**FSC Self-Assessment for FSC Core Labour Requirements**

**Hongkong**

**Introduction**

This self-assessment is designed for all FSC Chain of Custody (CoC) Certificate Holders (CHs) in Hongkong. With the publication of [FSC-STD-40-004 V3-1](https://fsc.org/en/document-centre/documents/resource/302), FSC CoC CHs are required to complete a self-assessment of their conformance to FSC core labour requirements as part of their annual audit.

[FSC-STD-40-004 V3-1 FSC Chain of Custody (CoC) Certification](https://fsc.org/en/document-centre/documents/resource/302) becomes effective on 01 September 2021, there are additional FSC core labor requirements, and all organisations must conform to the FSC core labor requirements by **31 December 2022**. Additional FSC core labor requirements are in the form of:

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| * The organisation shall not use child labour | Clause 7.2 |
| * The organisation shall eliminate all forms of forced and compulsory labour | Clause 7.3 |
| * The organisation shall ensure that there is no discrimination in employment and occupation | Clause 7.4 |
| * The organisation shall respect freedom of association and the effective right to collective bargaining | Clause7.5 |

To achieve conformity with the FSC core labour requirements, the organisation:

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| * Shall adopt (may develop a new policy or use an existing one) and implement a policy statement, or statements, that encompass the FSC core labour requirements. The policy statements shall be made available to affected and interested stakeholders and to the organisation's certification body | Clause 1.5 |
| * Shall maintain an up-to-date self-assessment (this document or similar) in which it describes how the organisation applies the FSC core labour requirements to its operations. The self-assessment shall be submitted to the organisation's certification body | Clause 1.6 |

In order to comply with the above requirements, the organisation has to complete a self-assessment as part of its annual audit and submitted to the organisation's Certification Body prior to its scheduled audit. The organisation may demonstrate conformance with other certifications schemes as evidence of conformity to FSC core labour requirements (Clause 1.11)[[1]](#footnote-2).

**The Self-Assessment**

This self-assessment is designed to efficiently enable organisations to identify and document actions that demonstrate compliance with FSC core labour requirements while ensuring compliance with applicable law.

The certification body will use the completed self-assessment to guide the audit and verify conformance with the standard. The process applies the organisation's knowledge of its operations and compliance with applicable laws to assist the auditor in completing the audit. The FSC core labour requirements apply to FSC CoC-certified organisations and to companies who act as contractors to FSC CoC-certified organisations in accordance with FSC-STD-40-004 V3-1, section 13. FSC CoC CHs and organisations wishing to become FSC-certified are not required to use this self-assessment but would need to substitute it with a similar tool to conform with FSC requirements. The use of the self-assessment does not guarantee conformity with the FSC core labour requirements. It is the responsibility of the organisation to conform to FSC requirements.

The organisation shall declare on the self-assessment that the statements are true and correct to the best available knowledge. The organisation knowingly making false statements on its self-assessment may result in suspension or termination of the certificate. The organisation shall respond to the questions in the self-assessment as completely and truthfully as possible. Organisations shall identify relevant documents and other materials that the auditor can review to verify the referenced statement on the self-assessment. To further assist CHs, examples of questions to answer when completing the self-assessment (Annex I) have been appended to this template.

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| **Date** | **Version** | **Comment** |
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**FSC core labour requirements self-assessment**

**Attestation:** I, hereby affirm that the following statements are true and correct to the best of my knowledge, and I acknowledge making a knowingly false statement can result in the suspension or termination of the certificate or non-issue of the certificate.

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Name Date

**Child Labour**

**Reference:**

1. **Employment of Children Regulations Cap 57B**
2. **Employment of Young Persons (Industry) Regulations Cap 57C**
3. **Factory and Industrial Undertakings Cap 59A, Part IV Notifiable Workplaces**
4. **Apprenticeship Ordinance Cap 47, Part III Apprenticeships**

