information* provided by the complainant* or received through other means is regarded as sufficient – such as final conclusions of legal proceedings – FSC may decide to move directly to decision-making without establishing an additional investigation process. Additional evidence, if readily available, may also be collected by FSC, to add to the original complaint* submission. The defendant* shall be given a maximum of ten (10) business days to respond to the allegations* and presented information before proceeding to the decision-making.</p>	<p>Added immediate decision making by FSC as well as ability for FSC to wait for completion of other formal legal actions to be completed rather than conducting a parallel investigation.</p>
	<p>2.11. Where there is an ongoing investigation by authorities, or any other active official process related to the allegations*, FSC may wait for the completion of such process before launching an investigation.</p>	<p>Added ability of FSC to defer to ongoing legal processes if deemed necessary.</p>
	<p>2.12. If the complaint* cannot be resolved through alternative dispute resolution * techniques to the satisfaction of FSC and the parties*, the complaint* may be accepted provided that:</p> <ul style="list-style-type: none"> I. all required information in the complaint* submission form is provided; II. there is substantial information * to warrant a full evaluation; and III. the complaint* falls within the scope of the <i>FSC Policy for Association</i>. 	<p>Added clarification that a formal investigation should only be utilized if alternative dispute resolution techniques cannot resolve the complaint.</p>
	<p>2.13. The decision to accept or reject the complaint* shall be communicated to the complainant* and defendant*.</p>	<p>Language simplified.</p>
	<p>2.14. If the complaint* is accepted, a public announcement shall be made.</p>	<p>Language simplified.</p>
	<p>2.15. Upon the decision to initiate an investigation, a timeline shall be developed by FSC for each step in the process.</p>	<p>Added provision of a timeline for each new investigation to allow for flexibility and transparency as opposed to previous strict investigation timelines.</p>

3. Investigation

<p>3.1. An investigator*, or a team of investigators, shall be assigned by FSC to conduct an in-depth investigation of the alleged violation(s). Depending on the case, the investigator(s)* may be composed of an expert consultant or a team of consultants. See Annex 2 for the Selection of investigator.</p>	<p>Investigators added as a new investigative body rather than the complaints panel comprised of FSC members.</p>
<p>3.2. The role of the investigator(s)* is to gather, examine and analyze evidence on whether the organization is in violation of the <i>FSC Policy for Association</i>, evaluating the issue thoroughly. The investigator(s)* shall:</p> <ul style="list-style-type: none"> a) Review all relevant information gathered through certification reports, the formal complaint* submission, and any other evidence provided and/or available. b) Contact the parties* to request additional information (if needed) and to understand their perspectives. c) Contact third parties*, as necessary. Interviews are conducted with consideration of interviewee safety, particularly to vulnerable groups. d) Verify all information, as possible, through field visits, cross-checking of information, technical or scientific review, GIS data, and other means. e) Maintain ongoing communication with FSC, providing updates to designated FSC staff. <p>NOTE: The role of the investigator(s)* is not to act as a mediator.</p>	<p>Introduction of scope and role of investigator(s) and investigative process.</p>
<p>3.3. If new information arises during the investigation that was not part of the original complaint* yet points to a possible violation of the FSC Policy for Association, FSC may include it in the investigation.</p>	<p>Inclusion of allowance of additional information to be included in original scope of investigation.</p>
<p>3.4. The complainant* and defendant* shall have a right to object to the selection of the investigator(s)*. They shall have maximum ten (10) business days to object. An objection shall be</p>	<p>Language simplified and use of “investigator” as opposed to “complaints panel”.</p>

