FSC Canada – Autoévaluation des exigences fondamentales de FSC en matière de travail

Cette autoévaluation s’adresse aux détenteurs de certificat de chaîne de traçabilité (CoC) FSC du Canada afin de démontrer leur conformité aux exigences fondamentales de FSC en matière de travail. La publication de FSC-STD-40-004 V3-1 FR demande à ce que tous les détenteurs de certificat complète une autoévaluation et se conforme aux exigences fondamentales de FSC en matière de travail d’ici le 31 décembre 2022.

L’organisme certificateur utilisera l’autoévaluation pour orienter l’audit et vérifier la conformité avec la norme. La connaissance qu’a l’organisation de ses opérations et de sa conformité aux lois en vigueur est utilisée dans le processus pour appuyer l’auditeur dans son travail. Les organisations devraient soumettre une auto-évaluation complétée à leur organisme de certification avant l'audit prévu.

Les détenteurs de certificat et les organisations qui veulent être certifiées n’ont pas l’obligation d’utiliser cette autoévaluation, mais doivent alors lui substituer un outil similaire afin de se conformer aux exigences du FSC. L’utilisation du modèle proposé ici ne garantit pas par ailleurs la conformité aux exigences fondamentales de FSC en matière de travail – la responsabilité de se conformer continue de reposer sur l’organisation.

Pour orienter les détenteurs de certificat, les éléments suivants ont été joints en annexe du présent document :

* Les huit Conventions fondamentales de l’OIT ratifiées par le Canada (annexe 1).
* La synthèse de la législation en vigueur au Canada concernant les exigences fondamentales de FSC en matière de travail (annexe 2).
* Des exemples de questions utiles à se poser pour réaliser l’autoévaluation (annexe 3).

Les détenteurs de certificat peuvent se rapporter à d’autres lois et sources d’information en plus de celles fournies ici, et doivent donner des exemples concrets illustrant comment leur organisation se conforme aux exigences fondamentales de FSC en matière de travail.

L’autoévaluation a été préparée par FSC Canada. Si vous avez des questions ou des commentaires sur celles-ci, écrivez à info@ca.fsc.org.

**Historique des versions**

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| **Version**  | **Date**  | **Comment****aire**  |
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 Autoévaluation des exigences fondamentales de FSC en matière de travail

**Attestation :** Je soussignée(e) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, affirme par la présente que les déclarations suivantes sont exactes et correctes au vu des meilleures informations dont je dispose, et reconnais qu’une déclaration fausse à dessein pourra donner lieu à la suspension ou à la résiliation du certificat, ou à la non-délivrance du certificat.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Organisation

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

Tableau A : Travail des enfants

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| **Exigence** | **Questions et exigences complémentaires** | **Réponse et preuve** |
| 7.2 L’organisation ne doit pas faire travailler des enfants.7.2.1 L’organisation ne doit pas employer de travailleurs âgés de moins de 15 ans, ou en dessous de l’âge minimum tel qu’indiqué par les lois ou réglementations nationales ou locales, l’âge le plus élevé prévalant, à l’exception de 7.2.2.7.2.2 Dans les pays où la législation ou la réglementation nationale autorise l’emploi de personnes âgées de 13 à 15 ans à des travaux légers, cet emploi ne devrait pas interférer avec la scolarité ni nuire à leur santé ou à leur développement. En particulier, lorsque les enfants sont soumis à la législation sur l’éducation obligatoire, ils ne doivent travailler qu’en dehors des heures de classe pendant les heures normales de travail.7.2.3 Aucune personne âgée de moins de 18 ans ne peut être employée à des travaux dangereux ou lourds, sauf dans le cadre d’une formation dans le cadre des lois et règlements nationaux approuvés.7.2.4 L’organisation doit interdire les pires formes de travail des enfants. | a) Votre organisation respecte-t-elle la clause 7.2?Si oui, passez à c).  | [ ]  Oui, je suis conforme à la législation en vigueur (annexe 2) concernant cette exigence fondamentale en matière de travail.[ ]  Non – Passez à b). |
| b) Si vous avez répondu par la négative à la question a) ci-dessus, indiquez pourquoi ou en quoi votre organisation ne respecte pas la clause 7.2. |  |
| c) Pour les personnes que vous employez sur le ou les sites détenant le certificat, décrivez comment votre organisation sait que la clause 7.2 est respectée. | Je peux prouver ma conformité ainsi :[ ]  À l’embauche initiale, notre organisation consigne la date de naissance de chaque employé pour s’assurer que l’âge minimum réglementaire est respecté. Cette procédure atteste notre conformité à l’exigence fondamentale de FSC en matière de travail.[ ]  Autre (préciser) :  |
| d) Identifiez tout document ou autre registre (et où ils se trouvent) sur lesquels vous vous fondez pour vérifier le respect de la clause 7.2. | Documents, registres, politiques, etc., qui prouvent la conformité avec cette exigence fondamentale de FSC en matière de travail, par exemple :[ ]  Dossiers d’emploi individuels[ ]  Autre (préciser) : |
| e) Identifiez toute autre obligation légale qui, d’après vous, pourrait avoir une incidence sur votre capacité à respecter la clause 7.2. Décrivez ces obligations et la manière dont elles influent sur votre capacité à respecter la clause 7.2.  |  |
| f) Joignez la ou les déclarations de politiques rédigées par votre organisation et correspondant à la clause 7.2. | [ ]  Voir les politiques, déclarations et autres documents joints.[ ]  Consulter les politiques en ligne à cette adresse :[ ]  Autre (préciser) : |

Tableau B : Travail forcé

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| **Exigence** | **Questions et exigences complémentaires** | **Réponse et preuve** |
| 7.3 L’organisation doit éliminer toutes les formes de travail forcé et obligatoire.7.3.1 Les relations de travail sont volontaires et basées sur le consentement mutuel, sans menace de sanction.7.3.2 Il n’y a aucune preuve de pratiques indiquant un travail forcé ou obligatoire, y compris, mais sans s’y limiter, les suivantes :* violence physique et sexuelle;
* travail en servitude;
* retenue de salaire, paiement des frais d’emploi et/ou paiement d’un dépôt pour commencer à travailler;
* restriction de mobilité ou de mouvement;
* confiscation du passeport et des documents d’identité;
* menaces de dénonciation aux autorités.
 | a) Votre organisation respecte-t-elle la clause 7.3?Si oui, passez à c). | [ ]  Oui, je suis conforme à la législation en vigueur (annexe 2) concernant cette exigence fondamentale en matière de travail.[ ]  Non – Passez à b). |
| b) Si vous avez répondu par la négative à la question a) ci-dessus, indiquez pourquoi ou en quoi votre organisation ne respecte pas la clause 7.3. |  |
| c) Pour les personnes que vous employez sur le ou les sites détenant le certificat, décrivez comment votre organisation sait que la clause 7.3 est respectée. | Je peux prouver ma conformité ainsi :[ ]  Nous avons une politique interdisant le travail forcé, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Notre lettre d’emploi, entente de travail ou contrat d’embauche indique que l’employé peut quitter son emploi sur préavis à l’employeur, et donc que nous respectons l’exigence fondamentale de FSC en matière de travail.[ ]  Autre (préciser) : |
| d) Identifiez tout document ou autre registre (et où ils se trouvent) sur lesquels vous vous fondez pour vérifier le respect de la clause 7.3. | Documents, registres, politiques, etc., qui prouvent la conformité avec cette exigence fondamentale de FSC en matière de travail, par exemple :[ ]  Politique interdisant le travail forcé[ ]  Lettre d’emploi, entente de travail ou contrat d’embauche[ ]  Autre (préciser) : |
| e) Identifiez toute autre obligation légale qui, d’après vous, pourrait avoir une incidence sur votre capacité à respecter la clause 7.3. Décrivez ces obligations et la manière dont elles influent sur votre capacité à respecter la clause 7.3. |  |
| f) Joignez la ou les déclarations de politiques rédigées par votre organisation et correspondant à la clause 7.3. | [ ]  Voir les politiques, déclarations et autres documents joints.[ ]  Consulter les politiques en ligne à cette adresse :[ ]  Autre (préciser) : |

