

# FSC CORE LABOUR REQUIREMENTS: TECHNICAL WEBINAR

# AGENDA

1. FSC CORE LABOUR  
REQUIREMENTS IN THE  
CHAIN OF CUSTODY  
STANDARD

2. COMPLETING THE  
SELF-ASSESSMENT AND  
DEMONSTRATING  
CONFORMITY

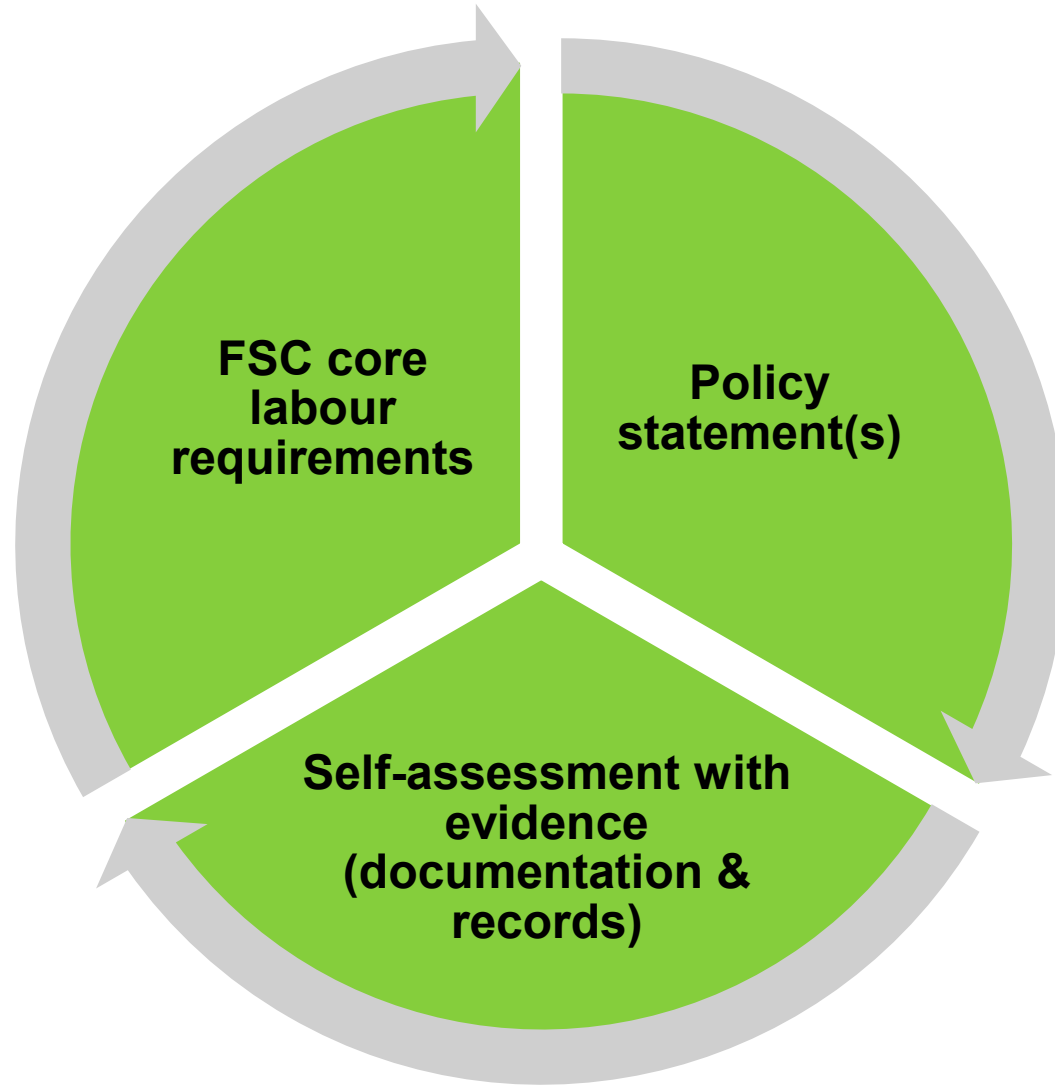
# AUDIENCE

CERTIFICATE HOLDERS

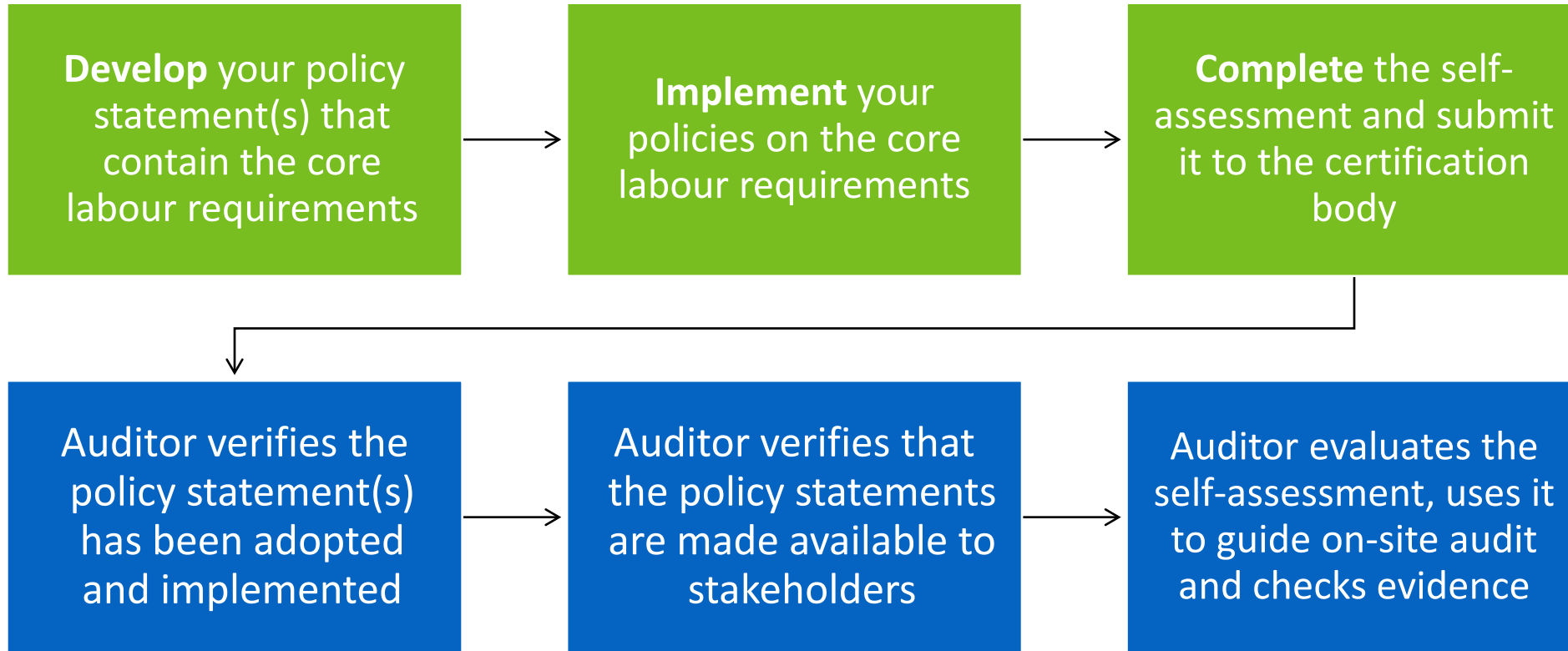
INTRODUCTION  
WEBINARS

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# THE FSC CORE LABOUR REQUIREMENTS



# ANOTHER WAY AT LOOKING AT IT....



# POLICY STATEMENT

1.5 The organization shall **adopt and implement** a policy statement, or statements, that encompass the FSC core labour requirements. The policy statements shall be made **available to stakeholders** (i.e., affected and interested stakeholders) and to the organization's certification body.

