

# EU – Developing Country

## Sustainability Chapter

### **Preamble: Context and objectives<sup>31</sup>**

1. Recalling the Rio Declaration on Environment and Development of 1992, the Agenda 21 on Environment and Development, the Johannesburg Declaration and Plan of Implementation of 2002 on Sustainable Development, the 2006 Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work, [the UN Convention on Economic, Social and Cultural Rights,]<sup>32</sup> and the 2008 ILO Declaration on Social Justice for a Fair Globalisation, the Parties recognise that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, and they reaffirm their commitment to promoting the development of international trade in such a way as to contribute to the objective of sustainable development, for the welfare of present and future generations. In particular, the Parties underline the benefit of considering trade related labour and environmental issues as part of a global approach to trade and sustainable development, and [will]<sup>33</sup> ensure that sustainable development objectives are integrated and reflected at every level of their trade relationship.
2. In this regard, through the implementation of this Chapter, the Parties aim to:
  - a. promote sustainable development through an enhanced coordination and integration of labour, environmental and trade policies and measures;
  - b. promote dialogue and cooperation between the Parties with a view to developing and improving their trade and economic relations in a manner supportive of labour and environmental protection measures and standards;
  - c. enhance compliance with, and enforcement of, labour and environmental multilateral agreements and domestic laws;
  - d. make full use of instruments for better regulation of trade, labour and environmental issues, such as impact assessment and stakeholder consultations, and encourage businesses, civil society organisations and citizens to develop and implement practices that contribute to the achievement of sustainable development goals;
  - e. promote public consultation and participation in the discussion of sustainable development issues arising under this Agreement and in the development of relevant domestic laws and policies.

### **Article 1: Definitions<sup>34</sup>**

For the purposes of this Chapter, "labour" includes the issues relevant to the strategic objectives of the International Labour Organisation.

### **Article 2: Multilateral labour standards and agreements**

1. The Parties recognise the value of international co-operation and agreements on employment and labour affairs as a response of the international community to economic, employment and social challenges and opportunities resulting from globalisation. They commit to consulting

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<sup>31</sup> Canada-EU (Draft Canada).

<sup>32</sup> Insertion Boltzmann Institute of Human Rights.

<sup>33</sup> Change made by Boltzmann Institute of Human Rights.

<sup>34</sup> Canada-EU (Draft Canada).

and co-operating as appropriate on trade-related labour and employment issues of mutual interest.<sup>35</sup>

2. The Parties reaffirm the commitment, under the *2006 Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work*, to recognising full and productive employment and decent work for all as a key element of sustainable development for all countries and as a priority objective of international co-operation and to promoting the development of international trade in a way that is conducive to full and productive employment and decent work for all, including men, women and young people.<sup>36</sup>

3. The Parties, in accordance with their obligations as members of the ILO and the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, adopted by the International Labour Conference at its 86th Session in 1998, commit to respecting, promoting and realising the fundamental rights at work, and accordingly, each Party shall ratify, to the extent that it has not yet done so, and shall effectively implement in its laws and practices, in its whole territory, the respective Fundamental ILO Conventions on:

- a. freedom of association and the effective recognition of the right to collective bargaining;
- b. the elimination of all forms of forced or compulsory labour;
- c. the effective abolition of child labour; and
- d. the elimination of discrimination in respect of employment and occupation.<sup>37</sup>

4. The Parties, in accordance with the ILO Governing Body's decision of 1994 also commit to respecting, promoting and realising the following rights at work, and accordingly, each Party shall ratify, to the extent that it has not yet done so, and shall effectively implement in its laws and practices, in its whole territory, the respective Priority ILO Conventions on labour inspection, tripartite consultation and employment policy.<sup>38</sup>

5. The Parties, in accordance with the four strategic objectives of the ILO Decent Work Agenda shall commit to respecting, promoting and realising the fundamental principles and rights at work and international labour standards; employment and income opportunities; social protection and social security; and social dialogue and tripartism.<sup>39</sup>