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| **Requirement** | **National Legislation** | **Questions** | **Reference & Evidence** | **Answer & Evidence** | |
| **7.2 The organisation shall not use child labour.** | | | | |
| 7.2.1 The organisation 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 daytime working hours.  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.  7.2.4 The organisation shall prohibit the worst forms of child labour. | Employment of Children Regulation Cap 57B, Article 4 (1)   * Employment of Children Regulation Cap 57B, Article 5 (2) * Employment of Children Regulation Cap 57B, Article 6 (2) * Apprenticeship Ordinance Cap 47, Part III Apprenticeship, Article 6 (2a) * Factories and Industrial Undertakings Cap 59A, Part IV Notifiable Workplaces, Article 25 * Employment of Young Persons (Industry) Regulations Cap 57C, Article 4, 5, 6   Employment of Children Regulation Cap 57B, Article 4 (1) | a) Does your organisation comply with Clause 7.2?  If yes, continue at c). |  | Yes, I confirm with the FSC core labour requirements, and this is supported by applicable national regulations **(Employment of Children Regulations Cap 57B; Employment of Young Persons (Industry) Regulations Cap 57C, Factory and Industrial Undertakings Cap 59A, Part IV Notifiable Workplaces, Apprenticeship Ordinance Cap 47, Part III Apprenticeships)** that addresses this requirement.  No, see b) | |
| b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.2. |  |  | |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organisation knows it complies with Clause 7.2. | * Approval Letter from employee's parent * Certificate of Service * Contract of apprenticeship * Certificate of Completion Form III secondary education or valid school attendance certificate * The policy specifies the minimum age for employment * The policy specifies remediation measures if there is an incident of child labour * Risk assessments are conducted for jobs assigned to young workers * Appropriate medical examinations are provided to a child and young worker * Records of age verification (e.g. photocopies of appropriate ID) * Certificate of fitness * Record of working hours |  | |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.2. |  | |
| e) Identify any legal obligations that you believe may impact your ability to comply with Clause 7.2. Please describe them and how they impact your ability to comply with Clause 7.2. |  |  | |
| f) Attach a policy statement, or statements, made by your organisation that encompasses Clause 7.2. |  |  | |

**Forced Labour**

**Reference:**

**Employment Ordinance Cap 57, Part II Contracts of Employment, Part VIA Employment Protection**

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| **Requirement** | **National Legislation** | **Questions** | **Reference & Evidence** | **Answer & Evidence** |
| **7.3 The organisation shall eliminate all forms of forced and compulsory labour.** | | | | |
| 7.3.1 Employment relationships are voluntary and based on mutual consent, without the threat of a penalty.  7.3.2 There is no evidence of any practices indicative of forced or compulsory labour, including, but not limited to, the following:   1. physical and sexual violence 2. bonded labour 3. withholding of wages /including payment of employment fees and or payment of deposit to commence employment 4. restriction of mobility/movement 5. retention of passport and identity documents 6. threats of denunciation to the authorities. | Employment Ordinance Cap 57, Part II Contracts of Employment, Article 5  Employment Ordinance Cap 57, Part VIA Employment Protection, Article 32Q | a) Does your organisation comply with Clause 7.3? If yes, continue at c). |  | Yes, I confirm with the FSC core labour requirements, and this is supported by applicable national regulation **(Employment Ordinance Cap 57, Part II Contracts of Employment, Part VIA Employment Protection)** that addresses this requirement.  No, see b) |
| b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.3? |  |  |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organisation knows it complies with Clause 7.3? | * Policy on forced labour * Policy on freedom of movement * Policy and procedures that define key management functions such as hiring, grievances, discipline and records * Company regulation * Employment contracts * Company procedure includes a check that agencies supplying workers provide a contract for all the workers * Certificate of Service, including contracts with staffing agencies * No evidence of holding original certificate/passport/ID * Complaint mechanism and procedures * Salary payment records * Records of Working hours |  |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.3. |  |
| e) Identify any legal obligations that you believe may impact your ability to comply with Clause 7.3. Please describe them, and how they impact your ability to comply with Clause 7.3. |  |  |
| f) Attach a policy statement, or statements made by your organisation that encompasses Clause 7.3. |  |  |

**Discrimination in Employment and Occupation**

**Reference:**

1. **Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Field**
2. **Race Discrimination Ordinance Cap 602, Part 3 Discrimination and Harassment in Employment Field**
3. **Disability Discrimination Ordinance Cap 487, Part 3 Discrimination and Harassment in Employment Field**
4. **Family Status Discrimination Ordinance Cap 527, Part 3 Discrimination and Harassment in Employment Field**