	based on valid reasons, such as conflict of interest. No response shall be considered as accepting the selection.	
	3.5. FSC shall make the final decision on any objection by the complainant* or defendant*. If the objection is honoured, another investigator* will be selected and presented to the complainant* and defendant* (see 3.4.).	Language simplified and use of “investigator” as opposed to “complaints panel”.
	3.6. FSC may also seek advice from the decision panel* (see chapter 4 and Annex 2) in selecting the investigator(s)*.	Introduction of a decision panel to provide guidance on the investigating body.
	3.7. The scale of the investigation shall be based on the complexity of and potential risk presented by the case.	Addition of scale of investigation to balance with scale of complexity/risk of case.
	3.8. The investigator(s)* shall prepare an investigation report that describes the findings of the investigation.	Language revised to include “investigator(s)” as investigating body responsible for an investigation report rather than complaints panel.
Verification of findings		
	3.9. The defendant* shall be provided with a copy of the investigation report and the complainant* with a summary of the report, with confidential information removed at the discretion of FSC. They have ten (10) business days respond to the findings. They shall keep this report confidential.	Updated to allow for the defendant to review full investigation report with confidential information redacted.
	3.10. Attempts by the defendant* to conceal evidence of the violation is grounds for disassociation*.	Language revised

4. Decision-making		
4.1. FSC shall form a decision panel* for each case that is investigated, or for which sufficient information allowing decision making is provided by the complaint* (see clause 2.10). See Annex 2 section B. Section of Decision Panel.		Revision of decision-making process to include a decision panel as a new decision-making body for Policy for Association complaints.
4.2. The complainant* and defendant* shall have the right to object to the selection of a decision panel* participant, if there is a perceived conflict of interest. They shall have maximum ten (10) business days from the notification of the decision panel* participants to object. No response shall be considered as accepting the selection.		
4.3. FSC shall make the final decision on any objection by the complainant* or defendant*. If the objection is honoured, another decision panel* candidate will be called to join the panel and presented to the complainant* and defendant* (see 4.2.).		
4.4. The decision panel* will evaluate the case based on the provided evidence, investigation report(s) and any response provided by the defendant*, and take decisions on a) maintaining association* without conditions, or b) maintaining association* with related temporary conditions.		Added that the decision panel is responsible for making decisions on case outcomes that do not include disassociation.
4.5. In case the decision panel* evaluates that FSC should disassociate* from the organization, the panel recommend to the FSC Board of Directors a) a decision to disassociate* and b) main preconditions for initiating the process for ending disassociation*.		Main conditions to end disassociation as well as recommendation to disassociate now done by the decision panel rather than complaints panel.
4.6. The standard of certainty “clear and convincing evidence” should be used as the threshold for making decisions on whether there is a violation of the <i>FSC Policy for Association</i> justifying disassociation*. This standard is met when the certainty of the violation is substantially more probable to be true than not (see Annex 1). If no violation is found, association shall be maintained without conditions. NOTE: See Annex 3 for guidance on determining the recommended action.		Standard of “clear and convincing evidence” is only recommended to be met in disassociation decisions.

	4.7. The final decision shall be binding for all parties* involved and may not be appealed.	Added from FSC-PRO-01-005 (V3-0) Processing Appeals
Communication of the decision		
	4.8. FSC shall communicate the decision to the parties*.	Requirement updated for simplicity and efficiency where Director General is no longer required to communicate the decision in person to complaint parties.
	4.9. A public announcement shall be made by FSC for any decision taken by the decision panel* or FSC Board of Directors.	All case outcomes to require a public announcement, including decisions taken by decision panel.
	4.10. The announcement and a summary of the investigation report shall be published on the FSC website.	Language simplified and condensed.
Temporary conditions and sanctions or disassociation		
	4.11. In case of setting temporary conditions and sanctions: a) The organization shall be required to implement the conditions within the timeframe specified in the decision. b) Achievement of these conditions will be monitored by an independent third party, appointed by FSC; deviations shall be reported to FSC. c) The decision to disassociate* may be taken if the conditions are not satisfactorily fulfilled within the stated timeframe.	Temporary conditions and sanctions added to procedure as potential case outcomes as opposed to just “maintaining association” and “disassociation.”
	4.12. In case of disassociation*: a) Action to terminate the contractual relationship shall normally be taken within 30 days from public communication of the decision. b) The disassociated organization interested in ending disassociation * with FSC shall request beginning a process to do so.	Language simplified. Addition of how an organization can end a disassociation.