### **Article 3: Upholding levels of protection<sup>40</sup>**

1. The Parties recognise that it is inappropriate to encourage trade or foreign direct investment by lowering the levels of protection embodied in domestic labour laws and standards.
2. A Party shall not weaken or reduce the labour protections afforded in its laws to encourage trade or investment, by waiving or otherwise derogating from, or offering to waive or otherwise derogate from, its laws and regulations or standards in a manner affecting trade or investment between the Parties.
3. A Party shall not fail to effectively enforce its labour laws through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties or foreign direct investment.

<sup>35</sup> EU-Korea.

<sup>36</sup> EU-Korea.

<sup>37</sup> EU-Korea.

<sup>38</sup> Insertion Boltzmann Institute of Human Rights.

<sup>39</sup> Insertion Boltzmann Institute of Human Rights.

<sup>40</sup> EU-Korea.

4. A Party shall not fail to effectively enforce its labour laws as expressed by its international human rights commitments in cases where other provisions of this agreement interfere with these commitments.<sup>41</sup>

**Article 4: Government Enforcement Action<sup>42</sup>**

1. Each Party shall, subject to Article 7, promote compliance with and effectively enforce its labour law through appropriate government action, such as:
  - a. establishing and maintaining effective labour inspection services, including by appointing and training inspectors;
  - b. monitoring compliance and investigating suspected violations, including through on-site inspections;
  - c. requiring record keeping and reporting;
  - d. encouraging the establishment of worker-management committees to address labour regulation of the workplace;
  - e. providing or encouraging mediation, conciliation and arbitration services; and,
  - f. initiating, in a timely manner, proceedings to seek appropriate sanctions or remedies for violations of its labour law.
2. Each Party shall ensure that its competent authorities give due consideration, in accordance with its law, to any request by an employer, employee or their representatives, or other interested person, for an investigation of an alleged violation of the Party's labour law.
3. A decision a Party makes on the distribution of enforcement resources shall not be a reason for not complying with the provisions of this Chapter. Each Party retains the right to the reasonable exercise of discretion and to bona fide decisions with regard to the allocation of resources among labour enforcement activities for the fundamental labour rights enumerated in Article 1, provided the exercise of such discretion and such decisions are not inconsistent with the obligations of this Chapter.

**Article 5: Private Action<sup>43</sup>**

Each Party shall ensure that a person with a recognized interest under its labour law in a particular matter has appropriate access to administrative or tribunal proceedings which can give effect to the rights protected by such law, including by granting effective remedies for any breaches of such law.

**Article 6: Procedural Guarantees<sup>44</sup>**

1. Each Party shall ensure that its administrative, quasi-judicial, judicial and labour tribunal proceedings for the enforcement of its labour law are fair, equitable and transparent and, to this end, each Party shall provide that:
  - a. such proceedings comply with due process of law;
  - b. any hearings in such proceedings are open to the public, except where the administration of justice otherwise requires;

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<sup>41</sup> Insertion Boltzmann Institute of Human Rights; concerning the shield function see p. 10.

<sup>42</sup> Canada-EU (Draft Canada), Canada-Chile.

<sup>43</sup> Canada-EU (Draft Canada).

<sup>44</sup> Canada-Chile.

