**FSC self-assessment for FSC core labour requirements –
Japan**

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| This tool is designed for all FSC Chain of Custody (CoC) Certificate Holders (CHs) in Japan. With the revision of FSC-STD-40-004 V3-1, CH’s are required to complete a self-assessment of their conformance to FSC core labor requirements (hereinafter: self-assessment) as part of their annual audit.The standard FSC-STD-40-004 V3-1 has a transition period from September 1, 2021 to December 31, 2022. All CoC certificate holders must comply with the FSC core labor requirements by the end of the transition period. |

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

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.

Certificate holders and organizations wishing to become certified are not required to use this template self-assessment but would need to substitute with a similar tool. The use of this template does not guarantee conformity with the FSC core labour requirements. Please also refer to FSC Japan Controlled Wood National Risk Assessment Indicator 2.2 to review relevant laws and issues especially in the forestry sector. While national laws closely align with the FSC requirements, organizations must still provide practical examples of how the organization complies with the requirements (e.g. listing relevant laws is not sufficient). Organizations must submit a completed and signed self-assessment to their certification body prior to the scheduled audit. The template was prepared by FSC Japan. For further clarification, you can contact FSC Japan from the online inquiry form.

The organization shall declare on the self-assessment that the statements are true and correct to the best available knowledge. The organization knowingly making false statements on its self-assessment 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.

**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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**Child Labour**

In Japan, child labor often becomes an issue in the sex industry. In industries related to FSC, there are cases when children accept a job in the construction industry after graduating from junior high school and engage in hazardous or heavy work, despite the age restrictions for such work.

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| **Requirement**  | **Questions**  | **Common examples of evidence**  | **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).  |  |  |
| 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.  | * Labor contracts (including contracts with temporary staffing agencies)/ Notices of working conditions
* Employment policies, employment procedures, age verification procedures, etc.
* Age verification procedures when enrolling in social insurance or undergoing medical check-ups
* Age restrictions when obtaining qualifications required for work
* Identification documents of employees, including part-time workers and foreign technical interns (e.g., driver's license, My Number card, certificate of residence registration)
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| 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 organization that encompasses Clause 7.2.  |  |  |

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### Forced Labour

Of the eight ILO Core Labour Standards Conventions, No. 105, the Abolition of Forced Labour Convention, has not been ratified by Japan. This is because the National Public Service Act and the Local Public Service Act prohibit the right of public servants to dispute, including strikes, and prison labor with imprisonment for violation of these laws is considered to be forced labor.

Forced labor is prohibited by the Labor Standards Act, and had not been a major problem in Japan until recently, while Japanese companies are often poorly rated for the practice of controlling forced labor in its global supply chain.

In recent years, however, it has become an issue that foreign workers are being forced to work under poor working conditions as simple labor force under the guise of technical training under the Foreign Technical Intern Training System. As a result, the system has been criticized as a modern-day slavery system domestically and internationally. Foreign technical interns are sometimes exploited under very poor working conditions with low wages and long working hours, and there have been frequent reports of cases violating the Labor Standards Act. They are often subjected to surveillance, restrictions on movement and physical and sexual violence by their employers. In some cases, they are indebted and fall into debt labor under contracts with dispatch agencies or agents.

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| **Requirement**  | **Questions**  | **Common examples of evidence**  | **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). |  |  |
| 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? | * Policy on Prohibition of Forced Labor
* Labor contracts (including contracts with temporary staffing agencies)/Notices of working conditions
* Work regulations
* Salary/payment records
* Dispute and grievance procedures and records
* Audit records and reports by the Labor Standards Inspection Office
* Contracts and memoranda of understanding with staffing agencies
* Recruitment procedures (proof of application by employee)
* Hours worked records
* Overtime payment records
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| 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 organization that encompasses Clause 7.3.  |  |  |

**Discrimination in Employment and Occupation**

Of the eight ILO core conventions, Japan has not ratified the C111 Discriminatory Treatment (Employment and Occupation) Convention, 1958, although elimination of discrimination is stipulated by relevant law.

