

FSC self-assessment for FSC core labour requirements – Malaysia

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Introduction

This self-assessment is designed for all FSC Chain of Custody (CoC) Certificate Holders (CHs) in Malaysia. With the publication of [FSC-STD-40-004 V3-1](#), FSC CoC CHs are required to complete a self-assessment of their conformance to FSC core labour requirements as part of their annual audit.

All organisations must conform with the FSC core labour requirements by **31 December 2022**.

The self-assessment is designed to give FSC CoC CHs the ability to efficiently identify and document measures that demonstrate conformance with the FSC core labour requirements stipulated in [FSC-STD-40-004 V3-1](#), namely:

▪ 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	Clause 7.5

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

▪ 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

The organisation may demonstrate conformance with other certifications schemes as evidence of conformity to FSC core labour requirements (Clause 1.11)¹.

The certification body (CB) 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 conformance with applicable laws to assist the auditor in completing the audit. Organisations should submit a completed and signed self-assessment to their certification body prior to their scheduled audit.

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.

Who does the FSC core labour requirements apply to?

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. Read more in the [FSC Core Labour Requirements FAQ](#).

The use of the self-assessment

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 with FSC requirements.

To further assist CHs, the following information has been appended to this template:

- Malaysia's signatory to five (5) of the eight (8) fundamental [ILO Conventions](#) (Annex A).
- Summary of applicable legislation in Malaysia related to FSC Core Labour Requirements (Annex B).
- Examples of questions to answer when completing the self-assessment (Annex C).

Laws and legislations

Central to the FSC core labour requirements is their relationship with applicable national laws. At all times, organisations are expected to comply with applicable national laws. However, in some situations, national law may allow action that is prohibited by the FSC core labour requirements or gives rights to the organisation that may result in behaviour that contravenes the principles of the FSC core labour requirements. In those situations, the organisation is expected to give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the requirements. How to achieve that balance is not always clear and is best accomplished by an explanation offered by the certificate holder in the self-assessment. In rare cases, the response may require an analysis regarding compliance with applicable national laws to provide clarity to the CB, and that analysis should be included as part of the response.

While national legislation of Malaysia supports the general FSC requirements, organisations must still provide practical examples of how the organisation ensures conformance with the requirements (e.g., listing relevant laws is not sufficient) when completing the self-assessment.

Certificate holders may reference additional laws or sources of information which are not included in this template and must still provide practical examples of how the organisation conforms with the FSC core labour requirements.

Declaration

The organisation shall declare on the self-assessment that the statements are true and correct to the best available knowledge. If an organisation knowingly makes false statements on its self-assessment, this 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.

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

Version History

Version	Date	Comment
1.0	08.03.2022	Publication

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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.

.....
Signature of authorised signatory

.....
Date

.....
Organisation name

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Child Labour

Reference: [Children and Young Persons \(Employment\) Act 1966 \(As at 1 October 2019\)](#)

Requirement	Questions and additional Requirements	Answer and evidence
<p>7.2 The organisation shall not use child labour.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7.2.4 The organisation shall prohibit the worst forms of child labour.</p>	<p>a) Does your organisation comply with Clause 7.2?</p> <p>If yes, continue at c).</p>	<p><input type="checkbox"/> Yes, I conform with the FSC core labour requirements, and this is supported by applicable federal and state legislation that addresses this requirement.</p> <p><input type="checkbox"/> No, see b)</p>
	<p>b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.2.</p>	
	<p>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.</p>	<p>I can demonstrate conformance in the following ways:</p> <p><input type="checkbox"/> Upon initial hiring, our organisation maintains records of each employee's date of birth and identity documents (e.g., birth certificates or national identity cards) to ensure that there are no employees hired below the minimum regulated age. This process demonstrates that we meet the FSC core labour requirement.</p> <p><input type="checkbox"/> Other (please specify):</p>
	<p>d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.2.</p>	<p>Documents, records, or policies, etc. that demonstrate conformance with this FSC core labour requirement are as follows:</p> <p><input type="checkbox"/> Individual Employment Records</p> <p><input type="checkbox"/> Other (please specify):</p>
	<p>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.</p>	

Requirement	Questions and additional Requirements	Answer and evidence
	f) Attach a policy statement, or statements, made by your organisation that encompasses Clause 7.2.	<input type="checkbox"/> See attached policies, statements, etc. <input type="checkbox"/> See online public policies at: <input type="checkbox"/> Other (please specify):

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Forced Labour

As at the date of this document, ILO member states that have not ratified ILO Convention No. 105 “Abolition of Forced Labour Convention, 1957” are: Brunei Darussalam, China, Japan, Lao, Marshall Islands, Myanmar, Palau, South Korea, Timor-Leste, Tonga, and Tuvalu. In addition, two (2) member states ratified and denounced the convention: Malaysia and Singapore.