- c. the parties to such proceedings are entitled to support or defend their respective positions and to present information or evidence; and
  - d. such proceedings are not unnecessarily complicated and do not entail unreasonable charges or time limits or unwarranted delays.
2. Each Party shall provide that final decisions on the merits of the case in such proceedings are:
    - a. in writing and [state]<sup>45</sup> the reasons on which the decisions are based;
    - b. made available without undue delay to the parties to the proceedings and, consistent with its law, to the public; and
    - c. based on information or evidence in respect of which the parties were offered the opportunity to be heard.
  3. Each Party shall provide, as appropriate, that parties to such proceedings have the right, in accordance with its law, to seek review and, where warranted, correction of final decisions issued in such proceedings.
  4. Each Party shall ensure that tribunals that conduct or review such proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.
  5. Each Party shall provide that the parties to administrative, quasi-judicial, judicial or labour tribunal proceedings may seek remedies to ensure the enforcement of their labour rights. Such remedies may include, as appropriate, orders, compliance agreements, fines, penalties, imprisonment, injunctions or emergency workplace closures.
  6. Each Party may, as appropriate, adopt or maintain labour defence offices to represent or advise workers or their organizations.
  7. Nothing in this Article shall be construed to require a Party to establish, or to prevent a Party from establishing, a judicial system for the enforcement of its labour law distinct from its system for the enforcement of laws in general.

**Article 7: Enforcement Principle<sup>46</sup>**

Nothing in this Agreement shall be construed to empower a Party's authorities to undertake labour law enforcement activities in the territory of the other Party.

**Article 8: Transparency<sup>47</sup>**

1. The Parties, in accordance with their respective domestic laws, agree to develop, introduce and implement any measures aimed at protecting labour conditions that affect trade between the Parties in a transparent manner, and with appropriate and timely communication to and consultation of non-state actors including [social partners, NGOs]<sup>48</sup> and the private sector [with sufficient time for comments to be made and to be taken into account].<sup>49</sup>
2. The Parties shall promote public awareness of their labour laws.<sup>50</sup>

<sup>45</sup> Change made by Boltzmann Institute of Human Rights.

<sup>46</sup> Canada-Chile.

<sup>47</sup> EU-Korea.

<sup>48</sup> Insertion Boltzmann Institute of Human Rights.

<sup>49</sup> Canada-EU (Draft Canada).

<sup>50</sup> USA-Chile.

**Article 9: Social Standards favouring Trade<sup>51</sup>**

1. The Parties reconfirm that trade should promote sustainable development in all its dimensions. The Parties recognise the beneficial role that core labour standards and decent work can have on economic efficiency, innovation and productivity, and they highlight the value of greater policy coherence between trade policies, on the one hand, and employment and labour policies on the other.
2. The Parties shall strive to facilitate and promote trade in goods that contribute to sustainable development, including goods that are the subject of schemes such as fair and ethical trade and those involving corporate social responsibility and accountability.

**Article 10: Review of Sustainability Impacts<sup>52</sup> and Monitoring of the Agreement<sup>53</sup>**

1. The Parties commit to reviewing, monitoring and assessing the impact of the implementation of this Agreement on sustainable development, including the promotion of decent work, through their respective participative processes and institutions, as well as those set up under this Agreement, for instance through trade-related sustainability impact assessments. [The first such assessment must take place before the beginning of the negotiations between the Parties].<sup>54</sup>
2. In order to assure effective implementation of this Agreement and to review compliance with the rights and standards contained therein, the implementation process will be duly documented and reported on by the Parties. The Panel of Experts will be in charge of monitoring activities, in addition to its tasks laid down in Article 14 (Government Consultations) and Article 16 (Dispute Settlement). The Panel of Experts reports on the basis of information provided by the Parties as well as other interested parties such as trade unions, employers' organizations and NGOs.

**Article 11: Cooperation<sup>55</sup>**

Recognising the importance of co-operating on trade-related aspects of social policies in order to achieve the objectives of this Agreement, the Parties commit to initiating co-operative activities as set out in Annex 1.