*'The company will not tolerate the use of child or forced labour, nor exploitation of children in any of its global operations and facilities.'*

- *Management and staff are aware and informed, updating pre-existing operations, procedures and systems (or create new ones)*
- *Monitoring and enforcement (as needed)*

*Available on the website, newsletter, posted in workplace, handouts, posters, message board, employee manual or code of conduct, sent as requested*

# WHAT ARE THE CORE LABOUR REQUIREMENTS?

## FSC CORE LABOUR REQUIREMENTS

- 7.1 In the application of the FSC core labour requirements, the organization shall give due consideration to the by **national law**, while at the same time fulfilling the objectives of the **requirements**.
- 7.2 The organization shall not use **child labour**.
- 7.3 The organization shall eliminate all forms of **forced and compulsory labour**.
- 7.4 The organization shall ensure that there is no **discrimination in employment and occupation**.
- 7.5 The organization shall respect **freedom of association** and the effective right to **collective bargaining**.

# NATIONAL LAW

7.1 In the application of the FSC core labour requirements, the organization shall **give due consideration** to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements.

- *To give the matter all the thought it deserves*
- *Think it through*
- *Analyze and decide if it requires further consideration*



**National law  $\neq$  conformity**

## ENCUESTA 1

**Si la legislación nacional de mi país ya cubre los requisitos laborales fundamentales del FSC:**

- No tengo que hacer nada; significa que automáticamente estoy en conformidad con los requisitos.
- Depende de cómo se aplique la ley en mi país . Esto influye en que este en conformidad o no.
- Todavía tengo que demostrar conformidad con los requisitos laborales básicos del FSC.

## POLL 1

**If the national law in my country already covers the FSC core labour requirements:**

- I don't have to do anything; it means I automatically conform to the requirements.
- It depends on how my country enforces the law. This influences if I conform or not.
- I still must demonstrate conformity to the FSC core labour requirements



## CHILD LABOUR (i)

7.2 The organization shall not use child labour.

7.2.1 The organization shall not employ workers below the age of 15, or below the **minimum age** as stated under national, or local laws or regulations, whichever age is higher, except as specified in 7.2.2.

7.2.2 In countries where the national law or regulations permit the employment of persons between the ages of 13 to 15 years in **light work**, 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.

*Not likely to be harmful to their health or development or impact their education or training*

## ENCUESTA 2

**Si los niños ayudan ocasionalmente a sus padres en la granja o negocio familiar, esto es:**

- Trabajo infantil, los niños no pueden trabajar bajo ninguna circunstancia.
- NO se considera trabajo infantil, siempre que sea un "trabajo ligero" y que no interfiera con la educación, la seguridad y el desarrollo del niño.
- NO se considera trabajo infantil si el trabajo no es "peligroso o pesado".

## POLL 2

**If children occasionally assist their parents on the family farm or business, this is:**

- Child labour, no children can work under any circumstance.
- NOT child labour, as long as it is 'light work' and does not interfere with the child's education, safety and development.
- NOT considered child labour if the work is not 'hazardous or heavy work'.

## CHILD LABOUR (ii)

7.2.3 No person under the age of 18 is employed in **hazardous or heavy work** except for the purpose of training within approved national laws and regulations.

*Any work which is likely to jeopardize children's physical, mental or moral health*

7.2.4 The organization shall prohibit the **worst forms of child labour**.

- *All forms of slavery or practices like slavery*
- *Sexual exploitation*
- *Illicit activities*
- *Hazardous work*

## ENCUESTA 3

### Los aprendices o becarios menores de 18 años:

- No pueden ser contratados en absoluto, esto es trabajo infantil.
- Pueden ser contratados para aprender las habilidades laborales para las que fueron contratados como parte de su formación o educación.
- Pueden ser contratados siempre que no haya trabajos peligrosos o pesados

## POLL 3

### Apprentices or trainees who are under 18 years of age:

- Cannot be hired at all, this is child labour.
- Can be hired to learn the job skills for which they were employed as part of their training or education.
- Can be hired as long there is no hazardous or heavy work