Requirement	Questions and additional Requirements	Answer and evidence
<p>7.3 The organisation shall eliminate all forms of forced and compulsory labour.</p> <p>7.3.1 Employment relationships are voluntary and based on mutual consent, without the threat of a penalty.</p> <p>7.3.2 There is no evidence of any practices indicative of forced or compulsory labour, including, but not limited to, the following:</p> <ul style="list-style-type: none"> • 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. 	<p>a) Does your organisation comply with Clause 7.3?</p> <p>If yes, continue at c).</p>	<p><input type="checkbox"/> Yes, I conform with the FSC core labour requirements, and this is supported by applicable federal and state legislation that addresses this requirement.</p> <p><input type="checkbox"/> No, see b)</p>
	<p>b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.3?</p>	
	<p>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?</p>	<p>I can demonstrate conformance in the following ways:</p> <p><input type="checkbox"/> We have a policy on the prohibition of forced labour, which demonstrates that we meet this FSC core labour requirement.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Other (please specify):</p>
	<p>d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.3.</p>	<p>Documents, records, or policies, etc. that demonstrate conformance with this FSC core labour requirement are as follows:</p> <p><input type="checkbox"/> Policy on the prohibition of forced labour</p> <p><input type="checkbox"/> Employment offer letters/work agreements/contracts</p>

Requirement	Questions and additional Requirements	Answer and evidence
		<input type="checkbox"/> Other (please specify):
	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.	<input type="checkbox"/> See attached policies, statements, etc. <input type="checkbox"/> See online public policies at: <input type="text"/> <input type="checkbox"/> Other (please specify):

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Discrimination in Employment and Occupation

The concept of equal opportunity and anti-discrimination is contained in the Federal Constitution of Malaysia. However, in practice, various forms of discrimination have regularly surfaced in the public domain, including those relating to gender², ethnicity, minority groups and persons with disabilities.

Requirement	Questions and additional Requirements	Answer and 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.	a) Does your organisation comply with Clause 7.4? If yes, continue at c).	<input type="checkbox"/> Yes, I conform with the FSC core labour requirements, and this is supported by applicable federal and state legislation that addresses this requirement. <input type="checkbox"/> 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.	I can demonstrate conformance in the following ways: <input type="checkbox"/> We have an equal opportunity policy, which demonstrates that we meet this FSC core labour requirement. <input type="checkbox"/> Our Employment offer letters/ work agreements/ contracts include an equal opportunity statement, which demonstrates that we meet this FSC core labour requirement. <input type="checkbox"/> Our job announcements have an equal opportunity statement, which demonstrates that we meet this FSC core labour requirement. <input type="checkbox"/> Other (please specify):

² The Global Gender Gap index score for Malaysia in 2021 was 0.68. The Global Gender Gap Index measures the gap between men and women across four fundamental categories (subindexes): Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment. The index value ranges between 1 (parity) and 0 (imparity). Malaysia has one of the biggest gender gap in South-east Asia (Malaysia ranks 16 of 20 in the East Asia and the Pacific region). (Source: https://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

Requirement	Questions and additional Requirements	Answer and evidence
	<p>d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.4.</p>	<p>Documents, records, or policies, etc. that demonstrate conformance with this FSC core labour requirement are as follows:</p> <p><input type="checkbox"/> Equal opportunity policy</p> <p><input type="checkbox"/> Employment offer letters/work agreements/contracts</p> <p><input type="checkbox"/> Job advertisements</p> <p><input type="checkbox"/> Other (please specify):</p>
	<p>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.</p>	
	<p>f) Attach a policy statement, or statements, made by your organisation that encompasses Clause 7.4.</p>	<p><input type="checkbox"/> See attached policies, statements, etc.</p> <p><input type="checkbox"/> See online public policies at: </p> <p><input type="checkbox"/> Other (please specify):</p>