Tableau C : Discrimination dans l’emploi ou la profession

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| **Exigence** | **Questions et exigences complémentaires** | **Réponse et preuve** |
| 7.4 L’organisation doit s’assurer qu’il n’y a pas de discrimination en matière d’emploi et de profession.7.4.1 Les pratiques en matière d’emploi et de profession sont non discriminatoires. | a) Votre organisation respecte-t-elle la clause 7.4?Si oui, passez à c). | [ ] Oui, je suis conforme à la législation en vigueur (annexe 2) concernant cette exigence fondamentale en matière de travail.[ ] Non – Passez à b). |
| b) Si vous avez répondu par la négative à la question a) ci-dessus, indiquez pourquoi ou en quoi votre organisation ne respecte pas la clause 7.4. |  |
| c) Pour les personnes que vous employez sur le ou les sites détenant le certificat, décrivez comment votre organisation sait que la clause 7.4 est respectée. | Je peux prouver ma conformité ainsi :[ ]  Nous avons une politique d’égalité des chances, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Notre lettre d’emploi, entente de travail ou contrat d’embauche comprend une déclaration sur l’égalité des chances, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Nos offres d’emploi comprennent une déclaration sur l’égalité des chances, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Autre (préciser) : |
| d) Identifiez tout document ou autre registre (et où ils se trouvent) sur lesquels vous vous fondez pour vérifier le respect de la clause 7.4. | Documents, registres, politiques, etc., qui prouvent la conformité avec cette exigence fondamentale de FSC en matière de travail, par exemple :[ ]  Politique d’égalité des chances[ ]  Lettre d’emploi, entente de travail ou contrat d’embauche[ ]  Offres d’emploi[ ]  Autre (préciser) : |
| e) Identifiez toute autre obligation légale qui, d’après vous, pourrait avoir une incidence sur votre capacité à respecter la clause 7.4. Décrivez ces obligations et la manière dont elles influent sur votre capacité à respecter la clause 7.4. |  |
| f) Joignez la ou les déclarations de politiques rédigées par votre organisation et correspondant à la clause 7.4. | [ ]  Voir les politiques, déclarations et autres documents joints.[ ]  Consulter les politiques en ligne à cette adresse :[ ]  Autre (préciser) : |

Tableau D : Liberté d’association et droit de négociation collective

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| **Exigence** | **Questions et exigences complémentaires** | **Réponse et preuve** |
| 7.5 L’organisation doit respecter la liberté d’association et le droit de négociation collective.7.5.1 Les travailleurs sont en mesure d’établir ou de s’affilier à des organisations de travailleurs de leur choix.7.5.2 L’organisation respecte l’entière liberté des organisations de travailleurs d’élaborer leurs règles et constitutions.7.5.3 L’organisation respecte le droit des travailleurs à se livrer à des activités licites liées à la formation, l’adhésion ou l’appui à une organisation de travailleurs, ou de s’abstenir de le faire, et ne discriminera ni ne sanctionnera les travailleurs pour l’exercice de ces droits.7.5.4 L’organisation négocie de bonne foi avec des organisations de travailleurs légalement établies et/ou leurs représentants dûment sélectionnés et produit les meilleurs efforts pour parvenir à un accord de négociation collective.7.5.5 Les conventions collectives sont appliquées lorsqu’elles existent. | a) Votre organisation respecte-t-elle la clause 7.5? Si oui, passez à c). | [ ]  Oui, je suis conforme à la législation en vigueur (annexe 2) concernant cette exigence fondamentale en matière de travail.[ ]  Non – Passez à b). |
| b) Si vous avez répondu par la négative à la question a) ci-dessus, indiquez pourquoi ou en quoi votre organisation ne respecte pas la clause 7.5. |  |
| c) Pour les personnes que vous employez sur le ou les sites détenant le certificat, décrivez comment votre organisation sait que la clause 7.5 est respectée. | Je peux prouver ma conformité ainsi :[ ]  Nous avons des politiques organisationnelles, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Nous avons une convention collective, ce qui prouve que nous respectons cette exigence fondamentale de FSC en matière de travail.[ ]  Nous avons des procès-verbaux ou documents de réunions relatifs à l’instauration d’une convention collective.[ ]  Nous avons des documents et registres attestant de l’élection de représentants des travailleurs.[ ]  Autre (préciser) : |
| d) Identifiez tout document ou autre registre (et où ils se trouvent) sur lesquels vous vous fondez pour vérifier le respect de la clause 7.5. | Documents, registres, politiques, etc., qui prouvent la conformité avec cette exigence fondamentale de FSC en matière de travail, par exemple :[ ]  Politiques organisationnelles[ ]  Convention collective[ ]  Procès-verbaux ou documents de réunions relatifs à l’instauration d’une convention collective.[ ] Documents et registres attestant de l’élection de représentants des travailleurs.[ ]  Autre (préciser) : |
| e) Identifiez toute autre obligation légale qui, d’après vous, pourrait avoir une incidence sur votre capacité à respecter la clause 7.5. Décrivez ces obligations et la manière dont elles influent sur votre capacité à respecter la clause 7.5. |  |
| f) Joignez la ou les déclarations de politiques rédigées par votre organisation et correspondant à la clause 7.5. | [ ]  Voir les politiques, déclarations et autres documents joints.[ ]  Consulter les politiques en ligne à cette adresse :[ ]  Autre (préciser) : |

Annexe 1 : Conventions fondamentales de l’OIT ratifiées par le Canada

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| **Conventions de l’OIT** | **Ratifié par le Canada** | **Statut** |
| OIT 29 : Convention sur le travail forcé, 1930 | Juin 2011 | En vigueur |
| OIT 87 : Convention sur la liberté syndicale et la protection du droit syndicale, 1948 | Mars 1972 | En vigueur |
| OIT 98 : Convention sur le droit d’organisation et de négociation collective, 1949 | Juin 2017 | En vigueur |
| OIT 100 : Convention sur l’égalité de rémunération, 1951 | Novembre 1972 | En vigueur |
| OIT 105 : Convention sur l’abolition du travail forcé, 1957 | Juillet 1959 | En vigueur |
| OIT 111 : Convention concernant la discrimination (emploi et profession), 1958 | Novembre 1964 | En vigueur |
| OIT 138 : Convention sur l’âge minimum, 1973 | Juin 2016 | En vigueur |
| OIT 182 : Convention sur les pires formes de travail des enfants, 1999 | Juin 2000 | En vigueur |

Annexe 2 : Synthèse de la législation en vigueur au Canada concernant les exigences fondamentales de FSC en matière de travail

Le tableau qui présente une synthèse de la législation en vigueur dans chaque province et territoire concernant les exigences fondamentales de FSC en matière de travail (travail des enfants, travail forcé, discrimination dans l’emploi ou la profession, et liberté d’association et droit de négociation collective). Les liens vers les sites Web permettent d’accéder aux détails de la législation présentée.

