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**Canada
and
Costa Rica**

Agreement on labour cooperation between the Government of Canada and the Government of the Republic of Costa Rica. Ottawa, 23 April 2001

Entry into force: *1 November 2002, in accordance with article 33*

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**Canada
et
Costa Rica**

Accord de coopération dans le domaine du travail entre le Gouvernement du Canada et le Gouvernement de la République du Costa Rica. Ottawa, 23 avril 2001

Entrée en vigueur : *1^{er} novembre 2002, conformément à l'article 33*

Textes authentiques : *anglais, français et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT ON LABOUR COOPERATION
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA

PREAMBLE

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
REPUBLIC OF COSTA RICA:**

RECALLING their resolve to:

- create an expanded and secure market for the goods produced in their territories,
- create new employment opportunities and improve working conditions and living standards in their respective territories, and
- protect, enhance and enforce basic workers' rights;

AFFIRMING their continuing respect for each other's Constitution and law;

REAFFIRMING that both countries are members of the International Labour Organisation (ILO);

ACKNOWLEDGING that technical cooperation on labour matters ensures that in the context of a strategy for economic and social development, economic and social policies are mutually reinforcing components of sustainable development;

RECOGNIZING that differences exist in their respective levels of development and sizes of their economies;

CONVINCED of the benefits to be gained from further cooperation between them on labour matters;

HAVE AGREED as follows:

PART ONE - OBJECTIVES

ARTICLE 1

Objectives

The objectives of this Agreement are to:

- (a) improve working conditions and living standards in each Party's territory;
- (b) promote, to the maximum extent possible, the labour principles and rights set out in Annexes 1 and 2;
- (c) encourage cooperation to promote innovation and rising levels of productivity and quality in each Party's territory;
- (d) encourage publication and exchange of information and joint studies in order to enhance understanding of the labour law and institutions in each Party's territory;
- (e) pursue cooperative labour-related activities on the basis of mutual benefit;
- (f) promote compliance with and effective enforcement by each Party of its labour law; and
- (g) foster full and open exchange of information between the Parties in regard to the application of their labour law.

PART TWO - OBLIGATIONS

ARTICLE 2

General Commitments

Affirming full respect for each Party's Constitution and labour law and recognizing the right of each Party to establish its own labour standards in its territory and to adopt or modify accordingly its labour law, and set its priorities in the execution of its labour policies, each Party shall ensure that its labour law embodies and provides protection for the labour principles and rights set out in Annexes 1 and 2.

ARTICLE 3

Scope of the Agreement

Labour law is considered to fall within the scope of this Agreement if it is directly related to the labour principles and rights set out in Annexes 1 and 2.

ARTICLE 4

Government Enforcement Action

1. Each Party shall, subject to Article 24, promote compliance with and effectively enforce its labour law through appropriate government action, such as:
 - (a) appointing and training inspectors;
 - (b) monitoring compliance and investigating suspected violations; and
 - (c) 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 another interested person, for an investigation of an alleged violation of the Party's labour law.

ARTICLE 5

Private Action

Each Party shall ensure that persons with a legally-recognized interest under its law have appropriate access to administrative, quasi-judicial, and judicial tribunals for the enforcement of rights protected by the Party's labour law.

ARTICLE 6

Procedural Guarantees

1. Each Party shall ensure that:
 - (a) its administrative, quasi-judicial and judicial tribunal proceedings for the enforcement of its labour law are fair, equitable and transparent; and
 - (b) the tribunals that conduct or review such proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.
2. Furthermore, each Party shall provide that:
 - (a) administrative, quasi-judicial and judicial tribunal proceedings for the enforcement of its labour law 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;
 - (c) the parties to such proceedings are entitled to support or defend their respective positions and to present information or evidence;
 - (d) such proceedings are not unnecessarily complicated and are handled in a timely manner;
 - (e) time limits for and, if applicable, any charges related to such proceedings are reasonable;
 - (f) the parties to such proceedings may seek remedies to enforce their labour rights;
 - (g) final decisions on the merits of the case in such proceedings are:
 - (i) in writing and state the reasons on which the decisions are based;
 - (ii) made available to the parties to the proceedings in a timely manner and, consistent with applicable law, to the public; and
 - (iii) based on information or evidence in respect of which the parties were offered the opportunity to be heard; and
 - (h) parties to such proceedings have the right, as appropriate and in accordance with applicable law, to seek review and, where warranted, correction of final decisions issued in such proceedings.