From a global perspective, Japan suffers a serious gender disparity. In the Gender Gap Index 2021 published by the World Economic Forum, Japan ranks 120th out of 156 countries, the lowest among developed countries[[1]](#footnote-1). In the economic field, the low score is due to the low percentage of women in management positions (14.7%), the fact that while 72% of women are in the labor force, the percentage of women in part-time positions is almost double that of men, and the fact that the average income of women is 43.7% lower than that of men.

The unreasonable difference in treatment between regular workers (full-time workers with non-fixed-term employment) and non-regular workers (fixed-term workers, part-time workers, and dispatched workers), who are more common among women, has long been subject of dispute. In order to solve this problem, laws (Part-time and Fixed-term Employment Act, Worker Dispatch Act) have been amended to realize equal pay for equal work and have already been enforced from April 1, 2020 or April 1, 2021. Currently, it is prohibited to have unreasonable differences in treatment between regular and non-regular workers.

Other possible forms of discrimination in employment and occupation include discrimination against the Ainu peoples, Buraku people, Korean residents in Japan, foreigners, and sexual minorities (LGBT), but these are not considered a major issue. In particular, discrimination against the Ainu peoples and the Buraku people was historically a serious problem, but it is now greatly improved and is no longer considered common.

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| **Requirement**  | **Questions**  | **Common examples of evidence**  | **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).  |  |  |
| 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.  | * Work regulations
* Labor contracts (including contracts with temporary staffing agencies)/notices of working conditions
* Salary/wage payment records
* Salary regulations, etc. that stipulates how salaries are set
* Personnel evaluation records
* Audit records and reports by the Labor Standards Inspection Office
* Job advertisements
* Job application records
* Procedures and records of handling complaints from employees
* Maternity and childcare leave systems in place and their utilization
* Initiatives for gender equality, against sexual harassment, and maternal harassment
* Employment statistics, male to female ratio of employees by industry and occupation
* Policy on social responsibility
* Anti-discrimination policy
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| 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.  |  |  |

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

In contrast to labor unions in Western countries, where unions are organized by occupation or industry and assumes individual membership, labor unions in Japan are characterized by organization by enterprises or office and by the collective membership of regular employees. Such enterprise-based labor unions tend to be affiliated with a national umbrella organization by industry or region. However, because each union has their own constitution, policies, finances, and officers, their perspective tends to be limited to within the company, making it difficult for them to engage in cross-sectional negotiations or joint class action beyond the boundaries of the company.

Since labor unions are organized at the enterprise level, the majority of the members work for large enterprises, and workers in small and medium enterprises often have no union to join. Collective bargaining by the Japanese unions are also typically more cooperative than antagonistic. In many companies, prior to collective bargaining, a preliminary negotiation is held between the unions and the management to have a common understanding of the company's situation and exchange opinions to discuss about major working conditions and other issues. The percentage of workers who are members of labor unions has been declining, and is now less than 20% of all workers[[2]](#footnote-2). The number of labor disputes has also kept decreasing[[3]](#footnote-3). Labor-management conflicts used to develop into large-scale strikes from the 1940s to 1980s, but they are rare today.

On the other hand, as the number of workers engaged in non-regular employment has been increasing and the difference in treatment between non-regular and regular workers becomes an issue. To accommodate non-regular workers, who are in a weaker position, to negotiate collectively for better treatment, there has been an increase in the number of company-based unions whose membership is not limited to regular employees, and joint labor unions that organize non-regular workers beyond the boundaries of the company.

According to Article 36 of the Labor Standards Law, when ordering workers to work overtime or on holidays in excess of the statutory working hours, an agreement must be concluded between a representative of the workplace (president, factory manager, branch manager, etc.) and a worker representing a majority of the employees at the workplace (the labor union organized by the majority, if any), and the agreement must be reported to the Labor Standards Inspection Office. Based on this provision, it is common for Japanese companies without labor unions to have a labor-management agreement called a 36 agreement. However, since there are many 36 agreements that are only signed by worker representatives as a token, the existence of the 36 agreement itself does not necessarily evidence a proper implementation of collective bargaining between labor and management.