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| **Province** **ou territoire** |  **Législation applicable** |
| **Alberta** | 1. **Child Labour**

***Alberta Employment Standards Rules - Youth Employment Laws***<https://www.alberta.ca/alberta-employment-standards-rules.aspx>Employees 13 to 14 years of age may be employed in any of the following jobs without a permit:* clerk or messenger in an office or retail store
* delivery person for small goods and merchandise for a retail store
* delivering flyers, newspapers and handbills

A permit is not required for the following jobs as of November 1, 2020:* light janitorial work in offices
* tutorial
* coach for a recreational athletic club or association
* food service employee in a restaurant or other establishment where food is prepared and served or sold

Employees 15 to 17 years old have special restrictions:* Employees who are 15 years of age cannot work during regular school hours unless enrolled in an off-campus education program
* Employees 15 to 17 years of age who work in retail or hospitality can only work between 9 pm and 12 am with adult supervision, and they can’t work between 12:01 am and 6 am
* Employees 15 to 17 years of age who work in jobs that are not in retail or hospitality can work between 12:01 am and 6:00 am. However, they require parental or guardian consent and adult supervision
1. **Forced Labour**

***Employment Standards Code***<https://www.qp.alberta.ca/1266.cfm?page=e09.cfm&leg_type=Acts&isbncln=9780779826223&display=html>The Code establishes Alberta’s minimum standards of employment in many areas including payment of wages, employment records, hours of work, overtime, vacation and holidays, parental leave, other leaves of absence, termination of employment, layoff and recall, restriction on employment of children. It establishes the processes by which an employee can seek recourse if the standards have not been met, such as complaints investigation, determinations and appeals.1. **Discrimination in Employment and Occupation**

***Alberta Human Rights Commission - Rights and Responsibilities as an Employee***<https://albertahumanrights.ab.ca/employment/employee_info/Pages/employee_rights_and_responsibilities.aspx>TheActprohibits discrimination in employment based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, and sexual orientation. The Act also states that employers are expected to create an inclusive workplace that respects the dignity of every individual and that employees can play an important role in creating an inclusive workplace by understanding their rights and responsibilities under the Act*.*1. **Freedom of Association and the Right to Collective Bargaining**

***Alberta Government Labour Relations Code***[Alberta Queen’s Printer:](https://www.qp.alberta.ca/1266.cfm?page=L01.cfm&leg_type=Acts&isbncln=9780779824410)<https://www.qp.alberta.ca/1266.cfm?page=L01.cfm&leg_type=Acts&isbncln=9780779824410>The Code sets out requirements regarding Alberta labour relations for most employers and unions, including health care and construction. Included are roles and rights for certification, bargaining and managing/resolving disputes. An employee has the right (a) to be a member of a trade union and to participate in its lawful activities, and (b) to bargain collectively with the employee’s employer through a bargaining agent. |
| **Colombie-Britannique** | 1. **Child Labour**

***British Columbia Employment Standards - Hiring Young People***<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/young-people#light-work>A parent or guardian needs to provide written permission for their child to work, and the employer must keep a record of the written consent. Children who are under 16 years old cannot:* Be required to work during school hours
* Work more than 4 hours on school days
* Work more than 7 hours on a non-school day
* Work more than 20 hours in a week with 5 school days
* Work more than 35 hours a week when school is not in session

There are different requirements for hiring young people depending on the age of the child. Children under the age of 16 must only be hired for light work, meaning occupations that are not considered harmful to a child’s health or development. Employers intending to hire children under 16 need to apply for a child employment permit if the child will be performing any tasks not listed as light work.1. **Forced Labour**

***Employment Standards Act***<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96113_01>The Act defines several requirements related to the protection for employees, such as wages, records and gratuities, hours of work and overtime, holidays, leaves of absence, annual vacations, termination of employment, investigation, complaints and determinations, employment Standards Tribunal, appeals and general provisions.1. **Discrimination in Employment and Occupation**

***B.C. Human Rights Code – Discrimination in Employment***<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01>The Code states that a person must not (a) refuse to employ or refuse to continue to employ a person, or (b) discriminate against a person regarding employment or any term or condition of employment because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.1. **Freedom of Association and the Right to Collective Bargaining**

***BC Labour Relations Code, Collective Bargaining***<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96244_01>The Code states that every employee is free to be a member of a trade union and to participate in its lawful activities. A trade union or employer must not fail or refuse to bargain collectively in good faith in British Columbia and to make every reasonable effort to conclude a collective agreement. |
| **Île-du-Prince-Édouard** | 1. **Child Labour**

***Prince Edward Island Youth Employment Act***<https://www.princeedwardisland.ca/sites/default/files/legislation/Y-02-Youth%20Employment%20Act.pdf>The Act states the following:* “Young person” means a person under the age of sixteen years.
* No employer shall employ a young person in employment that is or is likely to be harmful to the health or safety, or moral or physical development of the young person. No employer shall employ any young person in construction.
* No employer shall employ a young person (a) between the hours of 11:00 p.m. and 7:00 a.m.; (b) during normal school hours except pursuant to a recognized vocational training or apprenticeship program; or (c) for more than (i) three hours on any school day, (ii) eight hours on any day other than a school day, (iii) forty hours in any week.
* Where an employer employs a young person, he shall (a) act reasonably in assigning duties taking into account the age, knowledge, education and work experience of the young person; (b) identify any potential danger to health and safety known to him and give appropriate instruction to the young person; (c) personally supervise the work of the young person or ensure that at all times the work of the young person is supervised by an adult who has experience of the work; (d) provide adequate training and courses of instruction before authorizing the young person to perform unsupervised work.
1. **Forced Labour**

***Employment Standards Act, updated June 12, 2018***<https://www.princeedwardisland.ca/sites/default/files/legislation/E-06-2-Employment%20Standards%20Act.pdf>The Act establishes Prince Edward Island’s minimum standards of employment in many areas including pay and protection of pay, holidays and vacation, hours of work, rest period, parental leave and other leaves of absence,, sexual harassment, notice of termination, complaints and enforcement (including protection of complainants), inspectors and Employment Standards Board.1. **Discrimination in Employment and Occupation**

***Workplace Rights:*** ***A Guide to the PEI Human Rights Act for Employers and Employees, 2010***<http://www.gov.pe.ca/photos/sites/humanrights/file/Workplace%20Rights-english-web.pdf>The Act protects the inherent dignity and worth of every human and provides for equal rights and opportunities free of discrimination. The Act prohibits discrimination in employment on the following grounds: age, association, color or race, creed or religion, ethnic or national origin, criminal conviction, family status, marital status, physical or intellectual disability, political belief, sexual orientation, source of income, sex (including pregnancy and sexual harassment) and having filed a complaint or given assistance under the Act.1. **Freedom of Association and the Right to Collective Bargaining**