<p>NOTE: See Annex 4 for a general description of the process for ending disassociation*, including pre-conditions that must be fulfilled in order to initiate the process.</p>	
<p>5. Record-keeping</p>	
<p>5.1. FSC shall maintain all relevant correspondence, reports, decisions and other information in electronic and/or hard copy for at least ten (10) years after which data are reviewed and deleted where no longer essential, in line with data protection laws.</p>	<p>Formally included requirement for FSC to maintain case records.</p>
<p>Annex 1. Standard of certainty</p>	
<p>The standard of certainty</p> <p>The standard of certainty is the degree of certainty which determines whether an allegation* is defensible or not. In the context of the <i>FSC Policy for Association</i>, it is a threshold that the investigator(s)* and decision panel* consider when evaluating allegations* to determine whether an organization violates <i>FSC Policy for Association</i>, and thus whether disassociation* or temporary conditions and sanctions should be considered.</p> <p>Overview of standards of certainty</p> <p>The following is an overview of commonly used standards of certainty:</p> <p>Preponderance of evidence</p> <p>This standard is based on a balance of probabilities. The evidence available would be more likely to be true than not.</p> <p>Clear and convincing evidence</p> <p>This standard is higher than the preponderance of evidence. The evidence available must be substantially more probable to be true than not. There must be a firm conviction or belief that the organization is accountable for a violation of the <i>FSC Policy for Association</i>.</p>	<p>“Clear and convincing evidence” noted as a threshold recommended to be met only for disassociation decisions. However, lower standards of certainty can be used for different decisions depending on scale and reputational risk of violations/allegations for FSC. This includes disassociation decisions.</p>

Beyond reasonable doubt

There must be proof of such a convincing character that there is no reasonable doubt in believing that the organization is accountable for a violation of the *FSC Policy for Association*. However, it does not mean an absolute certainty or no doubt.

With respect to the *FSC Policy for Association*, 'clear and convincing evidence' should be used as the standard of certainty in making decisions to disassociate from an organization.

Annex 2: Selection of the investigator(s) and decision panel

A. Investigator

1. The investigator(s)* are assigned by FSC on an ad hoc basis to investigate the case.
2. Depending on the case, the investigator(s)* may be an expert consultant or a team of consultants. This is determined considering factors such as:
 - a. level of complexity of the case;
 - b. technical expertise required;
 - c. language;
 - d. regional/local knowledge needed.
3. The investigator(s)* shall be free of any conflicts of interest related to the case.
4. The complainant* and defendant* shall have the right to object to the investigator(s)* if there is a perceived conflict of interest. They have maximum ten (10) business days, after notification of the decision panel* participants, to object.
5. FSC shall make the decision on any object by the complainant* or defendant*. If the objection is honoured, another investigator is selected and presented to the complainant* and defendant*.
6. The investigator(s)* shall sign and adhere to a confidentiality agreement.

Investigator(s) in this procedure are a replacement for FSC complaints panel members. Terms of reference added.

B. Decision panel

1. FSC shall have a pool of six to nine preselected decision panel * candidates, selected for expertise in dispute handling and in areas directly related to the context of the specific unacceptable activities.
2. The decision panel * candidates shall be appointed by the FSC Board of Directors to serve for a three-year term, with possible renewal for an additional term.
3. For each case, three candidates are called to serve as a decision panel * by FSC, based on allegations * presented and the candidate's area of expertise.
4. The working language of the panel shall be English.
5. Selected panel members shall be free of any conflicts of interest related to the case.
6. The panel participants shall sign a non-disclosure agreement.
7. The complainant* and defendant* shall have the right to object to the decision panel * participant, if there is a perceived conflict of interest. They have maximum ten (10) business days, after notification of the decision panel* participants, to object.
8. FSC shall make the final decision on any objection by the complainant* or defendant*. If the objection is honored, another panel candidate is called to join the panel and presented to the complainant* and defendant*.

NOTE: FSC membership is not considered as conflict of interest when selecting investigators and decision panel candidates. FSC, FSC Network Partner or ASI staff members are not to be considered for the roles defined in Annex 2.

The decision panel is a new panel to take specified decisions as outlined earlier. Requirements of decision panel added.

Annex 3: Guidance for determining the consequence of a violation to the *FSC Policy for Association*

The following guidance is used to determine whether to issue temporary conditions and sanctions to the organization or to disassociate from the organization.

In order to maintain association*, the following three factors **must be met**:

Scale of FSC Policy for Association violations to be used as a factor in deciding to maintain association.

