

3. Canada shall notify Ukraine six months in advance of any modification to its declaration.

4. Canada may not request information or send a notification under Article 12.14, or request consultations under Article 12.21.4, at the instance of the government of a province not included in the declaration made under paragraph 1.

Chapter 13: Labour

Article 13.1: Definitions

For the purposes of this Chapter:

labour law means laws and regulations that implement and protect the labour principles and rights set out in Article 13.3;

persistent pattern means a sustained or recurring course of action or inaction beginning after the date of entry into force of this Agreement, but does not include a single instance or case;

person means a natural person, an enterprise, or an organization of employers or workers;

province means a province of Canada, and includes the Yukon, the Northwest Territories, and Nunavut, and their successors;

3. 加拿大应提前六个月通知乌克兰其声明的任何修改。

4. 加拿大不得根据第12.14条请求信息或发送通知，或根据第12.21.4条请求磋商，除非该请求由未列入第1款所述声明的省政府提出。

第13章：劳工

第13.1条：定义

就本章而言：

劳动法 指实施并保护第13.3条所列劳工原则和权利的法律和法规；

持续模式 指在本协议生效日期后开始的一个持续或反复的行动或不作为过程，但不包括单一事件或个案；

人 指自然人、企业或雇主或工人组织；

省 指加拿大的一个省，包括育空地区、西北地区和努纳武特地区及其继承者；

trade-related means related to trade or investment covered by this Agreement, provided that this term shall not be interpreted as including the public sector.

Article 13.2: Shared Commitments

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 and its Follow-Up of 1998*, adopted by the International Labour Conference at its 86th Session (ILO 1998 Declaration), as well as the *ILO Declaration on Social Justice for a Fair Globalization of 2008*, adopted by the International Labour Conference at its 97th Session (ILO 2008 Declaration).

Section A – Obligations

Article 13.3: General Commitments

1. Each Party shall ensure that its labour law and practices embody and provide protection for the following internationally recognized labour principles and rights, particularly bearing in mind their commitments as members of the ILO to the ILO 1998 Declaration:

与贸易相关的指与本协议所涵盖的贸易或投资相关，但该术语不应被解释为包括公共部门。

第13.2条：共同承诺

缔约方重申其作为国际劳工组织成员国的义务，以及对国际劳工大会第86届会议通过的《国际劳工组织1998年宣言》（即《工作中基本原则和权利宣言及其后续措施》）和第97届会议通过的《2008年国际劳工组织宣言》（即《关于实现社会公平以推动公平全球化的社会正义宣言》）的承诺。

A部分 - 义务

第13.3条：一般承诺

1. 各方应确保其劳动法和实践体现并保护以下国际公认的劳动原则和权利，尤其要铭记其作为国际劳工组织成员对国际劳工组织1998年宣言的承诺：

- (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, for the purposes of this Chapter, a prohibition on the worst forms of child labour;
- (d) the elimination of discrimination in respect of employment and occupation;
- (e) acceptable minimum employment standards, such as minimum wages and overtime pay, for wage earners, including those not covered by collective agreements;
- (f) the prevention of occupational injuries and illnesses, and compensation in cases of injuries or illnesses; and
- (g) non-discrimination in respect of working conditions for migrant workers.

2. To the extent that the principles and rights stated above relate to the ILO, paragraphs (a) to (d) refer only to the ILO 1998 Declaration, whereas paragraphs (e), (f), and (g) refer to the ILO's Decent Work Agenda.

Article 13.4: Non-Derogation

A Party shall not, as a means to encourage trade or investment, waive or otherwise derogate from, or offer to waive or otherwise derogate

- (a) 结社自由和有效承认集体谈判权；
- (b) 消除一切形式的强迫或强制劳动；
- (c) 有效废除童工，就本章而言，禁止最恶劣形式的童工；
- (d) 消除就业和职业歧视；
- (e) 为工薪阶层（包括未受集体协议覆盖者）制定可接受的最低就业标准，如最低工资和加班工资；
- (f) 预防职业伤害和疾病，并提供伤害或疾病情况下的补偿；以及
- (g) 移民工人在工作条件方面不受歧视。

2. 就上述原则和权利与国际劳工组织相关的内容而言，(a)至(d)段仅涉及国际劳工组织1998年宣言，而(e)、(f)和(g)段则涉及国际劳工组织的体面劳动议程。

第13.4条：不减损

缔约方不得以鼓励贸易或投资为由，放弃或以其他方式减损，或提议放弃或以

from, its labour law in a manner that weakens or reduces adherence to the internationally recognized labour principles and rights referred to in Article 13.3.

Article 13.5: Government Enforcement Action

1. Each Party shall, subject to Article 13.17, promote compliance with and effectively enforce its labour law through appropriate government action, such as:

- (a) establishing and maintaining an effective labour inspection regime, including by developing responsible bodies and 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 the regulation of labour in 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.*

其劳动法，以致削弱或降低对第13.3条所述国际公认的劳动原则和权利的遵守。

第13.5条：政府执法行动

1. 各方应根据第13.17条，通过适当的政府行动促进遵守并有效执行其劳动法，例如：

- (a) 建立并维持有效的劳动检查制度，包括通过发展责任机构和任命培训检查员；
- (b) 监督合规并调查涉嫌违规行为，包括通过现场检查；
- (c) 要求记录保存和报告；
- (d) 鼓励建立工人管理委员会以解决工作场所的劳动规范问题；
- (e) 提供或鼓励调解、和解及仲裁服务；以及
- (f) 及时启动诉讼程序，以寻求对违反劳动法行为的适当制裁或补救措施。

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 that Party's labour law.