# FORCED OR COMPULSORY LABOUR (i)

7.3 The organization shall eliminate all forms of **forced and compulsory labour**.

*Work or service exacted from any person under the menace of any penalty and not offered voluntarily*

7.3.1 Employment relationships are **voluntary** and based on mutual consent, without the **threat of a penalty**.

*Consent to enter employment and their freedom to leave the employment at any time.*

*Any form of coercion such as threats of violence, punishments...*

## ENCUESTA 4

**¿Está permitido el trabajo en prisión según los requisitos laborales fundamentales del FSC (marque todo lo que corresponda)?**

- Absolutamente no, es trabajo forzado
- Depende de cómo se administre y de la legalidad del trabajo penitenciario en el sistema penal y el país.
- Sí, siempre que se realice de forma voluntaria y con consentimiento mutuo, sin amenazas.

**Is prison labour allowed under the FSC core labour requirements (tick all that apply)?**

- Absolutely not, it is forced labour
- It depends on how it is administered and the legality of prison labour in the penal system and country.
- Yes, as long as it was entered into voluntarily and based on mutual consent without threats.

## FORCED OR COMPULSORY LABOUR (ii)

7.3.2 There is no evidence of any practices 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.

*Entered slavery as security against a loan or debt*

*Cannot leave the workplace after the end of the working day/period or shift.*

# DISCRIMINATION IN EMPLOYMENT

7.4 The organization shall ensure that there is no **discrimination in employment and occupation.**

Discrimination includes any distinction, exclusion or preference or such other distinction, exclusion or preference.

Practices that effect the placing person in a position of disadvantage or subordination in the labour market or the workplace because of race, colour, religion....

7.4.1 **Employment and occupation** practices are non-discriminatory.

Access to employment, vocational training, and terms & conditions of employment.



## ENCUESTA 5

## POLL 5

**Un aserradero con 50 empleados tiene una distribución de género desigual: 48 hombres y 2 mujeres. Ninguno de los empleados tiene discapacidades visibles y la plantilla no presenta ninguna diversidad étnica. ¿Cumple la serrería con las cláusulas 7.4 y 7.4.1?**

- No, la plantilla no es étnicamente diversa y no hay paridad de género. Y parece que la empresa discrimina la contratación de personas con discapacidad.
- Sí, todo me parece bien.
- Depende de una serie de factores si están en conformidad o no, si discriminan a los solicitantes de origen diverso, a mujeres, a personas con discapacidad...etc.

**A sawmill with 50 employees has an uneven distribution: 48 males, 2 females. None of the employees has disabilities that are visible, and the workforce is not at all ethnically diverse. Is the sawmill in conformity with Clauses 7.4 & 7.4.1?**

- No, the workforce is not ethnically diverse and there is no gender parity. And it seems the company discriminates against hiring people with disabilities.
- Yes, it all looks good to me.
- It depends on a number of factors if they conform or not, if they discriminate against applicants from diverse background, women, people with disabilities...etc.

## ENCUESTA 6

Los requisitos laborales básicos cubren el principio de no discriminación en materia de empleo y ocupación, lo que incluye "la igualdad de remuneración entre hombres y mujeres que realizan un trabajo de igual valor". ¿Qué significa esto? (Elija todos los que correspondan):

- Igualdad de pago por un trabajo de igual valor significa que las tasas y los tipos de remuneración no deben basarse en el sexo del empleado.
- Igualdad de pago por un trabajo de igual valor significa que los hombres deben ser más remunerados independientemente de su rendimiento.
- Igualdad de pago por un trabajo de igual valor significa que si se trabaja mucho, se juega mucho. (tener un balance entre vida laboral y vida privada)
- Igualdad de pago por un trabajo de igual valor significa que la remuneración debe basarse en una evaluación objetiva del trabajo realizado.

