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

**Taiwan**

**Introduction**

This self-assessment is designed for all FSC Chain of Custody (CoC) Certificate Holders (CHs) in Taiwan. 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.

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[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 labour requirements, and all organisations must conform to the FSC core labour requirements by **31 December 2022**. Additional FSC core labour 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: Labour Standards Act, Chapter V Child Workers and Female Workers, Chapter VIII Apprentices**

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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 regulation. 7.2.4 The organisation shall prohibit the worst forms of child labour. | Labour Standards Act, Chapter V Child Worker and Female Worker, Article 44 & 45, and Chapter VIII Apprentices, Article 64Labour Standards Act, Chapter V Child Worker and Female Worker, Article 44 & 46Labour Standards Act, Chapter V Child Worker and Female Worker, Article 44 | 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 regulation **(Labour Standards Act, Chapter V Child Workers and Female Workers & Chapter VIII Apprentices)** 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. | * Policy on Employment & Child Labour
* Company procedures on employment process, including recruitment, age verification, etc.
* Identification documents of employees
* Labour contracts
* Training contracts for apprentices
* Certificate of age and fitness
* Worker record cards (the name, gender, birth date, place of ancestral origin, educational background, address, national identification card number, employment starting date, wage, insurance starting date, merits and demerits, injury and disease and other significant facts of each worker)
 |  |
| 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:**

1. **Labour Standards Act, Chapter I General Provision, Chapter II Labour Contract, Chapter III Wages**
2. **Act of Gender Equality in Employment, Chapter III Prevention and Correction of Sexual Harassment**

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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.
 | Labour Standards Act, Chapter I General Provision, Article 5* Labour Standards Act, Chapter I General Provision, Article 5, Chapter 2 Labour Contract, Article 10-1 &11, and Chapter III Wages, Article 26
* Act of Gender Equality in Employment, Chapter III Prevention and Correction of Sexual Harassment, Article 13 & Chapter V Complaint Procedures and Remedies, Article 26, 32
 | 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 **(Labour Standards Act, Chapter I General Provision, Chapter II Labour Contract, Chapter III Wages; Act of Gender Equality in Employment, Chapter III Prevention and Correction of Sexual Harassment, Chapter V Complaint Procedures and Remedies)** 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? | * A policy of Forced Labour
* The procedure for employment transfer
* Labour contracts
* Worker record cards (the name, gender, birth date, place of ancestral origin, educational background, address, national identification card number, employment starting date, wage, insurance starting date, merits and demerits, injury and disease and other significant facts of each worker)
* Employee handbook
* Salary/wage payment slips and records
* Recruitment procedures (proof of application by the employee)
* Overtime payment records
 |  |
| 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. **Labour Standards Act, Chapter III Wages**
2. **Act of Gender Equality in Employment, Chapter II Prohibition of Gender Discrimination**

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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.  | * Labour Standards Act, Chapter III Wages, Article 25
* Act of Gender Equality in Employment, Chapter II Prohibition of Gender Discrimination, Article 7, 8, 9, 10, 11
 | 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 **(Labour Standards Act, Chapter III Wages; Act of Gender Equality in Employment, Chapter II Prohibition of Gender Discrimination)** 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. | * Anti-discrimination policy
* Policy on the prohibition of sexual harassment
* Committees on gender equality
* Employee handbook
* Employee statistics, male to female ratio of employees by industry and occupation
* Salary regulations
* Salary/wage payment slips and records
* Job advertisements
* Job application records
* Recruitment procedures
* Training records
* Dispute and grievance procedures and records
* Overtime payment records
* Worker record cards (the name, gender, birth date, place of ancestral origin, educational background, address, national identification card number, employment starting date, wage, insurance starting date, merits and demerits, injury and disease and other significant facts of each worker)
 |  |
| 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. **Labour Union Act, Chapter I General Provision,**
2. **Collective Agreement Act, Chapter II Bargaining and Concluding of Collective Agreement & Chapter III Contents and Restrictions of Collective Agreement**