1. No significant remaining reputational risk to FSC
2. The unacceptable activity has stopped occurring
3. No risk of material originating from operations directly violating the *FSC Policy for Association* entering into FSC products

If the above are met, then the following factors shall be considered in weighing the decision to maintain association* with conditions.

Table 1. Factors to consider in deciding to maintain association with conditions

Factor	Supports maintaining, if
a) Frequency of occurring violations for the associated organization or any entity within the affiliated group*	first-time instead of repeated violations
b) Time dimension regarding how long the organization was involved in the unacceptable activity	short term instead of long term
c) Timeline in progressing in implementation of the conditions	the main conditions are reachable within short time (e.g. 12 months) instead of over long period of time
d) Cause of the unacceptable activity	oversight instead of systemic
e) Number of unacceptable activities violated	one or few instead of many
f) Degree of social or environmental damage committed	minimal instead of severe
g) Means of control of the organization regarding the unacceptable activity	low available means of control instead of high
h) Reputational damage already done	minimal instead of severe
i) The potential and capability of the organization to drive positive impacts in a given sector or region with FSC	high instead of low

Conditions Placed on Organizations

Guidance added with factors for weighing decisions.

The conditions placed on an organization are based on the violations that occurred with respect to the FSC Policy for Association as well as other trust-building measures. The organization is required to demonstrate commitment to working with FSC and to implementing the conditions as defined. The conditions include:

- a) Remedy (both social and environmental) to address damages and impacts of past violations.
- b) Improved due diligence and quality management systems to prevent future violations of the FSC Policy for Association from occurring.
- c) Transparency in reporting implementation of conditions and demonstrated stakeholder engagement in the process.
- d) Independent verification of implementation of the conditions
- e) Other trust-building measures, such as actions towards conformance with the organization's own policy commitments.

For disassociated organizations, these conditions are further elaborated during the process to develop a time-bound organization specific roadmap for ending the disassociation* (see Annex 4).

NOTE: FSC may decide to suspend the Trademark License Agreement of the organization until conditions set are met, in cases of maintaining association* with temporary conditions.

Annex 4: Ending a Disassociation

A disassociated organization may request to start a process to end disassociation* by expressing interest to FSC. As part of that process, an organization-specific roadmap must be developed. A roadmap is a framework and plan of how to remedy*, correct and prevent reoccurrence of previously identified violations of the *FSC Policy for Association*. It also includes other trust-building measures. Disassociation* can be lifted only upon completion of the agreed conditions specified in the roadmap.

Preconditions for initiating the process for ending disassociation

Before entering into a formalized engagement with FSC through an agreed roadmap, the disassociated organization must meet the following preconditions:

A brief overview of prerequisites for initiating the process for ending a disassociation added to procedure. An overview of the process for ending disassociation added to the procedure.

1. The management of the disassociated organization demonstrates commitment to complying with the *FSC Policy for Association*. The organization has acknowledged harm caused, disclosed information to develop the roadmap (such as full corporate structure and wood supply-chain) to FSC confidentially and committed in writing to the process to end disassociation*.
2. The disassociated organization has adopted a set of relevant initiatives (policies, protocols, codes of conduct, etc.) abandoning previous business practices and adopting (more) responsible practices.
3. The disassociated organization has taken credible steps towards implementation of new policies, including communicating the general elements of a roadmap to be developed with relevant staff, and in a transparent way with relevant stakeholders.
4. Issues of concern for FSC that should constitute the roadmap elements have been identified so that relevant targets for the organization's actions and performance can be defined.
5. The roadmap's targeted end points are reachable by the organization within a reasonable time and can be independently verified.
6. The organization commits to reimbursing the costs of the complaint* investigation process and to compensating the costs of the process of ending disassociation*.