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| **Requirement** | **National Legislation** | **Questions** | **Reference & Evidence** | **Answer & Evidence** |
| **7.4 The organisation shall ensure that there is no discrimination in employment and occupation.** | | | | |
| 7.4.1 Employment and occupation practices are non-discriminatory. | * Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Field, Article 11, 13, 16, 18, 23, 23A * Race Discrimination Ordinance Cap 602, Part 3 Discrimination and Harassment in Employment Field, Article 10, 15, 20 * Disability Discrimination Ordinance Cap 487, Part 3 Discrimination and Harassment in Employment Field, Article 11, 12 * Family Status Discrimination Ordinance Cap 527, Part 3 Discrimination and Harassment in Employment Field, Article 8, 9 | a) Does your organisation comply with Clause 7.4?  If yes, continue at c). |  | Yes, I confirm with the FSC core labour requirements, and this is supported by applicable national regulation **(Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Field; Race Discrimination Ordinance Cap 602, Part 3 Discrimination and Harassment in Employment Field; Disability Discrimination Ordinance Cap 487, Part 3 Discrimination and Harassment in Employment Field; Family Status Discrimination Ordinance Cap 527, Part 3 Discrimination and Harassment in Employment Field)** that addresses this requirement.  No, see b) |
| b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.4. |  |  |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organisation knows it complies with Clause 7.4. | * Policy on anti-discrimination * Policy on social responsibility * Employment statistics, male to female ratio of employees by industry and occupation * Salary/wage payment records * Salary regulations, etc. that stipulate how salaries are set * Personnel evaluation records * Evidence of job advertisements * Job application records * Procedures and records of handling complaints from employees * Initiatives for gender equality, against sexual harassment, and maternal harassment |  |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.4. |  |
| e) Identify any legal obligations that you believe may impact your ability to comply with Clause 7.4. Please describe them, and how they impact your ability to comply with Clause 7.4. |  |  |
| f) Attach a policy statement, or statements, made by your organisation that encompasses Clause 7.4. |  |  |

**Freedom of Association and the Right to Collective Bargaining**

**Reference:**

1. **Employment Ordinance Cap 57, Part IVA Protection Against Anti-union Discrimination**
2. **Trade Unions Ordinance Cap 332, Part II Appointments, Part III Registration**
3. **Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Fields (Discrimination by Other Bodies)**
4. **Labour Relation Ordinance Cap 55, Part 2 Conciliation**

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| **Requirement** | **National Legislation** | **Questions** | **Reference & Evidence** | **Answer & Evidence** |
| **7.5 The organisation shall respect freedom of association and the effective right to collective bargaining.** | | | | | |
| 7.5.1 Workers are able to establish or join worker organisations of their own choosing.  7.5.2 The organisation respects the full freedom of workers' organisations to draw up their constitutions and rules.  7.5.3 The organisation respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers' organisation, or to refrain from doing the same, and will not discriminate or punish workers for exercising these rights.  7.5.4 The organisation negotiates with lawfully established workers' organisations 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. | * Employment Ordinance Cap 57, Part IVA Protection Against Anti-union Discrimination, Article 21B (1) * Trade Unions Ordinance Cap 332, Part II Appointments, Article 3 * Trade Unions Ordinance Cap 332, Part III Registration, Article 4, 5, 6   Trade Unions Ordinance Cap 332, Part III Registration, Article 13   * Employment Ordinance Cap 57, Part IVA Protection Against Anti-union Discrimination, Article 21B (2) * Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Field, Article 16   Labour Relation Ordinance Cap 55, Part 2 Conciliation, Article 3, 4  Labour Relation Ordinance Cap 55, Part 2 Conciliation, Article 8 | a) Does your organisation comply with Clause 7.5? If yes, continue at c). |  | Yes, I confirm with the FSC core labour requirements, and this is supported by applicable national regulation **(Employment Ordinance Cap 57, Part IVA Protection Against Anti-union Discrimination; Trade Unions Ordinance Cap 332, Part II Appointments, Part III Registration; Sex Discrimination Ordinance Cap 480, Part 3 Discrimination and Harassment in Employment Fields (Discrimination by Other Bodies);** **Labour Relation Ordinance Cap 55, Part 2 Conciliation)** that addresses this requirement.  No, see b) |
| b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.5. |  |  |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organisation knows it complies with Clause 7.5. | * Policy on freedom of association and right to collective bargaining, and evidence of policy socialisation to all workers * Companies' mechanism of freedom of association * Name and structure of union/workers representative * Certificate of registration of trade unions * Minutes and activity records of trade unions * Appointment letter of worker representatives to discuss with management * Visual evidence of worker's representative/ union on the facility and timing * Memorandum of settlement * Records/evidence of the management response implementation of decisions or recommendations of settlement |  |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.5. |  |
| e) Identify any legal obligations that you believe may impact your ability to comply with Clause 7.5. Please describe them, and how they impact your ability to comply with Clause 7.5. |  |  |
| f) Attach a policy statement, or statements, made by your organisation that encompasses Clause 7.5. |  |  |

