**FSC self-assessment for FSC core labour requirements – New Zealand**

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| This tool is designed for all FSC Chain of Custody (CoC) Certificate Holders (CHs) in New Zealand. With the publication of FSC-STD-40-004 V3-1, CHs are required to complete a self-assessment of their conformance to the FSC core labour requirements (hereinafter: self-assessment) as part of their annual audit.All organizations must comply with the FSC core labour requirements by 31 December 2022. |

The self-assessment is designed to give CoC CHs the ability to efficiently identify and document measures that demonstrate conformance with the FSC core labour requirements. Namely:

* The organization shall not use child labour (FSC-STD-40-004 V3-1, 7.2).
* The organization shall eliminate all forms of forced and compulsory labour (7.3).
* The organization shall ensure that there is no discrimination in employment and occupation (7.4).
* The organization shall respect freedom of association and the effective right to collective bargaining (7.5).

To achieve conformity with the FSC core labour requirements, CHs shall adopt 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 organization’s certification body (1.5)
* An up-to-date self-assessment (this document or similar) and relevant documentation (1.6).

The organization may demonstrate compliance with other certifications schemes as evidence of conformity (1.11). These schemes will be determined by FSC International in due course.

Organizations must submit a completed and signed self-assessment to their certification body prior to their scheduled audit.

The certification body will use the completed self-assessment to guide the audit and verify conformance with the standard. The process applies the organization's knowledge of its operations and compliance with applicable laws to assist the auditor in completing the audit.

**Who does the FSC core labour requirements apply to?**

The FSC core labour requirements apply to FSC-certified organisations and to companies who act as outsourcers and subcontractors to FSC CoC-certified organizations in accordance with FSC-STD-40-004 V3-1, section 13. Read more in the [FSC’s core labour requirements FAQ](https://fsc.org/sites/default/files/2021-07/FSC_IC_Q%26A_CLR_2021-07-27_EN.pdf)

**Legislation helps but is not enough**

While legislative frameworks in New Zealand mostly align with the FSC core labour requirements, it is not sufficient for CHs to simply list the relevant legal requirements. Rather, where legislation aligns with the FSC core labour requirements, CHs are required to document how they comply with the legislation.

**The use of the self-assessment**

CHs and organizations wishing to become certified are not required to use this self-assessment but would need to substitute it with a similar tool. The use of the self-assessment does not guarantee conformity with the FSC core labour requirements. It is the responsibility of the organization to conform with FSC requirements.

The organization shall declare on the self-assessment that the statements are true and correct to the best available knowledge. If an organization knowingly makes false statements on its self-assessment this may result in suspension or termination of the certificate. The organization shall respond to the questions in the self-assessment as completely and truthfully as possible. Organizations shall identify relevant documents and other materials that the auditor can review to verify the referenced statement on the self-assessment.

The self-assessment was prepared by FSC ANZ. For further clarification or input to the self-assessment, please email info@au.fsc.org.

**Version History**

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| **Version** | **Date** | **Comment** |
| 1.0 | 09.09.2021 | Publication |

### 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**

The same fair bargaining rules for employment agreements apply to both young people and adults.

Young persons aged under 18 years can sign an employment agreement but it’s important that they receive help when agreeing to new terms and conditions. Potential employers must also provide a copy of the agreement to the intended employee and give them the opportunity to take it away and get advice on the terms.

All employees have the right to representation when dealing with their employer and they can choose anyone they want to represent them. Parents can be with their child when discussing employment matters with their employer.

When employing young people please note the following:

By law, children in New Zealand must be enrolled in school until they are 16 years of age. A child may be employed under 16, but their work must not interfere with schooling. Permission may be obtained to leave school at 15 by the Ministry of education to go onto full time work or other training such as an apprenticeship.

A starting-out wage applies to workers between 16 and 19 years entering the workforce for the first time. There is no minimum wage for employees who are under 16 years of age.