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| **Requirement**  | **Questions**  | **Common examples of evidence**  | **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).  |  |  |
| 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  | * Organization Policy
* Work regulations
* Labor contracts (including contracts with temporary staffing agencies)/ Work condition notices
* Grievance procedures and records
* Collective agreements/labor-management agreements (including 36 agreements and 36 agreement notifications)
* Minutes and activity records of labor unions/staff associations, etc.
* Opportunities for worker representatives to discuss the work environment, working conditions, etc. with management and minutes of such discussions
* Records of the election of worker representatives
* Audit records and reports by the Labor Standards Inspection Office
* Records/evidence of the implementation of negotiated agreements
* Documents for workers explaining that they are free to establish or join a labor union
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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 organization that encompasses Clause 7.5.  |  |  |

### 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**  | 1. What is the minimum age of the workers employed?
2. What measures have you taken to ensure that child labour is not used in your operations?
3. 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?
4. Are there any hazardous operations in your company that under-age workers are not allowed to engage in? If so, explain how you restrict under-age workers from engaging in those tasks. If training or education is required, provide documentation to support this.
5. 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** | 1. Describe your recruitment and contracting practices to show compliance with this principle.
2. Do you use foreign technical interns?
3. 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?
4. How do you ensure that there are no employment fees deducted, or payments or deposits made to commence employment?
5. How do you ensure that the workers do not experience any form of mobility restriction?
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| **Discrimination**  | 1. How do you ensure that wages and other working conditions are non-discriminatory?
2. Is there any bias in the ratio of gender, age, etc.?
3. Do you have policies about non-discrimination?
4. How do you ensure all employees are evaluated fairly and have equal opportunity for promotion?
5. How do you ensure applicants have equal opportunity for employment?
6. How do you take into account the diversity of workers 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**  | 1. 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.
2. If workers are represented by a union, is the union autonomous and independent?
3. 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 (including 36 agreement)? If so, how do you ensure compliance with such agreements?
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**Relevant National law crosswalk**

This section is intended to be a guide for the completing the self-assessment for Japan. In particular, the national legislation has been analyzed with reference to the FSC core labour requirements. Japanese legislation has not ratified some of the core conventions of the International Labour Organization. It is important to note that although most aspects of FSC Core Labour Requirements are generally covered by national legislation, that requirements are not automatically met. We therefore invite organizations and certification bodies to consider the evidence used on the basis of the risks identified by this document

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| **FSC requirements** | **National legislation** | **Issues/risks identified** |
| **Child Labor**  |
| 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.  | * Labor Standards Act Article 56
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| 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 regulations. | * Labor Standards Act Article 62 & 70
* Ordinance for Enforcement of the Labor Standards Act, Article 34
* Regulations on Labor Standards for Minors, Article 8 & 9.
 | Engagement in hazardous or heavy work by minors in the construction industry etc. |
| 7.2.4 The organization shall prohibit the worst forms of child labour.  | * The Constitution of Japan, Article 27 Paragraph 3
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| **Forced Labor**  |
| 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.  | * Labor Standards Act, Article 5
 |  |
| 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.
 | * The Constitution of Japan, Article 18
* Labor Standards Act Article 14, 16, 17, 18
 | Human rights violations against foreign technical interns |
| **Discrimination in Employment and Occupation** |
| 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.  | * The Constitution of Japan Article 14
* Labor Standards Act Article 3, 4, 65, 66, 67
* Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment, Article 5, 6, 9
* Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers, Article 8-12
* Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers, Article 30-3
 | Discrimination based on gender Sexual harrassment and maternity harrassmentDiscrimination against Buraku people Discrimination against Ainu Peoples Discrimination against foreigners Discrimination against non-regular workers |
| **Freedom for Association and ad the Right to Collective Bargaining** |
| 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.  | * The Constitution of Japan, Article 28
* Labor Union Act, Article 6
 |  |
| 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.  | * Labor Union Act, Article 7
 | Discrimination against workers engaged in labor union activities |
| 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.  | Superficial collective bargaining by yellow unions36 Agreements prepared by employers just for show |
| 7.5.5 Collective bargaining agreements are implemented where they exist.  | * Labor Union Act, Article 14
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1. <https://www.weforum.org/reports/global-gender-gap-report-2021> [↑](#footnote-ref-1)
2. <https://www.oecd.org/employment/emp/collective-bargaining-Japan.pdf> [↑](#footnote-ref-2)
3. <https://www.mhlw.go.jp/toukei/list/dl/14-r01-02.pdf> [↑](#footnote-ref-3)