**Article 12: Programme on the improvement of working conditions<sup>56</sup>**

1. Party X (Government of developing country) shall support the implementation of a program to improve working conditions in sector(s) X, including internationally recognized core labor standards, through the application of national labor law.
2. The Parties shall conduct at least two consultations during each Agreement Year to discuss labor standards, specific benchmarks, and the implementation of this program.
3. Based on these consultations and other information regarding the implementation of this program and its results, the European Union will make a determination by December 1 of each Agreement Period, beginning on December 1 of the year following the entry into force of this agreement, whether working conditions in sector(s) X substantially comply with such labor law and standards. If the European Union makes a positive determination, then the specific limits as agreed upon by the Parties shall be increased by X percent for the Agreement Year following such certification. Any increase granted under this paragraph will remain in effect for a subsequent Agreement Year only if the European Union makes a

<sup>51</sup> EU-Korea; title changed by Boltzmann Institute of Human Rights, original title: Trade favouring Sustainable Development.

<sup>52</sup> EU-Korea.

<sup>53</sup> Insertion Boltzmann Institute of Human Rights.

<sup>54</sup> Insertion Boltzmann Institute of Human Rights.

<sup>55</sup> EU-Korea.

<sup>56</sup> Based on US-Cambodia Textile Agreement.

positive determination by December 1 of the previous Agreement year. If, [following an affirmative determination of the dispute settlement panel],<sup>57</sup> that the Government of X has failed to take major action resulting in a significant change in working conditions, the European Union may withdraw such an increase.

4. The Government of X shall seek financing for this program, including financing from the sector(s) in question and from international organizations. The European Union shall seek to assist the Government of X in obtaining financing.

#### **Article 13: Institutional Mechanism<sup>58</sup>**

1. Each Party shall designate an office within its administration which shall serve as a contact point with the other Party for the purpose of implementing this Chapter.
2. The Parties shall establish a Committee on Trade and Sustainable Development. The Committee on Trade and Sustainable Development shall comprise senior officials from within the administrations of the Parties.
3. The Committee shall meet within the first year of the entry into force of this Agreement, and thereafter as necessary, to oversee the implementation of this Chapter, including co-operative activities undertaken under Annex 1.
4. Each Party shall establish a Domestic Advisory Group on labour with the task of advising on the implementation of this Chapter. [Besides senior officials],<sup>59</sup> the Domestic Advisory Group comprises independent representative organisations of civil society in a balanced representation of labour, [non-governmental]<sup>60</sup> and business organisations as well as other relevant stakeholders.
5. Members of the Domestic Advisory Group of each Party will meet at a Civil Society Forum in order to conduct a dialogue encompassing sustainable development aspects of trade relations between the Parties. The Civil Society Forum will meet once a year unless otherwise agreed by the Parties. The Parties shall agree by decision of the Committee on Trade and Sustainable Development on the operation of the Civil Society Forum no later than one year after the entry into force of this Agreement.
6. The Domestic Advisory Group will select the representatives from its members in a balanced representation of relevant stakeholders as set out in Article 13(4). The Parties [will]<sup>61</sup> present an update on the implementation of this Chapter to the Civil Society Forum. The views, opinions or findings of the Civil Society Forum [will]<sup>62</sup> be submitted to the Parties directly or through the Domestic Advisory Group.

#### **Article 14: Government Consultations<sup>63</sup>**

1. The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt to arrive at a mutually satisfactory resolution of any matter that might affect its operation. [The Parties shall ensure that the resolution reflects the activities of the ILO or relevant multilateral environmental organisations or bodies so as to promote greater cooperation and coherence between the work of the Parties and these organisations. Where relevant, subject to the agreement of the Parties, they can seek advice of these organisations or bodies.]<sup>64</sup>

<sup>57</sup> Insertion Boltzmann Institute of Human Rights.

<sup>58</sup> EU-Korea.

<sup>59</sup> Insertion Boltzmann Institute of Human Rights.

<sup>60</sup> Insertion Boltzmann Institute of Human Rights.

<sup>61</sup> Change by Boltzmann Institute of Human Rights.

<sup>62</sup> Change by Boltzmann Institute of Human Rights.

<sup>63</sup> US-Jordan.

<sup>64</sup> EU-Korea.