***Prince Edward Island Labour Act, May 13, 2021***<https://www.princeedwardisland.ca/sites/default/files/legislation/l-01-labour_act.pdf>The Act states that every employee has the right to be a member of a trade union and to participate in the lawful activities thereof.The Act also identifies that no employer shall interfere with the formation, selection or administration of a trade union or discriminate against any employee because the employee is a member of a trade union or has applied for membership in a trade union. Further, no employer, employers’ organization or an agent or any other person acting on behalf of an employer or employers’ organization shall fail or refuse to bargain collectively in accordance with this Act. |
| **Manitoba** | 1. **Child Labour**

***Manitoba Employment Standards – Young Employees***[https://www.gov.mb.ca/labour/standards/category,youngworkers,factsheet.html](https://www.gov.mb.ca/labour/standards/category%2Cyoungworkers%2Cfactsheet.html)The Standards state that young people, who are 13, 14, or 15 years of age, need to complete a Young Worker Readiness Certificate Course before they can begin working, and there are rules that restrict their hours of employment and the types of work they can perform. Young people 13, 14, or 15 years of age cannot work at all between the hours of 11:00 p.m. and 6:00 a.m. During a school week, young people 13, 14, or 15 years of age can work up to 20 hours per week. Further, employees under 18 years of age cannot work in forestry, saw or pulp mills, confined spaces, underground in mines or on the face of open pit quarries, or in asbestos abatement and removal.1. **Forced Labour**

***Manitoba Employment Standards Code (C.C.S.M. c. E110)***<https://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php>The Code defines several requirements related to the protection for employees, such as minimum wage and payment of wages, hours of work, overtime, holidays and vacations, day of rest and breaks, leaves of absence, parental leave, termination of employment, equal wages, employment of young persons, complaints, investigations and determinations, Manitoba Labour Board, appeal, prohibition against unfair employment practices and employment records.1. **Discrimination in Employment and Occupation**

***Manitoba Human Rights Code – Discrimination in Employment***<https://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>In the Code, one meaning of “discrimination” is described as the differential treatment of an individual or group on the basis of any characteristic referred to in subsection (2).The applicable characteristics are noted in subsection (2) as (a) ancestry, including colour and perceived race; (b) nationality or national origin; (c) ethnic background or origin; (d) religion or creed, or religious belief, religious association or religious activity; (e) age; (f) sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; (g) gender identity; (h) sexual orientation; (i) marital or family status; (j) source of income; (k) political belief, political association or political activity; (l) physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; (m) social disadvantage.Subsection 14(1) identifies that no person shall discriminate with respect to any aspect of an employment or occupation, unless the discrimination is based upon bona fide and reasonable requirements or qualifications for the employment or occupation.1. **Freedom of Association and the Right to Collective Bargaining**

***Manitoba Labour Relations Act - Unfair Labour Practices and Infringement of Rights***<https://web2.gov.mb.ca/laws/statutes/ccsm/l010e.php>The Act identifies that every employee has the right (a) to be a member of a union; (b) to participate in the activities of a union; and (c) to participate in the organization of a union. Every person who interferes with the right of an employee under subsection (1) or the right of an employer under subsection (2) commits an unfair labour practice.32(1) Nothing in this Act deprives any person of his freedom to express his views if he does not use intimidation, coercion, threats, or undue influence or interfere with the formation or selection of a union.Subject to subsection 32(1), every employer or employers’ organization, and every person acting on behalf of an employer or an employers’ organization, who participates in, or interferes with, the formation, selection, or administration of a union, or the representation of employees by a union that is the bargaining agent for the employees, or contributes financial or other support to a union, commits an unfair labour practice. |
| **Nouveau-Brunswick** | 1. **Child Labour**

***New Brunswick Employment Standards – Employment of Children***<https://www2.gnb.ca/content/gnb/en/services/services_renderer.19676.Employment_of_Children.html>The Act places restrictions on the employment of persons who are under the age of 16 years. An employer is prohibited from employing a person who is under the age of 16 years in employment that is or is likely to be unwholesome or harmful to the person’s health, welfare or moral or physical development. Additionally, no employer shall employ a person who is under the age of 16 years:1. for more than six hours in any day;
2. for more than three hours on any school day;
3. on any day for a period which, when added to the time required for attendance at school on that day, would require the person to spend more than a total of eight hours attending school and working; or
4. between the hour of 10 p.m. of any day and the hours of 6 a.m. of the following day.

No employer shall employ a child who is under 14 years of age:1. in any industrial undertaking;
2. in the forestry industry;
3. in the construction industry;
4. in a garage or automotive service station;
5. in a hotel or restaurant;
6. in a theatre, dance hall or shooting gallery; or
7. as an elevator operator.
8. **Forced Labour**

***Employment Standards Act (S.N.B.*** ***1982, c. E-7.2)***<http://laws.gnb.ca/en/showfulldoc/cs/E-7.2/20211119>The Act establishes New Brunswick’s minimum standards of employment in many areas including minimum wage, hours of work, minimum reporting wage, weekly rest period, holidays and vacations, unjust dismissal and related unfair employer action, notice of termination, prompt payment of wage, equal pay for equal work, wage protection, foreign workers, children, maternity, leaves of absence, Minimum Wage Board, Labour and Employment Board, employment Standards officers, employer’s records, complaints and administrative orders.1. **Discrimination in Employment and Occupation**

***New Brunswick Human Rights Act - Discrimination in employment (Deposited May 13, 2011)***<https://www.gnb.ca/0062/acts/RS-2011/171.pdf>The Act states that no person shall, based on a prohibited ground of discrimination,1. refuse to employ or continue to employ any person, or
2. discriminate against any person in respect of employment or any term or condition of employment.

For the purposes of this Act, the prohibited grounds of discrimination are: (a) race, (b) colour, (c) national origin, (d) ancestry, (e) place of origin, (f) creed or religion, (g) age, (h) physical disability; (i) mental disability; (j) marital status; (k) family status; (l) sex; (m) sexual orientation; (n) gender identity or expression; (o) social condition, and (p) political belief or activity.1. **Freedom of Association and the Right to Collective Bargaining**

***New Brunswick Industrial Relations Act***[http://laws.gnb.ca/en/showtdm/cs/I-4/I-4/se:156](http://laws.gnb.ca/en/showtdm/cs/I-4/I-4/se%3A156)The Act sets requirements related to the freedom and rights of trade unions and employers’ organizations as well as the employer and employee rights. The Act specifically states that every employee has the right to be a member of a trade union and to participate in the lawful activities thereof. The Act further sets requirements for freedom from coercion, voting rights, offences regarding collective agreement and specifies provisions to prevent discrimination against an employee. |
| **Nouvelle-Écosse** | 1. **Child Labour**

