Section 3: Guidance on social, health and safety requirements in the PEFC chain of custody (Appendix 4 to PEFC ST 2002:201)

Appendix 4, Chapter 2.2

The organizations implementing this standard are operating in various legislative frameworks, economic, social and cultural conditions. In a number of countries the requirements of chapter 2.2 are sufficiently covered by legal requirements.

Requirements of chapter 2.2 therefore define the objectives to be achieved rather than means of their achievement as those might depend on the environment in which the organization operates.

Guidance to interpretation of the requirements

The following are examples of issues that the organization and an auditor should review. The information is neither exhaustive nor is every item obligatory.

A) Freedom of association and right to collective bargaining

Workers have the freedom to form and join any trade union they choose, free of any form of interference from employer or competing organizations set up or backed by the employer. Workers should enjoy protection against anti-union discrimination in respect of their employment. Such protection should apply to acts such as making the employment of a worker subject to the condition that she/he shall not join a union or should relinquish trade union membership, or the dismissal of a worker by reason of union membership or because of participation in union activities outside working hours, or with the consent of employer, within working hours.

Collective bargaining is understood to be the voluntary negotiation between employers and organizations of workers in order to establish the regulation of terms and conditions of employment by means of collective agreements.

The organization should facilitate parallel means of independent and free association and bargaining where the freedom of association and collective bargaining are restricted under law, i.e. situations where on a national level interference by the state prevents independent, collective representation of workers to be freely elected by their peers and or where workers are not permitted to establish trade unions. The “parallel means” may be to engage workers in collective dialogue through some representative structure, if workers so wish.

The organization should ensure that representatives of trade unions are not subject to discrimination and have access to their members in the workplace.

B) Forced labour

Forced labour refers to all work or service that is extracted from any person under the menace of any penalty for which said person has not offered him/herself voluntarily or for which such work or service is demanded as a means of repayment of debt. The “penalty” here can imply a form of monetary sanctions, or physical forms of punishment such as loss of rights and privileges or restrictions on movement or employers’ holding of “deposits” or identity papers (e.g. passports, etc).

The intent of this definition is to understand all forms of forced labor, including the use of compulsory prison labor by private business entities, debt bondage or indentured servitude.

The employer has no rights or legal authority to retain employees' original identification papers such as passports, birth certificates, work permits, residence permits, travel documents, or any other documents that might limit the worker's legal status/compliance, his/her freedom to travel or the ability to leave his/her job temporarily or permanently.
C) Child labour

The organization shall not use labor/workers which is under the minimum legal age, the age of 15, or the compulsory school attendance age, whichever is higher. D) Discrimination

Discrimination refers to any distinction, exclusion or preference, which has the effect of nullifying or impairing equality of opportunity or treatment. Not all distinction, exclusion or preference constitutes discrimination. For instance, a merit or performance based raise or bonus is not by itself discriminatory. Positive discrimination in favour of people from certain underrepresented groups may be legal in some countries.

The intent of the requirements is to ensure equal and respectful treatment for all workers in all matters. Employees shall be employed, trained, promoted and compensated solely on the basis of their job performance and they will be free from all types of indecent verbal, physical and sexual harassment and other discriminatory practices.

E) Occupational Health and Safety (OHS)

The ultimate responsibility of a safe and healthy workplace resides with the organization. The following elements should be considered as an integral part of the OHS management system:

a) Employee participation and management commitment: Employees should be invited to participate in OHS program design, development and reviews. They should be encouraged to take an active part in identifying risks and designing solutions.

b) Training: Employer should conduct regular and effective training programmes where workers are trained on how to perform their tasks safely and with minimum risk to health and about the potential hazards of the workplace.

c) Accident prevention and risk control: The employer should seek to eliminate risk where possible, for example by using alternative less volatile or flammable substances and less toxic chemicals and products and by using well maintained machinery and equipment. No worker should be required to perform a hazardous task without adequate protective equipment and gear. Emergency response procedures such as evacuation and first aid should exist, and all workers should be aware of the appropriate action in case of an accident.

d) Documentation: OHS matters should be documented and available for assessment.