Freedom of Association and the Right to Collective Bargaining

Requirement	Questions and additional Requirements	Answer and evidence
<p>7.5 The organisation shall respect freedom of association and the effective right to collective bargaining.</p> <p>7.5.1 Workers are able to establish or join worker organisations of their own choosing.</p> <p>7.5.2 The organisation respects the full freedom of workers' organisations to draw up their constitutions and rules.</p> <p>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.</p> <p>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.</p> <p>7.5.5 Collective bargaining agreements are implemented where they exist.</p>	<p>a) Does your organisation comply with Clause 7.5?</p> <p>If yes, continue at c).</p>	<p><input type="checkbox"/> Yes, I conform with the FSC core labour requirements, and this is supported by applicable federal and state legislation that addresses this requirement.</p> <p><input type="checkbox"/> No, see b)</p>
	<p>b) If the answer is no to a) above, please describe how or why your organisation does not comply with Clause 7.5.</p>	
	<p>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.</p>	<p>I can demonstrate conformance in the following ways:</p> <p><input type="checkbox"/> We have organisational policies, which demonstrates that we meet this FSC core labour requirements.</p> <p><input type="checkbox"/> Our collective bargaining agreement demonstrates that we meet this FSC core labour requirement.</p> <p><input type="checkbox"/> We have minutes or documents from meetings related to the development of the collective bargaining agreement.</p> <p><input type="checkbox"/> We have documented evidence and records of the workers' representative(s) elections.</p> <p><input type="checkbox"/> Other (please specify):</p>
	<p>d) Identify any documents or other records (and their location) that you rely upon to verify compliance with Clause 7.5.</p>	<p>Documents, records, or policies, etc. that show conformance with this FSC core labour requirement are as follows:</p> <p><input type="checkbox"/> Organisational policies</p> <p><input type="checkbox"/> Collective bargaining agreement</p>

Requirement	Questions and additional Requirements	Answer and evidence
		<input type="checkbox"/> Minutes or documents from meetings related to the development of the collective bargaining agreement <input type="checkbox"/> Documented evidence and records of the workers' representative(s) elections <input type="checkbox"/> Other (please specify):
	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.	<input type="checkbox"/> See attached policies, statements, etc. <input type="checkbox"/> See online public policies at: <input type="text"/> <input type="checkbox"/> Other (please specify):

Annex A:
Malaysia's signatory to five (5) of the eight (8) fundamental ILO Conventions

ILO Convention	Ratification	Status
C029 - Forced Labour Convention, 1930 (No. 29)	11 Nov 1957	In force
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	05 Jun 1961	In force
C100 - Equal Remuneration Convention, 1951 (No. 100)	09 Sep 1997	In force
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	13 Oct 1958	Not in force – denounced on 10 Jan 1990
C138 - Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 15 years</i>	09 Sep 1997	In force
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	10 Nov 2000	In force

Annex B:
Summary of applicable legislation in Malaysia related to the FSC core labour requirements

Peninsular Malaysia	Sabah	Sarawak
<ul style="list-style-type: none"> • Children and Young Persons (Employment) Act, 1966 • Employees' Social Security Act, 1969 • Employment Act, 1955 • Human Rights Commission of Malaysia Act, 1999 • Immigration Act 1959/63 • Industrial Relations Act, 1967 • Minimum Wages Order, 2020 • Trade Unions Act, 1959 (Act 262) • Workmen's Compensation Act, 1952 	<ul style="list-style-type: none"> • Employees' Social Security Act, 1969 • Human Rights Commission of Malaysia Act, 1999 • Immigration Act 1959/63 • Industrial Relations Act, 1967 • Labour Ordinance (Sabah Cap. 67) • Minimum Wages Order, 2020 • Trade Unions Act, 1959 (Act 262) • Workmen's Compensation Act, 1952 	<ul style="list-style-type: none"> • Employees' Social Security Act, 1969 • Human Rights Commission of Malaysia Act, 1999 • Immigration Act 1959/63 • Industrial Relations Act, 1967 • Labour Ordinance, 1952 (Sarawak Cap. 76) • Minimum Wages Order, 2020 • Trade Unions Act, 1959 (Act 262) • Workmen's Compensation Act, 1952

Annex C: 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.

Category	Question
Child Labour	<ul style="list-style-type: none"> (i) What is the statutory, legal, or regulated minimum age at the place of your operations? (ii) What measures have you taken to ensure that child labour is not used in your operations? (iii) 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? (iv) 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. (v) 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. (vi) 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	<ul style="list-style-type: none"> (i) Describe your recruitment and contracting practices to show compliance with this principle. (ii) 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? (iii) How do you ensure that there are no employment fees deducted, or payments or deposits made to commence employment? (iv) How do you ensure that the workers do not experience any form of mobility restriction? (v) 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? (vi) How do you ensure that there are no threats of denouncing workers to the authorities?

Category	Question
Discrimination	<ul style="list-style-type: none"> (i) How do you ensure that wages and other working conditions are non-discriminatory? (ii) Is there gender/age ratio parity? (iii) Do you have an ethnically diverse workforce? (iv) Do you have policies about non-discrimination? (v) Do you ensure all employees have equal opportunity for promotion? (vi) How do you ensure applicants have equal opportunity for employment? (vii) 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?
Freedom of Association and the Right to Collective Bargaining	<ul style="list-style-type: none"> (i) 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. (ii) If workers are represented by a union, is the union autonomous and independent? (iii) What forms of worker representation other than unions exist at the site? (iv) Are there collective bargaining agreements in place that cover workers, and if so, how do you ensure compliance with such agreements?