

ADVICE-40-004-23 V2-0 Evaluation of contractors against the FSC core labour requirements

Normative reference FSC-STD-40-004 V3-1:

- Clause 1.6,
- Clause 13.2,
- Clause 13.4
- Terms and definitions: 'Scope'

Approval date 19 July 2024

Effective date 1 November 2024

Transition end date 31 December 2025

Scope This advice note applies to all Chain of Custody (CoC) certificate holders and CoC applicants that outsource activities within the scope of their certification to non-FSC-CoC-certified contractors.

Terms and Definitions

Audit: systematic, independent, and documented process for obtaining objective evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled
(Source: ISO 19011:2018)

Contractor: Individual, company, or other legal entity contracted by an organization for any activities under the scope of an FSC CoC certificate.
(Source: FSC-STD-40-004 V3-1)

First-party audit: an assessment that is performed within the organization by their own auditing resource or a person acting on behalf of the organization. First-party audits are often called internal audits.

NOTE: In the context of this advice note, the audit would be carried out by, for example, an employee of the contractor or a consultant contracted by the contractor.

FSC approved verification schemes: Third-party verification schemes recognized as partially or fully equivalent to the requirements entailed under FSC core labour requirements in <FSC-STD-40-004 V3-1 Chain of Custody Certification> and <FSC-STD-20-011 V4-2 Chain of Custody Evaluations>, based on <PSU-PRO-10-003 V1-1 Procedure for equivalence assessment of verification schemes against the FSC core labour requirements>.

(Source: FSC-ADVICE-40-004-24)

Organization: The person or entity holding or applying for certification and therefore responsible for demonstrating conformity to the applicable requirements upon which FSC certification is based.

(Source: FSC-STD-40-004 V3-1)

Second-party audit: an assessment that is performed by a person or organization that has an interest in the object of the assessment.

NOTE: In the context of this advice note, the audit of the contractor would be carried out by, for example, the organization, or a person contracted by the organization who is independent of the contractor.

Third-party audit: an assessment that is performed by a person or organization independent of the object of the assessment.

NOTE: In the context of this advice note, for example, the audit would be carried out by an independent person acting on behalf of a certification body, for purposes that are not an FSC evaluation.

Background

FSC introduced [<FSC-ADVICE-40-004-23 V1-0 Evaluation of Contractors against the FSC Core Labour Requirements>](#) to provide clear instructions on how the FSC core labour requirements have to be applied to contractors operating under outsourcing agreements.

Since its effective date, various stakeholder concerns on the practical implications were raised with FSC, with multiple queries for FSC to provide further clarity and request for more time to implement requirements. This request resulted in the introduction of the 'transition end date' from 1st September 2023, which provided the transition end date until 31st December 2024. Despite some positive feedback appreciative of the provision of more time, ongoing concerns on the impact of the advice note on certificate holders and certification bodies were raised, especially concerning the risk classification requirements and prominent use of the International Trade Union Confederation's (ITUC) Global Rights Index. Various stakeholders requested FSC to withdraw, suspend, or revise the requirements in a timely manner.

The objective of this revised advice note is to respond to stakeholder concerns in an expedite manner and ensure the original intention of the advice note – providing clear instructions on how the FSC core labour requirements have to be applied to contractors operating under outsourcing agreements – is retained. To achieve this, the advice note provides further amendments and clarifications based on received stakeholder queries.

These amendments and added clarifications are relevant to certificate holders and applicants.

For contractors that are FSC-certified, their conformity will be evaluated as the organization, and therefore, this advice note focuses on non-FSC-certified contractors.

Advice

1. Inclusion of non-FSC contractors within the organization's self-assessment

1.1 The organization shall include provisions in any new or revised outsourcing agreements with non-FSC-certified contractors which are specifying their commitment to the FSC core labour

requirements or shall provide a policy of the contractor that demonstrates such a commitment.

NOTE: As an interim solution, the organization may provide a separate written declaration with non-FSC-certified contractors which specifies their commitment to the FSC core labour requirements and is signed by both parties (organization and contractor).

- 1.2 The organization shall include non-FSC-certified contractors with an outsourcing agreement within its self-assessment, which describes how the organization has confirmed the contractors' conformity to the FSC core labour requirements.

NOTE 1: Contractors who are certified by an FSC approved verification scheme identified by FSC as equivalent to the FSC core labour requirements are exempt from organizations' self-assessments and certification bodies' risk assessments, similar to FSC-certified contractors. Any observations or complaints about potential non-conformities should be shared with responsible certification bodies and verification scheme owners.

NOTE 2: The organization may refer to the non-FSC-certified contractor's self-assessment within its self-assessment, in cases where this has been provided separately.

- 1.3 For the certification body to determine risk level in its risk assessment of contractors' conformity to the FSC core labour requirements, the organization shall, if applicable, provide and make available to the certification body, audit evidence of the contractor's conformity to the FSC core labour requirements, including audit documentation and records, obtained from an on-site first-party, second-party, or third-party audit, conducted at least annually, which includes worker interviews.

NOTE: "Annually" is to be interpreted as follows: at least once per calendar year, but no later than 15 months after the last first-party, second-party, or third-party audit (determined by the date of the on-site visit).