2. Either Party may request consultations with the other Party with respect to any matter affecting the operation or interpretation of this Agreement. If a Party requests consultations with regard to a matter, the other Party shall afford adequate opportunity for consultations and shall reply promptly to the request for consultations and enter into consultations in good faith.

**Article 15: Panel of Experts<sup>65</sup>**

1. Unless the Parties otherwise agree, a Party may, 90 days after the delivery of a request for consultations under Article 14, request that a Panel of Experts be convened to examine the matter that has not been satisfactorily addressed through government consultations. The Parties can make submissions to the Panel of Experts. The Panel of Experts should seek information and advice from either Party, the Domestic Advisory Group or international organisations as set out in Article 14, as it deems appropriate. The Panel of Experts shall be convened within two months of a Party's request.
2. The Panel of Experts that is selected in accordance with the procedures set out in paragraph 3, shall provide its expertise in implementing this Chapter. Unless the Parties otherwise agree, the Panel of Experts shall, within 90 days of the last expert being selected, present to the Parties a report. The Parties shall make their best efforts to accommodate advice or recommendations of the Panel of Experts on the implementation of this Chapter. The implementation of the recommendations of the Panel of Experts shall be monitored by the Committee on Trade and Sustainable Development. The report of the Panel of Experts shall be made available to the Domestic Advisory Group of the Parties.
3. Upon the entry into force of this Agreement, the Parties shall agree on a list of at least 15 persons with expertise on the issues covered by this Chapter, of whom at least five shall be non-nationals of either Party who will serve as chair of the Panel of Experts. [At least one of the experts shall be a representative of the ILO.]<sup>66</sup> The experts shall be independent of, and not be affiliated with or take instructions from, either Party or organisations represented in the Domestic Advisory Group. Each Party shall select one expert from the list of experts within 30 days of the receipt of the request for the establishment of a Panel of Experts. If a Party fails to select its expert within such period, the other Party shall select from the list of experts a national of the Party that has failed to select an expert. The two selected experts shall decide on the chair who shall not be a national of either Party.

**Article 16: Dispute Settlement<sup>67</sup>**

1. The Parties shall make every attempt to arrive at a mutually agreeable resolution through consultations under Article 14 whenever
  - a. a dispute arises concerning the interpretation of this Agreement;
  - b. a Party considers that the other Party has failed to carry out its obligations under this Agreement;
  - c. Party considers that measures taken by the other Party severely distorts the balance of trade benefits accorded by this Agreement, or substantially undermine fundamental objectives of this Agreement.
2. A Party seeking consultations pursuant to subparagraph 1 shall submit a request for consultations to the contact point provided for under Article 13(1). If the Parties fail to resolve a matter described in subparagraph 1 through consultations within 60 days of the submission of such request, either Party may refer the matter to the Committee on Trade and Sustainable Development, which shall be convened and shall endeavor to resolve the dispute.

<sup>65</sup> EU-Korea.

<sup>66</sup> Insertion Boltzmann Institute of Human Rights.

<sup>67</sup> US-Jordan.