**Annex I.**

**Examples of questions to answer in completing the self-assessment**

FSC has provided the following open questions that may be helpful to the organisation to take into consideration when completing the self-assessment. The questions are divided into four categories addressed by the FSC core labour requirements. The level of detail required will depend on the location of the organisation's facility, including the organisation's assessment of risk, and the labour environment. This list of questions is not exhaustive.

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| **Category** | **Question** |
| **Child Labour** | * What is the minimum age of the workers employed? * What measures have you taken to ensure that child labour is not used in your operations? * Do you register the age (birthday) of your workers, and how do you verify that this is the actual age? Do you check the identification papers? * Are there any hazardous operations in your company that underage workers are not allowed to engage in? If so, explain how you restrict underage workers from engaging in those tasks. If training or education is required, provide documentation to support this. * Is the employment of children between the age of 13 or 15 legally allowed? Do you employ children between that age? If yes, on both accounts, specify measures you have taken to ensure that they only perform light work that is not harmful to their health or development and that allows them to work outside school hours only. |
| **Forced Labour** | * Describe your recruitment and contracting practices to show compliance with this principle. * Do you use foreign technical interns? * Do you grant loans or salary/wage advances that would require a worker to extend his/her working beyond the legal or contractual agreements? If so, can you describe how you mitigate the risk of bonded labour in such a case? * How do you ensure that no employment fees are deducted or payments or deposits made to commence employment? * How do you ensure that the workers do not experience any form of mobility restriction? |
| **Discrimination** | * How do you ensure that wages and other working conditions are non-discriminatory? * Is there any bias in the ratio of gender, age, etc.? * Do you have policies about non-discrimination? * How do you ensure all employees are evaluated fairly and have equal opportunities for promotion? * How do you ensure applicants have equal employment opportunities? * How do you consider workers' diversity and respond to their diverse needs? (Including consideration for the culture and customs of foreign employees) |
| **Freedom of Association and the Right to Collective Bargaining** | * Are workers organised into a trade union? To the best of your knowledge, describe why you believe the workers have or have not chosen to be represented by a trade union. * If a union represents workers, is the union autonomous and independent? * If there is no union, are workers represented by any other forms? If not, how do you get the opinion of workers as a whole? Are there collective bargaining agreements in place that cover workers? If so, how do you ensure compliance with such agreements? |

**FSC 核心勞工規定自行評估**

**香港**

**簡介**

此自行評估專為所有處於香港的FSC林業產品監管鏈 (CoC) 證書持有人（CH）而設。隨著 [FSC-STD-40-004 V3-1](https://fsc.org/en/document-centre/documents/resource/302) 的發佈，FSC 林業產品監管鏈證書持有人需要完成一個關於是否符合 FSC 核心勞工規定的自行評估，以作為年度審核的一部分。

[FSC-STD-40-004 V3-1 FSC 林業產品監管鏈（CoC）驗證](https://fsc.org/en/document-centre/documents/resource/302)於 2021 年 9 月 1 日起生效，當中包含額外的 FSC 核心勞工規定，所有機構必須於 **2022 年 12 日 31 日**前符合所有 FSC 核心勞工規定。額外的 FSC 核心勞工規定如下：

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| * 機構不得使用童工 | 第 7.2 條 |
| * 機構應消除一切形式的強迫及強制勞動 | 第 7.3 條 |
| * 機構應確保就業及工作方面不存在歧視 | 第 7.4 條 |
| * 機構應尊重結社自由及集體談判的有效權利 | 第 7.5 條 |