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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 elected 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. | Labour Union Act, Chapter I General Provision, Article 4Labour Union Act, Chapter VIII Protections, Article 35 | 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 **(Labour Union Act 2012, Chapter I General Provision, Chapter VIII Protections; Collective Agreement Act, Chapter II Bargaining and Concluding of Collective Agreement & Chapter III Contents and Restrictions of Collective Agreement)** 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. |  |  |
| Collective Agreement Act, Chapter II Bargaining and Concluding of Collective Agreement, Article 6Collective Agreement Act, Chapter III Contents and Restrictions of Collective Agreement, Article 12 (3) | c) For the individuals employed by you at the site/sites holding the certificate, describe how your organisation knows it complies with Clause 7.5. | * Organisation Policy
* Certification of registration to Trade Unios
* Appointment Letter to participate in Trade Unions
* Minutes and activity records of trade unions
* List of workers
* Opportunities for worker representatives to discuss with management and minutes of discussions
* Records of the election of worker representatives
* Records/evidence of the implementation of the concluded collective agreements
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| 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.
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| **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?
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| **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)
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| **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 workers' opinion as a whole? Are there collective bargaining agreements in place that cover workers? If so, how do you ensure compliance with such agreements?
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**FSC核心勞工條件FSC自我評估**

**台灣**

**引言**

本自我評估適用於台灣所有FSC（森林管理委員會）監管鏈（CoC）證書持有者（CH）。[FSC-STD-40-004 V3-1](https://fsc.org/en/document-centre/documents/resource/302)發布後，FSC 監管鏈證書持有者必須針對自己是否符合FSC核心勞工條件，完成一份自我評估，作為其年度審計的一部份。

[FSC-STD-40-004 V3-1 FSC監管鏈（CoC）認證](https://fsc.org/en/document-centre/documents/resource/302)於2021年9月1日起生效，另有其他FSC核心勞工條件，所有組織必須在**2022年12月31日**前符合FSC核心勞工條件。其他FSC核心勞工條件的形式如下：

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| * 組織不得使用童工
 | 第7.2條 |
| * 組織應消弭任何形式遭強迫和強制的勞工
 | 第7.3條 |
| * 組織應確保聘僱和職業方面不存在歧視
 | 第7.4條 |
| * 組織應尊重結社自由和有效團體談判權
 | 第7.5條 |

為符合FSC核心勞工條件，組織應：

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| * 應採用（得以發展新政策或使用既有政策）並執行包含FSC核心勞工條件的政策聲明。政策聲明應提供給受影響的利益相關人和組織認證機構。
 | 第1.5條 |
| * 應持續更新至最新的自我評估內容（本文件或類似文件），其中說明組織如何將FSC核心勞工條件應用至經營上。自我評估文件應提交至組織的認證機構。
 | 第1.6條 |

為符合上述要求，組織應完成自我評估，以作為其年度審計的一部份，並在排定審計前提交至組織的認證機構。組織可證明符合其他認證計畫，以作為符合FSC核心勞工條件的證據（第1.11條）[[2]](#footnote-3).

**自我評估**

本自我評估旨在有效地讓組織辨別並記錄證明符合FSC核心勞工條件的行動，同時確保遵守適用法律。

認證機構將使用完成的自我評估指導審計並驗證是否符合標準。該過程會應用組織對其經營和遵守適用法律的了解，以協助審計人員完成審計。根據FSC-STD-40-004 V3-1第13節，FSC核心勞工條件適用於 FSC 監管鏈認證組織和作為 FSC 監管鏈認證組織承包商的公司。FSC 監管鏈證書持有者和希望獲得 FSC 認證的組織並不一定要進行本自我評估，但需要使用類似的工具替代以符合FSC 的要求。自我評估文件的使用並不能保證符合 FSC 核心勞工條件。組織有責任遵守 FSC 的要求。

組織應在自我評估中聲明，根據其當前最佳了解，聲明內容為真實且正確。如組織故意在其自我評估中做出虛假陳述，可能導致證書資格被暫停或終止。組織應盡可能完整且真實地回答自我評估中的問題。組織應提供可供審計人員檢視的相關文件和其他資料，以驗證自我評估中引用的聲明。為進一步協助證書持有者，已在此範本中附上在進行自我評估時須回答的問題示例（附件一）。

