

## CHAPTER SIXTEEN

### LABOUR

#### **Article 1601: Affirmations**

The Parties affirm their obligations as members of the International Labour Organization (ILO) and their commitments to the *ILO Declaration on Fundamental Principles and Rights at Work* (1998) and its Follow-Up as well as their continuing respect for each other's Constitution and laws.

#### **Article 1602: Non-Derogation**

The Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in domestic labour laws.

#### **Article 1603: Objectives**

The Parties wish to build on their respective international commitments, strengthen their cooperation on labour and in particular:

- (a) improve working conditions and living standards in each Party's territory;
- (b) promote their commitment to the internationally recognized labour principles and rights;
- (c) promote compliance with and effective enforcement by each Party of its labour laws;
- (d) promote social dialogue on labour matters among workers and employers, their respective workers' and employers' organizations, and governments;

- (e) pursue cooperative labour-related activities on the basis of mutual benefit;
- (f) strengthen the capacity of the ministries responsible for labour affairs and other institutions responsible for administering and enforcing labour laws in their territories; and
- (g) foster full and open exchange of information between the Parties in regard to their labour law, its application and institutions in each Party's territory.

#### **Article 1604: Obligations**

In order to further the foregoing objectives, the Parties' mutual obligations are set out in the *Labour Cooperation Agreement between Canada and the Republic of Colombia* (LCA) that addresses, *inter alia*:

- (a) general commitments concerning the internationally recognized labour principles and rights that are to be embodied in each Party's labour laws;
- (b) a commitment not to derogate from domestic labour laws in order to encourage trade or investment;
- (c) effective enforcement of labour laws through appropriate government action, private rights of action, procedural guarantees, public information and awareness;
- (d) institutional mechanisms to oversee the implementation of the LCA, such as a Ministerial Council and national Points of Contact to receive and review public communications on specified labour law matters and to enable cooperative activities to further the objectives of the LCA;
- (e) general and ministerial consultations regarding the implementation of the LCA and its obligations; and

- (f) independent review panels to hold hearings and make determinations regarding alleged non-compliance with the terms of the LCA and, if requested, monetary assessments.

#### **Article 1605: Cooperative Activities**

The Parties recognize that labour cooperation is an essential element in raising the level of compliance with labour standards and as such the LCA provides for the development of a plan of action for cooperative labour activities for the promotion of the objectives of the LCA. An indicative list of areas of possible cooperation between the Parties is set out in that Agreement.