Table 2. Process of Ending Disassociation:

Step	By
1. Indication of readiness and interest of ending disassociation *	Organization
2. Assessment and decision to start a process of ending disassociation *	FSC
3. Development of the roadmap requirements based on FSC guidance document	Independent third party with organization
4. Approval of the roadmap	FSC

5. Implementation of the requirements	Organization
6. Verification of the targets reached	Independent third party
7. Ending disassociation *	FSC Board of Directors

Annex 5: Terms and definitions

For the purposes of this procedure, the terms and definitions given in *FSC-POL-01-004 Policy for the Association of Organizations with FSC*, *FSC-STD-01-002 FSC Glossary of Terms* and the following apply:

Affected stakeholder: Any person, group of persons or entity that is subject to the effects of the unacceptable activities of the associated organization* or its affiliated group*. Examples of affected parties (but not restricted to): local communities, indigenous peoples, workers, tenure and use rights-holders or organizations authorized to act on behalf of affected parties.

Allegation: A statement of belief that some wrong or harm has occurred.

Alternative dispute resolution (ADR): Resolving disputes and agreeing on corrective measures without engaging in the formal complaint* process, through methods such as negotiation and mediation*.

Affiliated group: The totality of legal entities to which an associated organization is affiliated in a corporate relationship in which either party controls the performance of the other (e.g. parent or sister company, subsidiary, holding company, joint venture) as described in *Policy for Association FSC-POL-01-004*.

New terms and definitions added to the procedure: Affected stakeholder, Allegation, Alternative dispute resolution (ADR), Affiliated Group, Decision panel, Disassociation, Dialogue, Ending a disassociation, Investigator(s), Lowest level principle, Mediation, Parties, Remedy, Substantial information.

Terms with revised definitions to provide additional clarity: Parties, Complainant, Association

Terms with no change: Defendant

Removed terms: ASI, Certification Requirements, Complaints Panel, Consensus, Dispute, FSC accredited Certification Body, FSC Certification

Association (Associated organization): An association with FSC is formally established through any of the following contractual relationships: FSC membership agreement; FSC certificate holder license agreement; FSC certification body license agreement; FSC partnership agreement.

Complaint (formal complaint): A formal allegation* against a party based on substantial information* and submitted using an FSC template for *Policy for Association* complaints.

Complainant: An individual or organization filing a formal complaint*.

Decision panel: A panel of three participants called to evaluate, decide and in case of disassociation*, to recommend a decision on *FSC Policy for Association* complaint* cases. The pool of candidates is pre-selected, and participants are called based on the characteristics of the complaint* and expertise of the candidates. See Annex 2 for further details.

Defendant: A person or organization against whom a complaint* has been filed.

Disassociation: The termination of all existing contractual relationships (member and license) between FSC and the associated organization (and its affiliated group*). Disassociation* also prevents entry into any new contractual relationships with FSC.

Dialogue: An interaction focusing on increasing understanding, looking into deeper issues instead of positions and exploring options, followed with discussion with an aim on agreeing on the right way to proceed.

Ending a disassociation: The disassociated organization has met the defined conditions to be eligible to apply for association* with FSC again, if it wishes to do so. It does not mean that any previous contractual relationships are automatically resumed, or that any certificates are reinstated.

Investigator(s): One or more persons established on an ad hoc basis for the purpose of investigating possible violations to the *FSC Policy for Association*. See Annex 2 for further details.

Lowest-level principle: A principle also known as subsidiarity, issue handling and decision-making at the lowest practical level.

Mediation: An attempt to settle a dispute through active participation of an independent third-party

Scheme, Legal representative,
Stakeholder, Suspension of certificate,
Termination of certificate, Withdrawal of
certificate

that aids parties* to agree on a fair outcome.

Parties: The entities directly involved in the investigation, including the entity that filed the complaint* (i.e., the complainant*) and the entity against which the complaint* is filed (i.e., the defendant*)

Remedy: To correct or return something as near as possible to its original state or condition. (Guiding Principles on Business and Human Rights. UN. 2011).

Substantial information: Credible information provided by third parties and/ or gathered through independent research obtained from reliable/reowned sources which constitutes a solid piece of evidence to be considered in an investigation. Substantial information* may include any of the following forms so long as the evidence meets the criteria required in this definition: scientific reports, technical analysis, certification reports, corroborated news articles, official reports and/ or announcements by governmental authorities, legal analysis, Geographic Information System information (boundary coordinates, satellite change mapping), videos or footage, images, independent interviews, affidavits and declarations, meeting minutes, and corporate/organizational information.

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 to the document.

“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.

“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.