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| **日期** | **版本** | **評論** |
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**FSC 核心勞工條件自我評估**

**聲明：**我在此確認，就我所知，以下陳述真實且正確，同時我了解，在知情的情況下做出虛假陳述可能導致證書資格的暫停或終止，或不予以發放。

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姓名 日期

**童工**

**參考依據：《勞工標準法》第五章童工和女性勞工；第八章學徒**

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| **條件** | **立法** | **問題** | **參考和證據** | **回答和證據** |
| **7.2 組織不應聘僱童工。** |
| 7.2.1 除非第7.2.2條中另有規定，否則組織不得聘僱15歲以下或國家或地方法律或法規所規定之最低年齡以下之勞工，以年齡較高者為標準。7.2.2 在國家法律或法規允許聘僱13至15歲者從事輕體力工作的國家，這類就業不應干擾學校教育，也不應損害他們的健康或發展。應注意的是，如果兒童受義務教育法之約束，他們只能在正常白天工作時間中的就學時間外工作。7.2.3 未滿18歲者不得從事危險或繁重的工作，但在批准的國家法律和法規下，以培訓為目的者不在此限。7.2.4 組織應禁止最惡劣形式之童工。 | 《勞工標準法》第五章童工和女性勞工第44和45條；第八章學徒第64條《勞工標準法》第五章童工和女性勞工第44和46條《勞工標準法》第五章童工和女性勞工第44條 | a) 您的組織是否符合第7.2條？如果是，請至第c)題。  |  | [ ] 是，我確實符合FSC核心勞工條件，並經關於此條件的適用國家法規**（勞工標準法第五章童工和女性勞工；第八章學徒）**支持[ ] 否，請見 b)  |
| b) 如果上題a)的答案為「否」，請說明您的組織如何或為什麼不遵守第7.2條。 |  |  |
| c) 對於在廠址您所聘僱之持有證書之個人，請描述您的組織如何知道其遵守第7.2條。 | * 聘僱和童工政策
* 公司聘僱程序，包括招聘、年齡驗證等
* 員工身分證明文件
* 勞工合約
* 學徒培訓合約
* 年齡和健康認證
* 勞工紀錄卡（每位勞工的姓名、性別、出生日期、祖籍、教育背景、地址、國民身分證號、入職起始日、工資、保險起始日、功過、傷害和疾病以及其他重要事實）
 |  |
| d) 請提供您用以驗證是否符合第7.2條規定之任何文件或其他紀錄（及其位置）。 |  |
| e) 請提供您認為可能影響您遵守第7.2條之能力的任何法律義務。請予以說明，以及該法律義務如何影響您遵守第7.2條的能力。 |  |  |
| f) 請附上一份或多份包含第7.2條的組織政策聲明。 |  |  |