為符合 FSC 核心勞工規定，機構：

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| * 應採用（可製定新政策或使用現有政策）並實施包含 FSC 核心勞工規定的政策聲明，而該政策聲明應提供給受影響及有興趣的利益相關者及機構的核證團體。 | 第 1.5 條 |
| * 應持續進行自我評估（使用此文件或類似文件），以說明機構如何在運營當中實施 FSC 核心勞工規定。自我評估應提交給機構的核證團體。 | 第 1.6 條 |

為了符合上述規定，機構需要完成自行評估，以作為年度審核的一部分，並在預定審核日期前將評估提交給機構的核證團體。機構可以證明符合其他驗證計劃，以作為符合 FSC 核心勞工規定（第  
  
1.11 條）[[2]](#footnote-3) 的證明。

**自行評估**

此自我評估的目標是讓機構能夠有效地識別及記錄符合 FSC 核心勞工規定的行動，同時確保遵守適用法律。

核證團體將會使用完成的自我評估來指導審核，並驗證該機構是否符合標準。審核期間，審核人員會使用機構對其營運及遵守適用法律的知識來協助完成審核。FSC 核心勞工規定適用於 FSC 林業產品監管鏈驗證機構，以及其符合 FSC-STD-40-004 V3-1 第 13 節的承包商公司。希望獲得 FSC 認證的 FSC 林業產品監管鏈證書持有人及機構無需使用此自我評估，但需要使用類似的工具來代替評估，以符合 FSC 規定。使用自我評估並不能夠確保符合 FSC 核心勞工規定。機構有責任遵守 FSC 規定。

機構應在自我評估中發表聲明，表明會就所知所信提供真實、準確的資料。如機構故意在自我評估中作出虛假陳述，可能會導致證書被暫停或終止。機構應盡可能完整及真實地回答自我評估中的問題。機構應準備好審核所需的相關文件及其他資料，以供審核人員驗證自我評估中提及的陳述。為了進一步幫助證書持有人，完成自我評估時需要回答的問題示例（附件 I）已附加到此文件中。

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**FSC 核心勞工規定自行評估**

**聲明：**本人聲明，就本人所知所信，以下所提供的各項陳述均屬真實、準確，並且理解到故意作出虛假陳述可能會導致證書被暫停或終止或不獲頒發證書。

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姓名 日期

**童工**

**參考依據：**

1. **第 57B 章 《僱用兒童規例》**
2. **第 57C 章 《僱用青年（工業）規例》**
3. **第 59A 章 《工廠及工業經營規例》第 IV 部 應呈報工場**
4. **第 47 章 《學徒制度條例》 第 III 部 學徒訓練**

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| **規定** | **香港法例** | **問題** | **參考 & 證據** | **回答 & 證據** | |
| **7.2 機構不得使用童工。** | | | | |
| 7.2.1 除 7.2.2 另有規定外，機構不得僱用 15 歲以下，或當地法律或法例所規定的最低年齡人士（年齡以較高者為準）。  7.2.2 如當地法律或法例允許僱用 13 至 15 歲的兒童從事低體力勞動工作，這種僱用則不應干擾他們的學業，以及損害他們的健康或發展。而在兒童受到義務教育法律約束的情況下，他們只能夠在校外時間及正常白天時間工作。  7.2.3 除非是受到當地法律及法例批准的培訓，否則未滿 18 歲的人士不得從事危險或繁重的工作。  7.2.4 機構應禁止最惡劣形式的童工勞動公約 | 第 57B 章 《僱用兒童規例》第 4 （1） 條   * 第 57B 章 《僱用兒童規例》第 5 （2）條 * 第 57B 章 《僱用兒童規例》第 6 （2）條 * 第 47 章 《學徒制度條例》第 III 部 學徒訓練第 6（2a）條 * 第 59A 章 《工廠及工業經營規例》第 IV 部 應呈報工場第 25 條 * 第 57C 章 《僱用青年（工業）規例》第 4、5、6 條   第 57B 章 《僱用兒童規例》第 4 （1）條 | a) 貴機構有沒有遵守第 7.2 條的規定？ 如果有的話，請前往問題 c)。 |  | 有遵守，閣下確認以適用的香港法例**（第 57B 章 《僱用兒童規例》；第 57C 章 《僱用青年（工業）規例》；第 59A 章 《工廠及工業經營規例》第 IV 部 應呈報工場；第 47 章 《學徒制度條例》 第III 部 學徒訓練）**為基礎來遵從 FSC 核心勞工規定。  沒有遵守，請查閱問題 b)。 | |
| b) 如果上述問題 a) 的答案為沒有，請描述貴機構如何或為什麼沒有遵守第 7.2 條的規定。 |  |  | |
| c) 對於持有證書場所／場地所僱用的人士，請描述貴機構如何知道該僱用遵守第 7.2 條的規定。 | * 員工的家長同意書 * 服務證書 * 學徒合約 * 中三畢業證書或有效的在學證明書 * 列明僱員最低年齡限制的政策 * 列明出現童工事件後的補救措施的政策 * 對分配給年輕僱員的工作進行風險評估 * 為兒童及年輕僱員提供適當的體檢 * 年齡驗證的記錄（例如身份證影印本） * 健康證明 * 工時記錄 |  | |
| d) 找出用作證明貴機構符合第 7.2 條規定的任何文件或其他記錄（及其位置）。 |  | |
| e) 找出任何閣下認為可能會妨礙貴機構遵守第 7.2 條規定的法律義務，並描述這些法律義務會如何妨礙貴機構遵守第 7.2 條的規定。 |  |  | |
| f) 附上由貴機構製定並包含第 7.2 條的政策聲明或聲明。 |  |  | |