## POLL 6

The core labour requirements cover the principle of non-discrimination in respect of employment and occupation, this includes 'equal remuneration for men and women who produce work of equal value'. What does this mean? (Choose all that apply):

- Equal pay for work of equal value means that rates and types of remuneration should be based not on an employee's sex.
- Equal pay for work of equal value means men should be remunerated more regardless of performance.
- Equal pay for work of equal value means work hard, play hard.
- Equal pay for work of equal value means remuneration should be based on an objective evaluation of the work performed.

# FREEDOM OF ASSOCIATION AND EFFECTIVE RIGHT TO COLLECTIVE BARGAINING (i)

7.5 The organization shall respect **freedom of association** and the effective right to **collective bargaining**.

The right of workers and employers to form and join organizations of their own choosing and leave them voluntary.

A voluntary negotiation process between employers or employers' organization and workers' organization

7.5.1 Workers are able to establish or join **worker organizations** of their **own choosing**.

Workers can choose to join or form a union or create a worker's representative group or committee without interference or intervention.

Any organization of workers for furthering and defending the interest of workers

## ENCUESTA 7

**La libertad de asociación significa que los trabajadores deben afiliarse a un sindicato independientemente de que quieran o no.**

- No, sólo si quieren.
- Sí, es obligatorio, es un requisito laboral fundamentales.

## POLL 7

**Freedom of association means that workers must join a union regardless if they want to or not.**

- No, only if they want to.
- Yes, it is compulsory, it is a core labour requirement.

# FREEDOM OF ASSOCIATION AND EFFECTIVE RIGHT TO COLLECTIVE BARGAINING (ii)

7.5.2 The organization respects the **full freedom** of workers' organizations to draw up their constitutions and rules.

7.5.3 The organization respects the rights of workers to engage in **lawful activities** related to **forming, joining or assisting a workers'** organization, or to **refrain from doing the same**, and will **not discriminate or punish workers** for exercising these rights.

*Management does not intervene or interfere in any way*

*Workers can choose not to organise.*

*Protect workers from discriminatory activities such as firing or promotion.*

## ENCUESTA 8

**¿Qué deben hacer las organizaciones certificadas si un sindicato no está reconocido en su país?**

- Ignorar al sindicato, la ley es la ley.
- Respetar el derecho de los trabajadores a organizarse hasta donde lo permita la ley.
- Despedir a todos los trabajadores afiliados al sindicato.

## POLL 8

**What should certified organizations do if a trade union is not recognized within their country?**

- Ignore the trade union, the law is the law.
- Respect the right of workers to organize to the full extent permitted by law.
- Fire all the workers who are members of the union.

# FREEDOM OF ASSOCIATION AND EFFECTIVE RIGHT TO COLLECTIVE BARGAINING (iii)

7.5.4 The organization negotiates with lawfully established workers' organizations and/ or duly selected representatives in **good faith** and with the best efforts to reach a collective bargaining agreement.

7.5.5 Collective bargaining agreements are **implemented** where they exist.

*Organization (employer) and workers' organizations make every effort to reach an agreement, conduct genuine and constructive negotiations*

## ENCUESTA 9

### ¿Qué deben hacer las organizaciones si la legislación nacional restringe las organizaciones de trabajadores?

- Dar libertad a los trabajadores para que desarrollen mecanismos alternativos para proteger sus derechos
- La dirección de la empresa interviene y desarrolla mecanismos alternativos para los trabajadores
- Rechazar los mecanismos alternativos, ya que la única voz legítima de los trabajadores es un sindicato

## POLL 9

### What should organizations do if National law restricts workers organizations?

- Give the freedom to workers to develop alternative mechanisms to protect their rights
- Management intervenes and develops alternative mechanisms for workers
- Reject alternative mechanisms as the only legitimate voice of workers is a trade union.



# SELF-ASSESSMENT

1.6 The organization shall maintain an up-to-date self-assessment in which it **describes how the organization applies the FSC core labour requirements to its operations.** The self-assessment shall be submitted to the organization's certification body.

**Country** situation



**Organizational** situation



**Evidence** to prove or demonstrate conformity



# SELF-ASSESSMENT CHILD LABOUR

## ▶ Country situation ( laws or legal obligations)

Legal or regulatory restrictions which would limit your ability to comply.