**強迫勞工**

**參考依據：**

1. **《勞工標準法》第一章總則；第二章勞工合約；第三章工資**
2. **《就業性別平等法》第三章防範和糾正性騷擾**

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| **條件** | **立法** | **問題** | **參考和證據** | **回答和證據** |
| **7.3組織應消弭任何形式遭強迫和強制的勞工。** |
| 7.3.1 僱傭關係是自願且基於雙方同意，且沒有懲罰的威脅。7.3.2 沒有任何證據表明存在任何強迫或強制勞工的行徑，包括但不限於：1. 肢體和性暴力
2. 抵債勞動
3. 扣留工資/包含支付聘僱費用和/或開始任職的保證金
4. 行動限制
5. 扣留護照和身分證件
6. 威脅向政府機關告發。
 | 《勞工標準法》第一章總則第5條* 《勞工標準法》第一章總則第5條；第二章勞工合約第10-1和11條；和第三章工資第26條
* 《就業兩性平等法》第三章防範和糾正性騷擾第13條；和第五章投訴程序和補救措施第26和32條
 | a) 您的組織是否遵守第7.3條？如是，請至第c)題。 |  | [ ] 是，我確實符合FSC核心勞工條件，並經關於此條件的適用國家法規**（《勞工標準法》第一章總則；第二章勞工合約；第三章工資；《就業性別平等法》第三章防範和糾正性騷擾；第五章投訴程序和補救措施）**支持[ ] 否，請見 b)  |
| b) 如上題a)的答案為「否」，請說明您的組織如何或為什麼不遵守第7.3條？ |  |  |
| c) 對於在廠址您所聘僱之持有證書之個人，請描述您的組織如何知道其遵守第7.3條。 | * 強迫勞動政策
* 就業移轉程序
* 勞工合約
* 勞工紀錄卡（每位勞工的姓名、性別、出生日期、祖籍、教育背景、地址、國民身分證號、入職起始日、工資、保險起始日、功過、傷害和疾病以及其他重要事實）
* 員工手冊
* 薪資支付單和紀錄
* 招聘程序（員工應徵證明）
* 加班費支付紀錄
 |  |
| d) 請提供您用以驗證是否符合第7.3條規定之任何文件或其他紀錄（及其位置）。 |  |
| e) 請提供您認為可能影響您遵守第7.3條之能力的任何法律義務。請予以說明，以及該法律義務如何影響您遵守第7.3條的能力。 |  |  |
| f) 請附上一份或多份包含第7.3條的組織政策聲明。 |  |  |

**聘僱和職業歧視**

**參考依據：**

1. **《勞工標準法》第三章工資**
2. **《就業性別平等法》第二章禁止性別歧視**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **條件** | **立法** | **問題** | **參考和證據** | **回答和證據** |
| **7.4組織應確保在聘僱和職業方面不存在歧視。** |
| 7.4.1　聘僱和職業實踐不具歧視。 | * 《勞工標準法》第三章工資第25條
* 《就業性別平等法》第二章禁止性別歧視第7、8、9、10、11條
 | a) 您的組織是否遵守第7.4條？如是，請至第c)題。 |  | [ ] 是，我確實符合FSC核心勞工條件，並經關於此條件的適用國家法規**（《勞工標準法》第三章工資；《就業性別平等法》第二章禁止性別歧視）** 支持[ ] 否，請見 b)  |
| b) 如上題a)的答案為「否」，請說明您的組織如何或為什麼不遵守第7.4條？ |  |  |
| c) 對於在廠址您所聘僱之持有證書之個人，請描述您的組織如何知道其遵守第7.4條。 | * 反歧視政策
* 禁止性騷擾的政策
* 兩性平等委員會
* 員工手冊
* 員工統計資料，按行業和職業統計的男性和女性員工比例
* 薪資規範
* 薪資支付單和紀錄
* 工作廣告
* 工作應徵紀錄
* 招聘程序
* 培訓紀錄
* 爭議和申訴程序及記錄
* 勞工紀錄卡（每位勞工的姓名、性別、出生日期、祖籍、教育背景、地址、國民身分證號、入職起始日、工資、保險起始日、功過、傷害和疾病以及其他重要事實）
 |  |
| d) 請提供您用以驗證是否符合第7.4條規定之任何文件或其他紀錄（及其位置）。 |  |
| e) 請提供您認為可能影響您遵守第7.4條之能力的任何法律義務。請予以說明，以及該法律義務如何影響您遵守第7.4條的能力。 |  |  |
| f) 請附上一份或多份包含第7.4條的組織政策聲明。 |  |  |