***Nova Scotia Labour Standards – Employment of Children***<https://novascotia.ca/lae/employmentrights/children.asp>The Code has rules about when children may be employed in Nova Scotia. The laws about the employment of children do not apply to people who are 16 years and over. The law generally divides children into two groups: those under 14 and those under 16.It is against the law to pay wages to a child under the age of 14 to do work that:* is likely to be unwholesome or harmful to the child’s health or normal development
* is likely to keep the child out of school or make it hard for the child to learn at school

It is against the law to employ a child under 14 to do work:* for more than 8 hours a day
* for more than 3 hours on a school day unless a certificate has been issued under the *Education Act* to allow the child to work
* for any time during the day when that time plus the time the child is in school adds up to more than 8 hours
* between the hours of 10 pm of any day and 6 am of the next day

The Code says that no one is to employ a child under the age of 16 in certain types of work, such as mining, manufacturing, construction, forestry, work in garages and automobile service stations, work in hotels, work in billiard rooms, pool rooms, bowling alleys or theatres.Employers may employ children aged 14 and 15 to work in restaurants provided they make sure these employees:* are not operating cooking equipment
* are provided with safety training on all equipment and
* are provided with adequate supervision
1. **Forced Labour**

***Labour Standards Code, Chapter 246 of the Revised Statutes, 1989***<https://www.nslegislature.ca/sites/default/files/legc/statutes/labour%20standards%20code.pdf>The Code establishes Nova Scotia’s minimum standards of employment in many areas including records, Labour Board, complaint, employee protection, vacations and holidays, minimum wages, equal pay, parental leaves and other leaves of absence, hours of labour, employment of children, termination of employment, protection of pay and appeals.1. **Discrimination in Employment and Occupation**

***Nova Scotia Human Rights Act, Chapter 214 of the Revised Statutes, 1989***<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>The Act identifies that no person shall in respect of employment; discriminate against an individual or class of individuals on account of (h) age; (i) race; (j) colour; (k) religion; (l) creed; (m) sex; (n) sexual orientation; (na) gender identity; (nb) gender expression; (o) physical disability or mental disability; (p) an irrational fear of contracting an illness or disease; (q) ethnic, national or aboriginal origin; (r) family status; (s) marital status; (t) source of income; (u) political belief, affiliation or activity; (v) that individual’s association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).1. **Freedom of Association and the Right to Collective Bargaining**

***Nova Scotia Trade Union Act, Chapter 475 of the Revised Statutes, 1989***<https://nslegislature.ca/sites/default/files/legc/statutes/trade%20union.pdf>The Act states that every employee has the right to be a member of a trade union and to participate in its activities, while every employer has the right to be a member of an employers’ organization and to participate in its activities.The Act further identifies that employees, labour organizations and employers recognize and support freedom of association and free collective bargaining as the bases of effective labour relations for the determination of good working conditions and sound labour-management relations in the public and private sectors; AND the Government of Nova Scotia desires to continue, and extend, its support to labour and management in their co-operative efforts to develop good relations and constructive collective bargaining practices, and deems the development of good labour relations to be in the best interests of Nova Scotia. |
| [**Nunavut**](https://www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/prepare-life-canada/provinces-territories/nunavut.html) | 1. **Child Labour**

***Nunavut Labour Standards Act - Employment of Young Persons Regulations***<http://www.nu-lsco.ca/legislation>The Regulations states the following:* “Young person” means a person who has not attained 17 years of age.
* No person shall employ a young person in any construction industry unless the employer first obtains the approval in writing of the Labour Standards Officer.
* Where an employer employs a young person in any job or occupation, the employment is subject to the condition that the employer is, on request, able to satisfy the Labour Standards Officer that the employment of the young person is not liable to be detrimental to the health, education or moral character of the young person.
* No employer shall permit or require a young person to work at any time between the hours of 11 p.m. on one day and 6 a.m. on the next day unless he or she first obtains the approval in writing of the Labour Standards Officer.
1. **Forced Labour**

***Consolidation of Labour Standards Act R.S.N.W.T.*** ***1988, c.L-1***<http://www.nu-lsco.ca/phocadownloadpap/Labour%20Standards%20Act%20Consolidation.pdf>The Act establishes Nunavut’s minimum standards of employment in many areas including hours of work (such as standard and maximum hours of work,ovetime pay, day of rest, permit to exceed maximum hours per day), minimum wages, termination of employment, holidays and annual vacations, parental leave and other leaves of absence, Labour Standards officers, inspections, Labour Standards Board, payroll records, payment of wages, appeals.1. **Discrimination in Employment and Occupation**

***Nunavut Consolidation of Human Rights Act S.Nu. 2003, c.12***<https://www.canlii.org/en/nu/laws/stat/snu-2003-c-12/latest/snu-2003-c-12.html>For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.The Act protects from discrimination in employment by identifying that no person shall, on the basis of a prohibited ground of discrimination, (a) refuse to employ or refuse to continue to employ an individual or a class of individuals; or (b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment, whether the term or condition was prior to or is subsequent to the employment.1. **Freedom of Association and the Right to Collective Bargaining**

***Blaney, McMurtry LLP, Canada:******Labour Law - Yukon, Northwest Territories And Nunavut***<https://www.mondaq.com/advicecentre/content/1532/Labour-Law--Yukon-Northwest-Territories-And-Nunavut>The federal government has exclusive legislative authority over the territories. While parliament has delegated a certain degree of self-government to the territories by way of legislation, its jurisdiction around labour relations remains intact.***Canada Labour Code R.S.C., 1985, c. L-2***<https://laws-lois.justice.gc.ca/eng/acts/L-2/index.html>The Code outlines the basic freedoms of employees and employers. Every employee is free to join the trade union of their choice and to participate in its lawful activities while every employer is free to join the employers’ organization of their choice and to participate in its lawful activities.The Code notes that there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes. Further, Canadian workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the bases of effective industrial relations for the determination of good working conditions and sound labour management relations.  |
| **Ontario** | 1. **Child Labour**

***Occupational Health and Safety Act, R.S.O.*** ***1990,*** ***CHAPTER O.1***[Occupational Health and Safety Act, R.S.O. 1990, c. O.1 (ontario.ca)](https://www.ontario.ca/laws/statute/90o01)<https://www.labour.gov.on.ca/english/hs/min_age.php>The [Occupational Health and Safety Act](http://www.ontario.ca/laws/statute/90o01) sets the minimum ages to work as follows:* 18 years of age for underground mines
* 16 years of age at a mining plant or surface mine
* 18 years of age for window cleaning
* 16 years of age for construction and logging operations
* 15 years of age for factory operations and repair shops
* 14 years of age for all other industrial establishments.