3. If a matter referred to the Committee on Trade and Sustainable Development has not been resolved within a period of 90 days after the dispute was referred to it, or within such other period as the Committee on Trade and Sustainable Development has agreed, either Party may refer the matter to a dispute settlement panel. Unless otherwise agreed by the Parties, the panel shall be composed of three members [from the list of experts]<sup>68</sup>: each Party shall appoint one member, and the two appointees shall choose a third who will serve as the chairperson.
4. The panel shall, within 90 days after the third member is appointed, present to the Parties a report containing findings of fact and its determination as to whether either Party has failed to carry out its obligations under the Agreement or whether a measure taken by either Party severely distorts the balance of trade benefits accorded by this Agreement or substantially undermines the fundamental objectives of this Agreement. [Besides the submissions of the Parties, the panel may take into consideration other relevant information and receive amicus curiae briefs by other interested parties.]<sup>69</sup> Where the panel finds that a Party has failed to carry out its obligations under this Agreement, it may, at the request of the Parties, make recommendations for resolution of the dispute. The report of the panel shall be non-binding.
5. If, in its report, a panel determines that there has been a persistent pattern of failure by the Party complained against to effectively enforce its labour standards, the Parties may agree on a mutually satisfactory action plan, which [shall]<sup>70</sup> conform with the determinations and recommendations of the panel.<sup>71</sup>
6. If the Parties have not agreed on an action plan under subparagraph 5 within 60 days of the date of the Panel report, or the Parties cannot agree on whether the Party complained against is fully implementing an action plan agreed under subparagraph 5, either Party may request that the panel be reconvened by delivering a request in writing to the other Party. The Committee on Trade and Sustainable Development shall reconvene the panel on delivery of the request to the other Party.<sup>72</sup>
7. If the Parties
  - a. have not agreed to an action plan, no Party may make a request under subparagraph 6 earlier than 60 days, or later than 120 days, after the date of the Panel report.
  - b. have agreed on an action plan, a request under subparagraph 6 may be made no earlier than 180 days after the date of the action plan.
8. Where a panel has been reconvened under subparagraph 7, it
  - a. shall determine whether any action plan proposed by the Party complained against is sufficient to remedy the pattern of non-enforcement and
    - (i) if so, shall approve the plan, or
    - (ii) if not, shall establish such a plan consistent with the law of the Party complained against, and
  - b) may, where warranted, impose a monetary enforcement assessment in accordance with Article 17.
9. If the dispute settlement panel under this Agreement or any other applicable international dispute settlement mechanism under an agreement to which both Parties are Party has been invoked by either Party with respect to any matter, the mechanism invoked shall have exclusive jurisdiction over that matter.

<sup>68</sup> Insertion Boltzmann Institute of Human Rights.

<sup>69</sup> Insertion Boltzmann Institute of Human Rights.

<sup>70</sup> Change by Boltzmann Institute of Human Rights.

<sup>71</sup> Based on Canada-Chile.

<sup>72</sup> Based on Canada-Chile.

10. If such a mechanism fails for procedural or jurisdictional reasons to make findings of law or fact, as necessary, on a claim included in a matter with respect to which a Party has invoked such mechanism, subparagraph 9 shall not be construed to prevent the Party from invoking another mechanism with respect to such claim.
11. The Parties, within 180 days after the entry into force of this Agreement, shall enter into discussions with a view to developing rules for the selection and conduct of members of panels based on Art. 16(3) and Model Rules of Procedure for such panels. The Committee on Trade and Sustainable Development shall adopt rules to this effect.

**Article 17: Monetary Enforcement Assessments<sup>73</sup>**

1. Any monetary enforcement assessment shall be no greater than 15 million dollars (U.S.) or its equivalent in the currency of the Party complained against.
2. In determining the amount of the assessment, the panel shall take into account:
  - a. the pervasiveness and duration of the Party's persistent pattern of failure to effectively enforce its labour standards;
  - b. the level of enforcement that could reasonably be expected of a Party given its resource constraints;
  - c. the reasons, if any, provided by the Party for not fully implementing an action plan;
  - d. efforts made by the Party to begin remedying the pattern of non-enforcement after the final report of the panel; and
  - e. any other relevant factors.
3. All monetary enforcement assessments shall be paid in the currency of the Party complained against into a fund established by the Committee on Trade and Sustainable Development and shall be expended at the direction of the Committee to improve or enhance the labour law enforcement in the Party complained against, consistent with its law.