**結社自由和團體談判權**

**參考依據：**

1. **《工會法》第一章總則；**
2. **《團體協約法》第二章團體協約之談判和簽訂；和第三章團體協約的內容和限制**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **條件** | **立法** | **問題** | **參考和證據** | **回答和證據** |
| **7.5組織應尊重結社自由和團體談判的有效權利。** |
| 7.5.1　勞工能夠建立或參加自己選擇的勞工組織。7.5.2　組織尊重勞工組織制訂其章程和規則的充分自由。7.5.3　組織尊重勞工從事成立、參與或協助勞工組織等相關合法活動的權利，反之亦然，且不會歧視或懲罰行使這些權利的勞工。7.5.4　組織將與合法成立的勞工組織和/或正式選出的代表進行真誠的談判，並會盡最大努力達成團體談判協約。7.5.5團體談判協約在協定地方實施。 | 《工會法》第一章總則第4條《工會法》第八章保護第35條 | a) 您的組織是否遵守第7.5條？如是，請至第c)題。 |  | [ ] 是，我確實符合FSC核心勞工條件，並經關於此條件的適用國家法規**（2012年《工會法》第一章總則；第八章保護；《團體協約法》第二章談判和簽訂團體協約；和第三章團體協約的內容和限制）**支持[ ] 否，請見 b)  |
|  | b) 如上題a)的答案為「否」，請說明您的組織如何或為什麼不遵守第7.5條？ |  |  |
| 《團體協約法》第二章談判和簽訂團體協約第6條《團體協約法》第三章團體協約的內容和限制第12（3）條 | c) 對於在廠址您所聘僱之持有證書之個人，請描述您的組織如何知道其遵守第7.5條。 | * 組織政策
* 工會註冊認證
* 參與工會任命書
* 工會會議和活動紀錄
* 勞工名單
* 勞工代表與管理階層討論的機會及討論會議紀錄
* 勞工代表選舉紀錄
* 簽訂團體協約的執行紀錄/證據
 |  |
| d) 請提供您用以驗證是否符合第7.5條規定之任何文件或其他紀錄（及其位置）。 |  |
| e) 請提供您認為可能影響您遵守第7.5條之能力的任何法律義務。請予以說明，以及該法律義務如何影響您遵守第7.5條的能力。 |  |  |
| f) 請附上一份或多份包含第7.5條的組織政策聲明。 |  |  |

**附件一**

**進行自我評估中回答問題的示例**

FSC提供以下開放性問題，可能有助於組織在進行自我評估時予以考慮。按FSC核心勞工條件將問題分成四大類。內容詳細程度取決於組織設施的所在地，包含組織的風險評估及勞動環境。此問題清單並未列出所有問題。

|  |  |
| --- | --- |
| **類別** | **問題** |
| **童工** | * 受聘勞工的最低年齡為何？
* 您採取了哪些措施以確保您在經營中不會使用童工？
* 您是否登記員工的年齡（生日），您如何驗證該登記年齡為實際年齡？您是否會檢查身分文件？
* 您的公司是否有任何未成年人不可從事的危險作業？如果有，請說明您如何限制未成年勞工從事這些工作。如果需要培訓或教育，請提供佐證文件。
* 法律是否允許聘僱13至15歲的兒童？您們是否有聘僱該年齡區間的兒童？如果是，在兩種情況皆符合的情況下，請說明您採取了哪些措施以確保他們僅從事對其健康或發展無害的輕量工作，並且僅允許他們在課餘時間工作。
 |
| **強迫勞工** | * 請描述您的招聘和簽約實踐，以證明符合本原則。
* 您是否使用外國技術實習生？
* 您是否提供貸款或預支薪資，且因此要求勞工在法律或合約協議之外延長工時？如果是，您是否可描述如何在這類情況下減少抵債勞動的風險？
* 您如何確保不扣除聘僱費或另行支付費用或押金以開始任職工作？
* 您如何確保勞工不會受到任何形式的行動限制？
 |
| **歧視** | * 您如何確保工資和其他工作條件沒有存在歧視？
* 在性別、年齡等比例中是否存在任何偏差？
* 您是否有不歧視的相關政策？
* 您如何確保所有員工均得到公平地評估，並有平等的晉升機會？
* 您如何確保應徵者享有平等的就業機會？
* 您如何考量勞工的多樣性並回應他們的多樣性需求？（包含考慮外籍員工的文化和習俗）
 |
| **結社自由和團體談判權利** | * 勞工是否有成立工會？就您所知，請說明您認為勞工選擇/未選擇由工會代表的原因。
* 如果工會代表勞工，請問工會是否為自主且獨立？
* 如果沒有工會，工人是否有其他形式的代表？如果沒有，您如何獲得員工整體的意見？是否有涵蓋勞工的團體談判協約？如果有，您如何確保遵守此類協約？
 |

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國際將審查這些計畫與FSC核心勞工條件是否相容，以及與FSC核心勞工條件的相符程度。* [↑](#footnote-ref-3)