Guidance to demonstration of compliance with the requirements

The organization has responsibility to demonstrate that the objectives defined by the requirements of chapter 2.2 have been achieved. The following means shown in table 11 may be used as recognised means of the demonstration of compliance with the requirements of chapter 2.2. The list of means of demonstrating compliance with the requirements is neither exhaustive nor is every item obligatory.

Table 11: Means of demonstrating compliance with social requirements

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<thead>
<tr>
<th>Requirement</th>
<th>Means of demonstrating compliance</th>
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<tbody>
<tr>
<td>2.2a) Workers are not prevented from associating freely, choosing their representatives, and bargaining collectively with their employer.</td>
<td>- The organization’s policies recognising freedom or associations and rights for collective bargaining. - The organization’s agreement with a workers’ association operating within the organization or within the relevant economic sector which covers the workers freedom of association and the right of collective</td>
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- A sector specific agreement between an employer's organization and a workers' association which is binding for the organization.
- Evidence of a workers association or a workers' committee operating within the organization, remit of the worker association or committee in collective bargaining.
- Evidence of negotiations between the organization and workers' association.
- Results of a control/monitoring by governmental authority where the requirements are sufficiently covered by the applicable legislation.
- Employment contracts do not prevent workers from the freedom of association and rights for collective bargaining.
- Interviews with workers and/or workers' representatives.
- Results of assessments carried out by a third party covering the requirements (e.g. SA 8000, SEDEX).

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<th>2.2b) organization forced labour is not used.</th>
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<tr>
<td>- The organization’s policies prohibiting the use of forced labour.</td>
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<tr>
<td>- Employment contracts not showing evidence of forced labour.</td>
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<tr>
<td>- Results of a control/monitoring by governmental authority where the requirement is sufficiently covered by the applicable legislation.</td>
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<td>- Interviews with workers and/or workers' representatives.</td>
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<td>- Results of assessment carried out by a third party covering the requirements (e.g. SEDEX).</td>
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<tr>
<th>2.2c) workers, who are under the minimum legal age, the age of 15, or the compulsory school attendance age, which ever is higher, are not used.</th>
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<tr>
<td>- The organization’s documented procedures or policies for workers’ recruitment and verification of their age.</td>
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<td>- Formal evidence of workers, including their age.</td>
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<td>- Results of a control/monitoring by governmental authority where the requirement is sufficiently covered by the applicable legislation.</td>
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<td>- Interviews with workers and/or</td>
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<tr>
<td>- Results of assessment carried out by a third party covering the requirements (e.g. SEDEX).</td>
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</table>
| 2.2d) workers are not denied equal employment opportunities and treatment. | workers’ representatives.  
- Random check at the organization’s facilities.  
- Results of assessment carried out by a third party covering the requirements (e.g. SA 8000, SEDEX). |
|---|---|
| 2.2e) working conditions do not endanger safety or health. | - The organization’s policies/procedures providing for equal employment.  
- Organizations systems for advertising and hiring new staff.  
- Results of a control/monitoring by governmental authority where the requirement is sufficiently covered by the applicable legislation.  
- Interviews with workers (breakdown of workers by ethical/social group, gender and position) and/or workers’ representatives.  
- Evidence on system of worker grievances and their resolution.  
- Results of assessment carried out by a third party covering the requirements (e.g. SA 8000, SEDEX). |
|   | - Organization’s procedures relating to occupational health and safety,  
- Results of a control/monitoring by governmental authority where the requirement is sufficiently covered by the applicable legislation.  
- Organization’s records relating to occupational health and safety, its control and monitoring, training, accidents books, etc.  
- Purchase records for all necessary protective equipment and evidence on their free delivery to workers.  
- Permits and certificates required for occupational health and safety in the country of operation.  
- Certification or another conformity assessment results covering occupational health and safety (e.g. OHSAS 18001, SEDEX).  
- Interviews with workers and/or workers’ representatives.  
- Random check at the organization’s facilities. |