**Article 18: Suspension of Benefits<sup>74</sup>**

1. Where a Party fails to pay a monetary enforcement assessment within 180 days after it is imposed by a panel:
  - a. under Article 16(7)(a), or
  - b. under Article 16(7)(b), any complaining Party may suspend, in accordance with subparagraph 4, the application of benefits of the Agreement to the Party complained against in an amount no greater than that sufficient to collect the monetary enforcement assessment.
2. Where a Party has suspended benefits under paragraph 1(a) or (b), the Committee on Trade and Sustainable Development shall, on the delivery of a written request by the Party complained against to the other Party and the Committee, reconvene the panel to determine whether the monetary enforcement assessment has been paid or collected, or whether the Party complained against is fully implementing the action plan, as the case may be. The panel shall submit its report within 45 days after it has been reconvened. If the panel determines that the assessment has been paid or collected, or that the Party complained against is fully implementing the action plan, the suspension of benefits under subparagraph 1(a) or (b), as the case may be, shall be terminated.

<sup>73</sup> Based on Canada-Chile and Canada-EU (Canada Draft).

<sup>74</sup> Based on NAALC.

3. On the written request of the Party complained against, delivered to the other Party and the Committee on Trade and Sustainable Development, the Committee shall reconvene the panel to determine whether the suspension of benefits by the complaining Party or Parties pursuant to paragraph 1 or 2 is manifestly excessive. Within 45 days of the request, the panel shall present a report to the disputing Parties containing its determination.
4. In considering what tariff or other benefits to suspend pursuant to Article 18(1)
  - a. a complaining Party shall first seek to suspend benefits in the same sector or sectors as that in respect of which there has been a persistent pattern of failure by the Party complained against to effectively enforce its labor laws; and
  - b. a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

## **Annex 1: Implementation and Cooperation Mechanisms**

### **Article 19: Cooperation Measures<sup>75</sup>**

1. The Committee on Trade and Sustainable Development shall promote cooperative activities between the Parties, as appropriate, regarding:
  - a. child labour;
  - b. the equality of women and men in the workplace;
  - c. migrant workers of the Parties;
  - d. human resource development;
  - e. work benefits;
  - f. social programs for workers and their families;
  - g. employment standards and their implementation;
  - h. occupational health and; safety
  - i. legislation relating to the formation and operation of unions, collective bargaining and the resolution of labour disputes, and its implementation;
  - j. labour-management relations and collective bargaining procedures;
  - k. forms of cooperation among workers, management and government;
  - l. the provision of technical assistance for the development of their labour standards; and
  - m. such other matters as the Parties may agree.
2. In carrying out the activities referred to in paragraph 1, the Parties may, commensurate with the availability of resources in each Party, cooperate through:
  - a. seminars, training sessions, working groups and conferences;
  - b. joint research projects, including sectoral studies;
  - c. technical assistance; and

<sup>75</sup> Based on Canada-Chile.

- d. such other means as the Parties may agree.
3. The Parties shall carry out the cooperative activities referred to in paragraph 1 with due regard for the economic, social, cultural and legislative differences between them. They shall jointly select, implement and fund all projects falling within the category of cooperative activities referred to in paragraph 1.

**Article 20: Cooperation with the International Labour Organisation<sup>76</sup>**

The purpose of the present article is to facilitate collaboration between the parties to the agreement and the ILO Secretariats in areas of common interest. Such cooperation shall include:

1. the exchange of relevant information, documentation, books, studies, research results and good practices, as a means to promote cooperation and complementarity in their work;
2. Cooperation in the implementation of programmes and projects, including but not limited to occupational health and safety, HIV/AIDS and the workplace, employment implications of trade agreements, labour market reforms and industrial relations, the [International Programme on the Elimination of Child Labour (IPEC)],<sup>77</sup> youth employment, vocational training, social security and labour migration;
3. Research studies, including gathering statistics, on matters of mutual interest;
4. Representation at specified meetings of each organization based on formal invitation;
5. Mutual cooperation in all other aspects that are consistent with the objectives of both organizations and the spirit of this Article.
6. Monitoring of the Program as set forth in Article 12 of this Agreement.<sup>78</sup>

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<sup>76</sup> Asean.

<sup>77</sup> Insertion Boltzmann Institute of Human Rights.

<sup>78</sup> Insertion Boltzmann Institute of Human Rights.