Additional resources to assist in the employment of young people in New Zealand can be found here: <https://www.employment.govt.nz/> (keyword: young employees)

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| **Requirement** | **Questions and additional Requirements** | **Answer and evidence** |
| 7.2 The organization shall not use child labour. 7.2.1 The organization 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 day-time 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 organization shall prohibit the worst forms of child labour.  | a) Does your organization comply with Clause 7.2?  If yes, continue at c).    | ​​☐​ Yes, I comply with the applicable state and territory legislation that addresses this FSC core labour requirement as identified in Annex A.    ​​☐​ No, see b)  |
| b) If the answer is no to a) above, please describe how or why your organization does not comply with Clause 7.2.  |        |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organization knows it complies with Clause 7.2.  | I can demonstrate this compliance in the following ways:  As a New Zealand Employer, I keep accuarate age, wage and time records for my employees.​​☐​ Other:        |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.2.  | Documents, records or policies, etc. that show compliance with this FSC core labour requirement are as follows:  * Driver’s License
* Passport
* Birth Certificate

Other forms of identity documentation (that include the employees age) certified by:* Police Officer (include their ID number)
* Justice of the Peace
* Registered medical doctor
* Kaumatua (verified)
* Registered teacher
* Minister of religion

​​☐​ Other/further details          |
| 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 organization that encompasses Clause 7.2.  | ​☐ See attached policies, statements, etc.  ☐ See online public policies at:       ☐ Other:        |

**Forced Labour**

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| **Requirement** | **Questions and additional Requirements** | **Answer and evidence** |
| 7.3 The organization 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: * physical and sexual violence
* bonded labour
* withholding of wages /including payment of employment fees and or payment of deposit to commence employment
* restriction of mobility/movement
* retention of passport and identity documents
* threats of denunciation to the authorities.
 | a) Does your organization comply with Clause 7.3? If yes, continue at c). | ​☐ Yes, I comply with the applicable state and territory legislation that addresses this FSC core labour requirement.☐ No, see b)  |
| b) If the answer is no to a) above, please describe how or why your organization does not comply with Clause 7.3? |        |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organization knows it complies Clause 7.3? | I can demonstrate this compliance in the following ways:  ☐ We have a policy on the prohibition of forced labor, which demonstrates that we meet this FSC core labour requirement.☐ Our Employment offer letters/work agreements/contracts demonstrate that employees can leave upon notice to the employer and therefore we meet this FSC core labour requirement.☐ Other:        |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.3. | Documents, records or policies, etc. that show compliance with this FSC core labour requirement are as follows:  ​​☐​ Policy on the prohibition of forced labor ​​☐​ Employment offer letters/work agreements/contracts ​​☐​  Other/further details          |
| 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 organization that encompasses Clause 7.3. | ​​☐​ See attached policies, statements, etc.  ​​☐​ See online public policies at:       ​​☐​ Other:        |

**Discrimination in Employment and Occupation**

The Human Rights Act 1993 (HRA) and the [Employment Relations Act 2000](https://employsure.co.nz/guides/important-legislation/employment-relations-act-2000/) (ERA) help to ensure all workplaces are safe and fair. Both acts cover the many forms of discrimination in regard to sexual harassment, employment, and unjust treatment in the workplace. While the policies mainly protect employees, they also go beyond to protect job applicants, contractors and people associated with them such as friends, family and carers.

In New Zealand, it is unlawful to discriminate against someone because of their:

• Sex or sexual orientation
• Race or skin colour
• Age
• Marital status
• Physical or mental disability
• Family or carer’s responsibility
• Pregnancy
• Religion or political opinion
• National extraction or social origin

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| **Requirement** | **Questions and additional Requirements** | **Answer and evidence** |
| 7.4 The organization shall ensure that there is no discrimination in employment and occupation. 7.4.1 Employment and occupation practices are non-discriminatory. | a) Does your organization comply with Clause 7.4? If yes, continue at c). | ☐ Yes, I comply with the applicable state and territory legislation that addresses this FSC core labour requirement.☐ No, see b)  |
| b) If the answer is no to a) above, please describe how or why your organization does not comply with Clause 7.4. |        |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organization knows it complies with Clause 7.4. | I can demonstrate this compliance in the following ways:  ​​☐​ We have an equal opportunity policy, which demonstrates that we meet this FSC core labour requirement.​​☐​ Our employment offer letters/work agreements/contracts include an equal opportunity statement, which demonstrates that we meet this FSC core labour requirement. ​​☐​  Our job announcements have an equal opportunity statement, which demonstrates that we meet this FSC core labour requirement.​​☐​ Other:        |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.4. | Documents, records or policies, etc. that show compliance with this FSC core labour requirement are as follows:  ​​☐​ Equal opportunity policy ​​☐​ Employment offer letters/work agreements/contracts ​​☐​ Job advertisements ​​☐​ Other/further details          |
| 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 organization that encompasses Clause 7.4. | ​​☐​ See attached policies, statements, etc.  ​​☐​ See online public policies at:       ​​☐​ Other:        |