## ▶ Organization situation – Demonstrate conformity

- ▶ Do you have a policy on child labour?
- ▶ Do you have effective recruitment and hiring procedures which include age verification?
- ▶ Do you keep copies of identification for all workers?
- ▶ If you employ workers below the age of 18, describe what measures you have taken to ensure that they don't perform hazardous or heavy work.
- ▶ Is the employment of children between the age of 13 or 15 legally allowed? Do you employ children between that age?

## ▶ Identify any documents or records

- ▶ Policy on child labour
- ▶ Work contracts or agreements, including with recruitment agencies
- ▶ Employment policy and hiring procedures, age verification procedure for identification
- ▶ Employee records including seasonal and migrant workers (age Register), identity documents such as copies of birth certificates or national ID cards
- ▶ Risk assessments on child labour

# SELF-ASSESSMENT **FORCE OR COMPULSORY LABOUR**

## ▶ **Country situation** ( laws or legal obligations)

Legal or regulatory restrictions which would limit your ability to comply.

## ▶ **Demonstrate conformity**

- ▶ Do you have a policy that prohibits forced labour and compulsory labour?
- ▶ Do you ensure that any wage advances or loans to workers are not tied to continued employment?
- ▶ Do you make sure workers do not pay any fees or deposits to commence or access employment in your organization?
- ▶ Do you allow workers to leave the workplace at the end of the working day and are free to move around the workplace?
- ▶ How do you ensure that the workers always have access to their passports and identification documents while at the same time offering a safe place for storing the documents?
- ▶ How do you ensure that there are no threats of denunciation of workers to the authorities?

## ▶ **Identify any documents or records**

- ▶ Pay records
- ▶ Records of labour Inspectorate
- ▶ Employment contracts
- ▶ Statutory deductions (tax, social security)
- ▶ National / industry pay standards (for comparison)
- ▶ Dispute and grievance procedures and records
- ▶ Records of licensed recruitment agencies
- ▶ Work Agreements

# SELF-ASSESSMENT DISCRIMINATION WITHIN EMPLOYMENT AND OCCUPATION

## ▶ **Country situation** ( laws or legal obligations)

Legal or regulatory restrictions which would limit your ability to comply.

## ▶ **Demonstrate conformity**

- ▶ Does your company have a policy that promotes equal opportunity?
- ▶ Do you have policies about non-discrimination?
- ▶ Is your hiring process based on the skills and experience of the candidates??
- ▶ Do you ensure all employees have a fair opportunity for promotion according to their performance?
- ▶ Do you have policies about non-discrimination?
- ▶ Is there gender/age ratio parity?
- ▶ Do you have an ethnically diverse workforce?

## ▶ **Identify any documents or records**

- ▶ Job adverts
- ▶ Job application records
- ▶ Equal opportunity policy
- ▶ Grievances/ complaints procedures and records register
- ▶ Job evaluation (appraisals) or performance assessments
- ▶ Positive discrimination or affirmative action program

# SELF-ASSESSMENT FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

## ► **Country situation** ( laws or legal obligations)

Legal or regulatory restrictions which would limit your ability to comply.

## ► **Demonstrate conformity**

- Can your workers freely join workers' organizations, including trade unions, of their choice, with no interference from your organization?
- If workers are represented by a union, is the union autonomous and independent?
- What forms of worker representation other than unions exist at the site?
- Do you make time and space available to worker representatives to carry out their roles?
- Does management remain neutral if more than one workers' organization exists with the organization?

## ► **Identify any documents or records**

- Complaints register
- Collective bargaining agreement
- Minutes or documents from meetings related to the development of the collective bargaining agreement
- Minister of labour/ Industrial Relations reports
- Court reports/ awards
- Documented evidence and records of the workers' representative(s) elections

## STAY UP TO DATE

1. Sign up to the FSC newsletter
2. Send questions and enquiries:  
[chainofcustody@fsc.org](mailto:chainofcustody@fsc.org)
3. Send questions via the online form.





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