**強迫勞動**

**參考依據：**

**第 57 章 《僱傭條例》第 II 部. 僱傭合約、 第 VIA 部. 僱傭保障**

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| **規定** | **香港法例** | **問題** | **參考 & 證據** | **回答 & 證據** |
| **7.3 機構應消除一切形式的強迫及強制勞動。** | | | | |
| 7.3.1 僱傭關係為自願、經雙方同意、沒有受到懲罰的威脅。  7.3.2 沒有任何證據顯示強迫或強制勞動，包括但不限於以下事項：   1. 身體及性暴力侵害 2. 抵債勞動 3. 扣留工資／包括支付僱傭費用和/或受聘保證金 4. 限制流動／行動 5. 扣留護照及身份證明文件 6. 威脅要告發到執法機構 | 第 57章 《僱傭條例》第 II 部 僱傭合約第 5 條  第 57 章《僱傭條例》第 VIA 部 僱傭保障第 32Q 條 | a) 貴機構有沒有遵守第 7.3 條的規定？ 如果有的話，請前往問題 c)。 |  | 有遵守，閣下確認以適用的香港法例**（第 57 章 《僱傭條例》第 II 部 僱傭合約、 第 VIA 部 僱傭保障**  **）**為基礎來遵從 FSC 核心勞工規定。  沒有遵守，請查閱問題 b)。 |
| b) 如果上述問題 a) 的答案為沒有，請描述貴機構如何或為什麼沒有遵守第 7.3 條的規定。 |  |  |
| c) 對於持有證書場所／場地所僱用的人士，請描述貴機構如何知道該僱用遵守第 7.3 條的規定。 | * 強迫勞動政策 * 自由行動政策 * 界定主要管理職責（例如招聘、申訴、紀律及記錄）的政策及程序 * 公司條例 * 僱傭合約 * 包括檢查獵頭公司是否給所有推介員工提供合約的公司步驟 * 服務證書，包括與獵頭公司的合約 * 證明沒有扣留任何證書／護照／身份證 * 投訴機制及程序 * 工資支付記錄 * 工時記錄 |  |
| d) 找出用作證明貴機構符合第 7.3 條規定的任何文件或其他記錄（及其位置）。 |  |
| e) 找出任何閣下認為可能會妨礙貴機構遵守第 7.3 條規定的法律義務，並描述這些法律義務會如何妨礙貴機構遵守第 7.3 條的規定。 |  |  |
| f) 附上由貴機構製定並包含第 7.3 條的政策聲明或聲明。 |  |  |

**就業與職業歧視**

**參考依據：**

1. **第 480 章 《性別歧視條例》第 3 部 在僱傭範疇的歧視及性騷擾**
2. **第 602 章 《種族歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾**
3. **第 487 章 《殘疾歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾**
4. **第 527 章 《家庭崗位歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾**