Under the [Education Act](http://www.ontario.ca/laws/statute/90e02), with certain exceptions, children must attend school until the age of 18 and employers are prohibited from employing children under the age of 16 years during school hours. There are minimum age requirements for certain industries and workplaces set by laws other than the Employment Standard Act. The minimum age requirement to work in most factories is 15 years of age while the minimum age requirement to work in logging operations is 16 years of age.1. **Forced Labour**

***Employment Standards Act, 2000*** [***S.O. 2000, CHAPTER 41***](https://www.ontario.ca/laws/statute/s00041)<https://www.ontario.ca/laws/statute/00e41>The Act establishes Ontario’s minimum standards of employment in many areas including payment of wages, tips and other gratuities, records, hours of work and eating period, overtime pay, minimum wage, holidays and vacation, equal pay for equal work, benefit plans, leaves of absence (including parental leave), termination of employment, complaint and enforcement, employment standards officers.1. **Discrimination in Employment and Occupation**

***Ontario Human Rights Code R.S.O.*** ***1990, CHAPTER H.19***<https://www.ontario.ca/laws/statute/90h19>The Code protects from discrimination in employment by identifying that every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.1. **Freedom of Association and the Right to Collective Bargaining**

***Ontario Labour Relations Act, 1995, S.O.*** ***1995, c. 1, Sched.*** ***A***<https://www.canlii.org/en/on/laws/stat/so-1995-c-1-sch-a/latest/so-1995-c-1-sch-a.html>The Act states that every person is free to join a trade union of the person’s own choice and to participate in its lawful activities and that every person is free to join an employers’ organization of the person’s own choice and to participate in its lawful activities.The Act notes several purposes, including to facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees, to encourage co-operative participation of employers and trade unions in resolving workplace issues, and to promote the expeditious resolution of workplace disputes. |
| **Québec** | 1. **Travail des enfants**

***Les normes du travail au Québec – Commission des normes, de l’équité, de la santé et de la sécurité du travail, 2019***<https://www.cnesst.gouv.qc.ca/sites/default/files/publications/normes-du-travail-quebec.pdf>On précise dans les normes qu’un employeur ne peut pas :* demander à un enfant de faire un travail qui dépasse ses capacités ou qui risque de compromettre son éducation ou de nuire à sa santé ou à son développement physique ou moral;
* faire travailler un enfant de moins de 14 ans sans le consentement écrit du parent ou du tuteur;
* faire travailler, durant les heures de classe, un enfant tenu de fréquenter l’école;
* faire travailler un enfant la nuit, soit entre 23 heures un jour donné et 6 heures le lendemain, sauf si l’enfant n’est plus obligé de fréquenter l’école ou si le travail consiste à livrer des journaux ou à créer ou interpréter des œuvres dans certains domaines de production artistique.

L’employeur qui fait travailler un enfant doit tenir compte de son lieu de résidence et s’assurer que ses heures de travail lui permettent d’être chez lui entre 23 heures un jour donné et 6 heures le lendemain. Cela n’est toutefois pas obligatoire si l’enfant n’est plus tenu de fréquenter l’école.1. **Travail forcé**

***Loi sur les normes du travail, RLRQ c N-1.1***<https://www.canlii.org/fr/qc/legis/lois/rlrq-c-n-1.1/derniere/rlrq-c-n-1.1.html><http://legisquebec.gouv.qc.ca/fr/document/lc/n-1.1>Les normes du travail au Québec (gouv.qc.ca) <https://www.cnesst.gouv.qc.ca/sites/default/files/publications/normes-du-travail-quebec.pdf>Cette loi établit les normes minimales à respecter au Québec en matière d’emploi sur diverses questions, dont le salaire, la durée du travail, les jours fériés et les vacances, les repos, les congés pour raisons parentales et autres absences, le harcèlement psychologique, la cessation d’emploi et la mise à pied, le travail des enfants, les recours, la Commission et le Comité consultatif sur les normes du travail.1. **Discrimination dans l’emploi ou la profession**

***C-12 – Charte des droits et libertés de la personne du Québec, 2019*** <http://legisquebec.gouv.qc.ca/fr/document/lc/C-12> La Charte protège de la discrimination dans l’emploi en énonçant que toute personne a droit à la reconnaissance et à l’exercice, en pleine égalité, des droits et libertés de la personne, sans distinction, exclusion ou préférence fondée sur la race, la couleur, le sexe, l’identité ou l’expression de genre, la grossesse, l’orientation sexuelle, l’état civil, l’âge sauf dans la mesure prévue par la loi, la religion, les convictions politiques, la langue, l’origine ethnique ou nationale, la condition sociale, le handicap ou l’utilisation d’un moyen pour pallier ce handicap. Il y a discrimination lorsqu’une telle distinction, exclusion ou préférence a pour effet de détruire ou de compromettre ce droit.Nul ne peut exercer de discrimination dans l’embauche, l’apprentissage, la durée de la période de probation, la formation professionnelle, la promotion, la mutation, le déplacement, la mise à pied, la suspension, le renvoi ou les conditions de travail d’une personne ainsi que dans l’établissement de catégories ou de classifications d’emploi.1. **Liberté d’association et droit de négociation collective**

***C-27 – Code du travail du Québec (relations de travail), 2020***<http://legisquebec.gouv.qc.ca/fr/document/lc/C-27> Le Code énonce que tout salarié a le droit d’appartenir à une association de salariés de son choix et de participer à la formation de cette association, à ses activités et à son administration.Le concept d’« association de salariés » est défini comme un groupement de salariés constitué en syndicat professionnel, union, fraternité ou autrement et ayant pour buts l’étude, la sauvegarde et le développement des intérêts économiques, sociaux et éducatifs de ses membres et particulièrement la négociation et l’application de conventions collectives. |
| **Saskatchewan** | 1. **Child Labour**

***Saskatchewan Employment Act – Youth in the Workplace***<https://www.saskatchewan.ca/business/hire-train-and-manage-employees/youth-in-the-workplace>The Act notes that the general minimum age of employment in Saskatchewan is age 16.The Act further states that if you are under 16, you cannot work:* on a construction site;
* at a pulp mill, sawmill or woodworking establishment;
* at a smelter, foundry, refinery or metal processing or fabricating operation;
* in a confined space (such as a manhole);
* in a meat, fish or poultry processing plant;
* in a forestry or logging operation;
* on a drilling service rig;
* as an operator of powered mobile equipment (such as a forklift, crane or a hoist);
* where there is exposure to chemical or biological substances that could endanger your health and safety; and
* in power line construction or maintenance.
1. **Forced Labour**

***The Saskatchewan Employment Act, Chapter S-15.1 of the Statutes of Saskatchewan, 2013***<https://www.worksafesask.ca/wp-content/uploads/2019/06/OHS-Legislation-190611.pdf>The Act defines several requirements related to the protection for employees, such as hours of work (including overtime, period of rest, meal breaks), obligations to pay wages (including minimal wage, overtime pay and authorization for overtime), prohibition of discrimination in pay, annual vacation and holidays, termination and layoff, payment of wages, protection of employee, parental leave and other leaves of absence, appeals, occupational health and safety, right to refuse dangerous work, discriminatory action, Director of employment Standards, Labour Relations Board, inspections and investigations.1. **Discrimination in Employment and Occupation**

***The Saskatchewan Human Rights Code, Chapter S-24.2 of the Statutes of Saskatchewan, 2018***<https://saskatchewanhumanrights.ca/wp-content/uploads/2020/03/Code2018.pdf>For the purposes of this Code, the prohibited grounds of discrimination are (a) religion; (b) creed; (c) marital status; (d) family status; (e) sex; (f) sexual orientation; (g) disability; (h) age; (i) colour; (j) ancestry; (k) nationality; (l) place of origin; (m) race or perceived race; (n) receipt of public assistance; (o) gender identity.The Code protects from discrimination in employment by identifying that no employer shall refuse to employ, refuse to continue to employ or otherwise discriminate against a person or class of persons with respect to employment, or a term or condition of employment, on the basis of a prohibited ground.1. **Freedom of Association and the Right to Collective Bargaining**