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

Parts 3 to 5 of the Employment Relations Act 2000 provide very detailed provisions in relation to the right to collective bargaining and freedom of association.

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| **Requirement** | **Questions and additional Requirements** | **Answer and evidence** |
| 7.5 The organization shall respect freedom of association and the effective right to collective bargaining. 7.5.1 Workers are able to establish or join worker organizations of their own choosing. 7.5.2 The organization respects the full freedom of workers’ organizations to draw up their constitutions and rules. 7.5.3 The organization respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers’ organization, or to refrain from doing the same, and will not discriminate or punish workers for exercising these rights. 7.5.4 The organization negotiates with lawfully established workers’ organizations 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. | a) Does your organization comply with Clause 7.5? If yes, continue at c). | ​​☐​ Yes, I comply with the applicable state and territory legislation that addresses this FSC core labour requirement.​​☐​ No, see b)  |
| b) If the answer is no to a) above, please describe how or why your organization does not comply with Clause 7.5. |        |
| c) For the individuals employed by you at the site/sites holding the certificate, describe how your organization knows it complies with Clause 7.5. | I can demonstrate this compliance in the following ways:  ​​☐​ We have organizational policies, which demonstrates that we meet this FSC core labour requirement.​​☐​ Our Collective bargaining agreement demonstrates that we meet this FSC core labour requirement.​​☐​ We have minutes or documents from meetings related to the development of the collective bargaining agreement. ​​☐​ We have documented evidence and records of the workers’ representative(s) elections ​​☐​ Other:        |
| d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.5. | Documents, records or policies, etc. that show compliance with this FSC core labour requirement are as follows:  ​​☐​ Organizational policies ​​☐​ Collective bargaining agreement ​​☐​ Minutes or documents from meetings related to the development of the collective bargaining agreement ​​☐​Documented evidence and records of the workers’ representative(s) elections ​​☐​  Other/further details          |
| 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 organization that encompasses Clause 7.5. | ☐ See attached policies, statements, etc.  ☐ See online public policies at:       ☐ Other:        |

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

FSC has provided the following open questions that may be helpful to the organization 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 organization’s facility, including the organization’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 statutory, legal, or regulated minimum age at the place of your operations?
* 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?
* If there are legal or regulatory restriction which to your understanding would limit your ability to comply with the requirement, describe how you mitigate those limitations.
* If you employ workers below the age of 18, describe what measures you have taken to ensure that they don’t perform hazardous or heavy work. If there are a requirement for training and education, indicate supporting documents.
* 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 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 there are no employment fees deducted, or payments or deposits made to commence employment?
* How do you ensure that the workers do not experience any form of mobility restriction?
* How do you ensure that the workers have access to their passports and identification documents at all times while at the same time offering a safe place for storing the documents?
* How do you ensure that there are no threats of denouncing workers to the authorities?
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| **Discrimination** | * How do you ensure that wages and other working conditions are non-discriminatory?
* Is there gender/age ratio parity?
* Do you have an ethnically diverse workforce?
* Do you have policies about non-discrimination?
* Do you ensure all employees have equal opportunity for promotion?
* How do you ensure applicants have equal opportunity for employment?
* If there are legal or regulatory restriction which to your understanding would limit your ability to comply with these requirements, describe how you mitigate these restrictions?
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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 workers are represented by a union, is the union autonomous and independent?
* What forms of worker representation other than unions exist at the site?
* Are there collective bargaining agreements in place that cover workers, and if so, how do you ensure compliance with such agreements?
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