

# FSC® US FSS EXPLAINERS SERIES – WORKERS' RIGHTS IN THE FSS EXPLAINED



## **The Role of Labor/Workers' Rights in the FSC Framework:**

FSC recognizes responsible forestry goes beyond the health and resilience of forest ecosystems – it protects the well-being of the people who work in them. Because of this, there is now a dedicated Principle in the revised FSC US Forest Stewardship Standard (Principle 2) focused entirely on the requirements for protections of workers' rights and wellbeing. Importantly, the definition of “workers” in the FSC framework includes all forest workers involved in implementing the management plan. This includes workers that are not direct employees of the certified organization, such as contractors or employees of contractors.

Protections of workers' social and economic wellbeing in the Standard include requirements to:

1. Uphold the principles and rights that are defined in the ILO Declaration on Fundamental Principles and Rights at Work [NOTE: these are aligned with U.S. labor laws]
2. Promote gender equity and prevent gender discrimination in employment practices, training opportunities, awarding of contracts, processes of engagement, and management activities
3. Implement practices to protect workers from occupational safety and health hazards
4. Pay wages that meet or exceed both the legal minimum wage and the prevailing wages for the forest industry in the area surrounding the management unit
5. Provide job-specific training and supervision so that workers are able to safely and effectively implement the management plan and management activities
6. Have mechanisms in place for resolving grievances and for providing fair compensation to workers for loss or damage to property, occupational diseases, or occupational injuries

## **Demonstrating Conformance:**

*Importantly, FSC-certified organizations are already in conformance with many of these requirements due to compliance with extensive federal-level workers' protections required by law. For example, the principles and rights that are defined in the ILO Declaration on Fundamental Principles and Rights at Work are all covered by relevant federal legislation (lists of relevant legislation are included in the Standard). However, some of the worker protection requirements above include indicators with additional elements that go beyond what the law requires.*

FSC US recognizes that certified organizations have limitations on their ability to dictate specific requirements to the employees of a contracted organization, and/or prove that the contractor is abiding by those requirements, without violating worker classification laws. FSC US is also aware of the potential significant consequences if this legal line between “employee” and “contractor” or “employee of contractor” is crossed. Finding solutions to ensure that Principle 2 requirements are both feasible and effective was one of the most difficult challenges during development of the revised Standard. Thus, while all indicators in Principle are applicable to all categories of workers, there is explicit allowance for demonstrating conformance in different ways for different kinds of workers (e.g. employees of the organization vs employees of contractors).

It will ultimately be up to a certified organization’s Certification Body to decide what is adequate for demonstrating conformance in that organization’s context, but there is a list of example approaches provided in the guidance for Principle 2, and a combination of these or possibly other approaches may be needed. One example is the use of publicly available data, such as from a research institute that demonstrates a lack of a wage gap between genders. Or data made available by a public agency that demonstrates that the contracted party has a reliable and verifiable track-record of complying with associated legal requirements. Another example is to craft the contract language so that it demonstrates a commitment from all parties to treat workers in compliance with applicable law, in combination with an effective process to monitor and enforce contract compliance.

**For More Information:**

FSC US plans to develop and release further guidance regarding demonstration of compliance with Principle 2 indicators for all worker types. For guidance regarding developing mechanisms for resolving grievances for workers, see Annex D, which details the dispute resolution framework in the revised Standard.