***The Saskatchewan Employment Act, Chapter S-15.1 of the Statutes of Saskatchewan, 2013***<http://www.worksafesask.ca/wp-content/uploads/2019/06/OHS-Legislation-190611.pdf>The Act states that employees have the right to organize in and to form, join or assist unions and to engage in collective bargaining through a union of their own choosing. No employee shall unreasonably be denied membership in a union. |
| [**Terre-Neuve-et-Labrador**](https://www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/prepare-life-canada/provinces-territories/newfoundland-labrador.html) | 1. **Child Labour**

***Newfoundland and Labrador Employment Standards – Employment of Children***<https://www.retailcouncil.org/wp-content/uploads/2018/08/labour_relations_work-1.pdf>The Act places restriction on the employment of children under the age of 16. An employer is prohibited from employing a child who is under the age of 16 in employment that is likely to be unwholesome or harmful to the child’s health or normal development, or if it is going to hamper the child’s attendance at school.Additionally, an employer shall not employ a child under 16 to work:* for more than 8 hours a day
* for more than 3 hours on a school day
* on a day for a period that, when added to the time required for attendance at school on that day, totals more than 8 hours
* between 10p.m. of 1 day and 7a.m. of the following day
* in circumstances that would prevent the child from obtaining a rest period of at least 12 consecutive hours a day
* in occupations that are prescribed as hazardous

An employer shall not employ a child under age 14 unless the work is prescribed in the regulations under the Act. Before employing a person under the age of 16, an employer must obtain the written consent of the parent or guardian. This consent must be kept as part of the record of the employment and the age of the child shall be specified in the written consent.1. **Forced Labour**

***Labour Standards Act***<https://assembly.nl.ca/Legislation/sr/statutes/l02.htm><https://www.retailcouncil.org/wp-content/uploads/2018/08/labour_relations_work-1.pdf>The Act establishes the employment standards in Newfoundland and Labrador in areas including hours of work (including overtime and breaks), minimum wages, wage protections and tips, annual vacations and holidays, parental leaves and other leaves of absence, notice of termination of employment, employment of children, Labour Standards Board and Director of Labour Standards.1. **Discrimination in Employment and Occupation**

***[Newfoundland and Labrador](https://www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/prepare-life-canada/provinces-territories/newfoundland-labrador.html) Human Rights Act, 2010 - Chapter H-13.1***<https://www.assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>For the purposes of this Act, the prohibited grounds of discrimination are race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.The Act protects from discrimination in employment by requiring that an employer, or a person acting on behalf of an employer, shall not refuse to employ or to continue to employ or otherwise discriminate against a person in regard to employment or a term or condition of employment on the basis of a prohibited ground of discrimination, or because of the conviction for an offence that is unrelated to the employment of the person.1. **Freedom of Association and the Right to Collective Bargaining**

***[Newfoundland and Labrador](https://www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/prepare-life-canada/provinces-territories/newfoundland-labrador.html) Labour Relations Act, 1990 - Chapter L-1***<https://www.assembly.nl.ca/legislation/sr/statutes/l01.htm>The Act is the statute that regulates labour relations and collective bargaining in the private sector. The Act contains provisions outlining the labour relations rights and responsibilities of employers, trade unions and employees. The Act guarantees employees the right to seek collective bargaining with their employers and establishes a framework for employees to make this choice freely. |
| **Territoires du Nord-Ouest** | 1. **Child Labour**

***Northwest Territories Employment Standards Act – SNWT 2021, c.4***<https://www.justice.gov.nt.ca/en/files/legislation/employment-standards/employment-standards.a.pdf>The Act identifies a “youth” as a person 16 years of age or younger.Subject to Act, an employer shall ensure that a youth is not employed:1. on a construction site;
2. in a production process at a pulp mill, saw mill or woodworking establishment;
3. in a production process at a smelter, foundry, refinery or metal processing or fabricating operation;
4. in a confined space;
5. in a forestry or logging operation;
6. as an operator of powered mobile equipment, a crane or a hoist;
7. where exposure to a chemical or biological substance is likely to endanger the health or safety of the youth;
8. in power line construction or maintenance; or
9. in any prescribed occupation.

The Employment Standards Officer may request an employer to provide evidence that the employment of a youth is not likely to be detrimental to the health, education or moral character of the youth. The Employment Standards Officer may, by order, terminate the employment of a youth, if the Employment Standards Officer is not satisfied with the evidence provided.No employer shall, without the written approval of the Employment Standards Officer, permit or require a youth to work at any time:1. between the hours of 11 p.m. on one day and 6 a.m. on the next day; or
2. when the youth is required to attend school, except when he or she is engaged in a work program that is part of his or her school curriculum.
3. **Forced Labour**

***Employment Standards Act – SNWT 2021, c.4***<https://www.justice.gov.nt.ca/en/files/legislation/employment-standards/employment-standards.a.pdf>The Act establishes the employment standards in Northwest Territories in areas including pay and wages (such as minimum wages, hours of work, overtime pay, pay period), days of rest, holidays and vacations, parental leaves and other leaves of absence, termination and layoff, youth labour, record keeping, appointment of Officers, complaints, mediation and appeals, inspections.1. **Discrimination in Employment and Occupation**

***Northwest Territories Human Rights Act - 2021 SNWT 2020, c.13***<https://nwthumanrights.ca/wp-content/uploads/2021/04/04-2021-Human-Rights-Act.pdf>For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity or expression, marital status, family status, family affiliation, political belief, political association, social condition and a conviction that is subject to a pardon or record suspension.The Act protects from discrimination in employment by identifying that no person shall, on the basis of a prohibited ground of discrimination, (a) refuse to employ or refuse to continue to employ an individual or a class of individuals; or (b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment.1. **Freedom of Association and the Right to Collective Bargaining**

***Blaney, McMurtry LLP, Canada:******Labour Law - Yukon, Northwest Territories And Nunavut***<https://www.mondaq.com/advicecentre/content/1532/Labour-Law--Yukon-Northwest-Territories-And-Nunavut>The federal government has exclusive legislative authority over the territories. While parliament has delegated a certain degree of self-government to the territories by way of legislation, its jurisdiction around labour relations remains intact.***Canada Labour Code R.S.C., 1985, c. L-2***<https://laws-lois.justice.gc.ca/eng/acts/L-2/index.html>The Code outlines the basic freedoms of employees and employers. Every employee is free to join the trade union of their choice and to participate in its lawful activities while every employer is free to join the employers’ organization of their choice and to participate in its lawful activities.The Code preamble notes that there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes. Further, Canadian workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the bases of effective industrial relations for the determination of good working conditions and sound labour management relations. |
| **Yukon** | 1. **Child Labour**

***Yukon Employment Standards Act, SY 2020, c.6, Legislative Counsel Office***<https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0072/2002-0072.pdf>The Act states that no employer shall employ a person under 17 years of age:1. in any occupations prescribed by the regulations;
2. at a wage less than the minimum wage prescribed by the regulations for the occupation in which the person is employed; or
3. contrary to any conditions prescribed by the regulations.