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| **規定** | **香港法例** | **問題** | **參考 & 證據** | **回答 & 證據** |
| **7.4 機構應確保就業及工作方面不存在歧視。** | | | | |
| 7.4.1 在就業及工作方面不得予以歧視 | * 第 480 章 《性別歧視條例》第 3 部 在僱傭範疇的歧視及性騷擾 第 11 **、** 13 **、** 16 **、** 18 **、** 23 **、** 23A 條 * 第 602 章 《種族歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾 第 10 **、** 15 **、** 20 條 * 第 487 章 《殘疾歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾 第 11 **、** 12 條 * 第 527 章 《家庭崗位歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾 第 8 **、** 9 條 | a) 貴機構有沒有遵守第 7.4 條的規定？ 如果有的話，請前往問題 c)。 |  | 有遵守，閣下確認以適用的香港法例（**第 480 章 《性別歧視條例》第 3 部 在僱傭範疇的歧視及性騷擾；第 602 章 《種族歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾；第 487 章 《殘疾歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾；第 527 章 《家庭崗位歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾）**為基礎來遵從 FSC 核心勞工規定。       沒有遵守，請查閱問題 b)。 |
| b) 如果上述問題 a) 的答案為沒有，請描述貴機構如何或為什麼沒有遵守第 7.4 條的規定。 |  |  |
| c) 對於持有證書場所／場地所僱用的人士，請描述貴機構如何知道該僱用遵守第 7.4 條的規定。 | * 反歧視政策 * 社會責任政策 * 就業統計，按行業及職業劃分員工的男女比例 * 工資支付記錄 * 如用作規定如何決定工資的工資條例等等 * 員工表現評估記錄 * 招聘廣告記錄 * 求職申請記錄 * 處理員工投訴的程序及記錄 * 促進性別平等、反性騷擾及反懷孕或餵哺母乳歧視的行動 |  |
| d) 找出用作證明貴機構符合第 7.4 條規定的任何文件或其他記錄（及其位置）。 |  |
| e) 找出任何閣下認為可能會妨礙貴機構遵守第 7.4 條規定的法律義務，並描述這些法律義務會如何妨礙貴機構遵守第 7.4 條的規定 |  |  |
| f) 附上由貴機構製定並包含第 7.4 條的政策聲明或聲明 |  |  |

**結社自由及集體談判權利**

**參考依據：**

1. **第 57 章 《僱傭條例》第 IVA 部 職工會不受歧視的保障**
2. **第 332 章 《職工會條例》第 II 部 委任、第 III 部 登記**
3. **第 480 章 《性別歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾（其他團體所作的歧視）**
4. **第 55 章 《勞資關係條例》 第 2 部 調解**

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| **規定** | **香港法例** | **問題** | **參考 & 證據** | **回答 & 證據** |
| **7.5 機構應尊重結社自由及集體談判的有效權利。** | | | | | |
| 7.5.1 員工能夠建立或加入他們自己選擇的職工會    7.5.2 機構尊重職工會製定其章程及規則的絕對自由  7.5.3 機構尊重員工有權參與及不參與有關建立、加入或協助職工會的合法活動，並且不會因為行使這些權利而歧視或懲罰該員工。  7.5.4 機構會與合法成立的職工會和／或適當地選出的代表進行真誠談判，並會儘最大努力達成集體談判協議。  7.5.5 如有任何集體談判協議，則要按此執行。 | * 第 57 章 《僱傭條例》第 IVA 部 職工會不受歧視的保障 第 21B (1) 條 * 第 332 章 《職工會條例》第 II 部 委任 第 3 條 * 第 332 章 《職工會條例》 第 III 部 登記 第 4 、 5 、 6 條   第 332 章 《職工會條例》第III 部 登記 第 13 條   * 第 57 章 《僱傭條例》第 IVA 部 職工會不受歧視的保障 第 21B (2) 條 * 第 480 章 《性別歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾 第 16 條   第 55 章 《勞資關係條例》 第 2 部 調解 第 3 、 4 條  第 55 章 《勞資關係條例》 第 2 部 調解 第 8 條 | a) 貴機構有沒有遵守第 7.5 條的規定？ 如果有的話，請前往問題 c)。 |  | 有遵守，閣下確認以適用的香港法例**（第 57 章 《僱傭條例》第 IVA 部 職工會不受歧視的保障；第 332 章 《職工會條例》第 II 部 委任、第 III 部 登記；第 480 章 《性別歧視條例》 第 3 部 在僱傭範疇的歧視及騷擾（其他團體所作的歧視）；第 55 章 《勞資關係條例》 第 2 部 調解）**為基礎來遵從 FSC 核心勞工規定。  沒有遵守，請查閱問題 b)。 |
| b) 如果上述問題 a) 的答案為沒有，請描述貴機構如何或為什麼沒有遵守第 7.5 條的規定。 |  |  |
| c) 對於持有證書場所／場地所僱用的人士，請描述貴機構如何知道該僱用遵守第 7.5 條的規定。 | * 結社自由及集體談判權利政策，以及員工政策社會化的證據 * 公司的結社自由機制 * 職工會／職工會代表的姓名及結構 * 職工會登記證書 * 職工會的會議記錄及活動記錄 * 與管理層談判的職工會代表任命書 * 顯示職工會代表／職工會場所及時間的影像證據 * 和解備忘錄 * 管理層響應執行和解決定或建議的記錄／證據 |  |
| d) 找出用作證明貴機構符合第 7.5 條規定的任何文件或其他記錄（及其位置）。 |  |
| e) 找出任何閣下認為可能會妨礙貴機構遵守第 7.5 條規定的法律義務，並描述這些法律義務會如何妨礙貴機構遵守第 7.5 條的規定 |  |  |
| f) 附上由貴機構製定並包含第 7.5 條的政策聲明或聲明 |  |  |