The Act further identifies that if the board considers it necessary, it may specify the circumstances and occupations in which persons under 17 years of age may be employed by an employer, and set the conditions of that employment.***Working in Yukon – A Guide for Foreign Workers – Employment Rights and Responsibilities***[ecdev-foreign-worker-guide-2019.pdf (yukon.ca)](https://yukon.ca/sites/yukon.ca/files/ecdev/ecdev-foreign-worker-guide-2019.pdf#:~:text=Minimum%20working%20age%20In%20Yukon%2C%20there%20is%20no,or%20at%20the%20working%20face%20of%20a%20mine.%29)The Guide states that workers must be at least 16 years old to work in a mine, and at least 18 to work underground or at the working face of a mine. Everyone under 16 years of age must attend school and cannot work during school hours without special permission from the government.1. **Forced Labour**

***Employment Standards Act, SY 2020, c.6, Legislative Counsel Office***<https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0072/2002-0072_2.pdf>The Act defines several requirements related to the protection for employees, such as hours of work (including overtime pay, rest periods, eating period), minimum wages, annual vacations and holidays, parental leave and other leaves of absence, equal pay, termination of employment, payment of wages, complaints and investigations, directors and officers, Employment Standards Board, appeals.1. **Discrimination in Employment and Occupation**

***Yukon Human Rights Act, RSY 2002, c. 116, Legislative Counsel Office***<https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0116/2002-0116.pdf>The Act states that it is discrimination to treat any individual or group unfavourably on any of the following grounds (a) ancestry, including colour and race; (b) national origin; (c) ethnic or linguistic background or origin; (d) religion or creed, or religious belief, religious association, or religious activity; (e) age; (f) sex, including pregnancy, and pregnancy related conditions; (f.01) gender identity or gender expression; (g) sexual orientation; (h) physical or mental disability; (i) criminal charges or criminal record; (j) political belief, political association, or political activity; (k) marital or family status; (l) source of income; (m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (l).The Act protects from discrimination in employment by identifying that no person shall discriminate in connection with any aspect of employment or application for employment.1. **Freedom of Association and the Right to Collective Bargaining**

***Blaney, McMurtry LLP, Canada:******Labour Law - Yukon, Northwest Territories And Nunavut***<https://www.mondaq.com/advicecentre/content/1532/Labour-Law--Yukon-Northwest-Territories-And-Nunavut>The federal government has exclusive legislative authority over the territories. While parliament has delegated a certain degree of self-government to the territories by way of legislation, its jurisdiction around labour relations remains intact.***Canada Labour Code R.S.C., 1985, c. L-2***<https://laws-lois.justice.gc.ca/eng/acts/L-2/index.html>The Code outlines the basic freedoms of employees and employers. Every employee is free to join the trade union of their choice and to participate in its lawful activities while every employer is free to join the employers’ organization of their choice and to participate in its lawful activities.The Code preamble notes that there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes. Further, Canadian workers, trade unions and employers recognize and support freedom of association and free collective bargaining as the bases of effective industrial relations for the determination of good working conditions and sound labour management relations. |

Annexe 3 : Exemples de questions utiles à se poser pour réaliser l’autoévaluation

FSC a formulé des questions ouvertes pour aider l’organisation à réaliser l’autoévaluation. Elles se divisent en quatre catégories correspondant aux exigences fondamentales de FSC en matière de travail. Le degré de détail attendu dépendra de la localisation de l’installation, de l’analyse de risque de l’organisation et de l’environnement de travail. La liste n’est pas exhaustive.

|  |  |
| --- | --- |
| **Catégorie** | **Question** |
| **Travail des enfants** | * Quel est l’âge minimum statutaire, légal ou réglementaire sur le lieu de vos opérations?
* Quelles mesures avez-vous prises pour vous assurer que le travail des enfants n’a pas cours dans vos opérations?
* Consignez-vous l’âge (date de naissance) de vos travailleurs, et comment vérifiez-vous qu’il s’agit de leur âge réel? Vérifiez-vous les papiers d’identité?
* En cas de restriction légale ou réglementaire qui, d’après vous, pourrait limiter votre capacité à respecter l’exigence, décrivez les mesures que vous prenez pour que ces limitations soient les moins contraignantes possible.
* Si vous employez des travailleurs de moins de 18 ans, décrivez les mesures que vous avez prises pour vous assurer qu’ils ne sont pas employés à des travaux dangereux ou lourds. En cas d’exigence relative à la formation et à l’éducation, indiquez les documents justificatifs.
* L’emploi des enfants âgés de 13 à 15 ans est-il autorisé par la loi? Employez-vous des enfants appartenant à cette tranche d’âge? Si vous avez répondu oui à ces deux questions, indiquez les mesures que vous avez prises pour vous assurer qu’ils ne sont employés qu’à des travaux légers qui ne nuisent pas à leur santé ou à leur développement, et qu’ils ne travaillent qu’en dehors des heures de classe.
 |
| **Travail forcé** | * Décrivez vos pratiques en matière de recrutement et de passation de marchés pour démontrer le respect de ce principe.
* Accordez-vous des prêts ou des avances de salaire nécessitant qu’un travailleur prolonge son travail au-delà des accords légaux ou contractuels? Si oui, pouvez-vous décrire les mesures que vous prenez pour limiter le risque de travail en servitude dans ce cas?
* Comment vous assurez-vous de l’absence de déduction de frais d’emploi, ou de l’absence de paiement ou dépôt pour commencer à travailler?
* Comment vous assurez-vous que les travailleurs ne subissent aucune forme de restriction de la mobilité?
* Comment vous assurez-vous que les travailleurs ont accès à leurs passeports ou documents d’identité à tout moment, tout en leur proposant un endroit sûr pour conserver ces documents?
* Comment vous assurez-vous de l’absence de menace de dénonciation des travailleurs aux autorités?
 |
| **Discrimination** | * Comment vous assurez-vous de l’absence de discrimination en matière de salaires et d’autres conditions de travail?
* Existe-t-il une parité sexe/âge?
* Votre main-d’œuvre est-elle diversifiée du point de vue ethnique?
* Disposez-vous de politiques de non-discrimination?
* Vous assurez-vous que tous les employés aient les mêmes chances de promotion?
* Comment vous assurez-vous que les candidats ont les mêmes chances d’embauche?
* En cas de restriction légale ou réglementaire qui, d’après vous, pourrait limiter votre capacité à respecter ces exigences, décrivez les mesures que vous prenez pour que ces limitations soient les moins contraignantes possible.
 |
| **Liberté d’association et droit de négociation collective** | * Les travailleurs sont-ils organisés en syndicat? Avec les meilleures connaissances dont vous disposez, expliquez pourquoi d’après vous les travailleurs ont choisi ou non d’être représentés par un syndicat.
* Si les travailleurs sont représentés par un syndicat, celui-ci est-il autonome et indépendant?
* Quelles formes de représentation des travailleurs autres que les syndicats existent sur le site?
* Existe-t-il des accords de négociation collective s’appliquant aux travailleurs, et si oui, comment vous assurez-vous du respect de ces accords?
 |