**附件 I.**

**完成自我評估時需要回答的問題示例**

FSC 提供下列開放式問題，可能有助於機構在進行自我評估時予以考慮。這些問題按 FSC 核心勞工規定分成四大類別。答案的詳細程度取決機構設施的所在地點，包括機構的風險評估及勞動環境。此問題清單並未列出所有問題。

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| **類別** | **問題** |
| **童工** | * 受僱員工的最低年齡為多少？ * 閣下採取了哪些措施來確保在營運期間不會使用童工？ * 閣下有否登記僱員的年齡（生日），以及如何確認這是實際年齡？閣下是否會檢查身份證明文件？ * 貴公司是否有未成年僱員不得從事的危險工作？如有，請解釋閣下如何禁止未成年僱員從事這些工作。如果是透過培訓或教育，請提供證明文件。 * 在法律上是否允許僱用 13 至 15 歲的兒童？閤下有否僱用該年齡層的兒童？如有，請說明閣下如何確保他們只從事對其健康或發育無害的低體力勞動工作，以及只在校外時間上班。 |
| **強迫勞動** | * 請描述閣下的招聘及簽約程序，以證明符合這項規定。 * 閤下有否使用技術性的海外實習生？ * 閤下有否提供貸款或預支薪金/工資，以要求僱員在法律或合約協議以外延長工時？如有，閣下是否可以描述如何在這類情況下減少抵債勞動的風險？ * 閣下如何確保不會扣除僱傭費用或受聘保證金？ * 閣下如何確保僱員不會受到任何形式的流動限制？ |
| **歧視** | * 閣下如何確保工資和其他工作條件沒有存在歧視？ * 性別及年齡比例是否存在任何偏差？ * 是否有關於不歧視的政策？ * 閣下如何確保所有僱員都能夠得到公平的評價，並享有平等的晉昇機會？ * 如何確保所有求職者均擁有平等的就業機會？ * 閣下如何顧及到員工多樣性，以及如何應對他們的多樣化需求？（包含顧及到外籍僱員的文化和習俗） |
| **結社自由及集體談判權利** | * 員工是否有成立職工會？請據閣下所知，描述閣下認為員工選擇或未選擇職工會代表的原因。 * 如有職工會代表，該職工會是否自主獨立？ * 如沒有職工會，員工是否有其他形式的代表？如果沒有，閣下如何獲得員工的整體意見？是否有涵蓋員工的集體談判協議？如有，閣下如何確保遵守此類協議？ |

1. *FSC International will review the compatibility of these schemes with the FSC Core Labour Requirements and the extent of their overlap with FSC core labour requirements.* [↑](#footnote-ref-2)
2. *FSC International 將會審查這些計劃是否符合 FSC 核心勞工規定，以及與 FSC 核心勞工規定有何相同之處。* [↑](#footnote-ref-3)