Article 13.6: Private Action

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 enforce and give effect to the rights protected by that law, including by granting effective remedies for any breaches of that law.

Article 13.7: Procedural Guarantees

1. Each Party shall ensure that proceedings referred in Article 13.5.1(b), Article 13.5.1(f) and Article 13.6 are fair, equitable and transparent, and to this end each Party shall provide that:

- (a) proceedings are conducted by decision-makers who are impartial and independent, and do not have an interest in the outcome of the matter;
- (b) parties to the proceedings are entitled to support or defend their respective positions, and to present information or evidence;

2. 各方应确保其主管当局根据法律，对雇主、雇员或其代表，或其他相关人士提出的关于调查涉嫌违反该缔约方劳动法行为的请求给予适当考虑。

第13.6条：私人诉讼

各方应确保根据其劳动法在特定事项中具有公认利益的个人能够适当诉诸行政或法庭程序，这些程序可强制执行并落实该法律所保护的权利，包括通过针对任何违反该法律的行为授予有效救济。

第13.7条：程序保障

1. 各方应确保第13.5.1(b)条、第13.5.1(f)条和第13.6条所指的诉讼程序公平、公正和透明，为此目的，各方应规定：

- (a) 诉讼程序由公正和独立的决策者进行，且决策者不得对事项结果存在利益关系；
- (b) 诉讼各方有权支持或捍卫各自立场，并提供信息或证据；

- (c) decisions are based on information or evidence presented by the parties to the proceedings and final decisions on the merits of each case are in writing;
- (d) proceedings are open to the public, except when the law and the administration of justice require otherwise; and
- (e) proceedings are free and expeditious, or at least do not entail unreasonable fees or delays, and the time limits do not impede exercise of the rights.

2. Each Party shall provide that parties to these proceedings have the right, pursuant to its legislation, to seek review and correction of decisions issued in these proceedings.

Article 13.8: Public Information and Awareness

1. Each Party shall ensure that its labour law, as well as regulations, procedures and administrative rulings of general application respecting any matter covered by this Chapter are promptly published or otherwise made available in a manner that enables any interested person and the other Party to become acquainted with them.

2. When required by its law, each Party shall:

- (c) 决定基于诉讼各方提供的信息或证据，且每个案件实质的最终决定以书面形式作出；
- (d) 诉讼程序对公众公开，除非法律和司法行政另有要求；以及
- (e) 诉讼程序免费且迅速，或至少不涉及不合理费用或延误，且时限不妨碍权利行使。

2. 各方应规定，这些诉讼程序的当事人有权根据其立法，寻求对这些诉讼程序中作出的决定进行审查和纠正。

第13.8条：公共信息和意识

1. 各方应确保其劳动法，以及本章所涵盖的任何事项的普遍适用的法规、程序和行政裁决，能够迅速公布或以其他方式提供，以便任何相关人士和另一方能够了解这些内容。

2. 当其法律要求时，各方应：

- (a) publish in advance any measure that it proposes to adopt; and
- (b) provide any interested person with a reasonable opportunity to comment on these proposed measures.

3. Each Party shall promote public awareness of its labour law, including by:

- (a) ensuring the availability of public information related to its labour law and enforcement and compliance procedures; and
- (b) encouraging education of the public regarding its labour law.

Section B – Institutional Mechanisms

Article 13.9: Labour Ministerial Council

1. The Parties hereby establish a Labour Ministerial Council (Council) composed of Ministers responsible for labour affairs of the Parties, or their designees.

2. The Council shall meet within the first year after the date of entry into force of this Agreement and thereafter as often as it considers necessary, to discuss matters of common interest, and oversee the implementation of, and review progress under, this Chapter. The

- (a) 提前公布其拟采取的任何措施；以及

- (b) 为任何相关人士提供合理机会，就这些拟议措施发表意见。

3. 每一缔约方均应提升公众对其劳动法的认知，包括通过以下方式：

- (a) 确保提供与其劳动法及执法和合规程序相关的公共信息；及
- (b) 鼓励开展关于其劳动法的公众教育。

B部分 - 机构机制

第13.9条：劳工部长理事会

1. 缔约方特此设立劳工部长理事会（理事会），由各缔约方负责劳工事务的部长或其指定人员组成。

2. 理事会应在本协议生效日期后第一年内召开会议，此后视需要经常举行会议，讨论共同关心的事项，并监督本章的实施和审查进展。

Council may hold joint meetings with other Councils established under similar agreements.

3. Unless the Parties decide otherwise, each meeting of the Council shall include a session during which members of the Council have an opportunity to meet with the public to discuss matters relating to the implementation of this Chapter.

4. The Council may consider any matter within the scope of this Chapter and take any other action in the exercise of its functions, including:

- (a) establishing and assigning responsibilities to committees, working groups, or expert groups; and*
- (b) seeking the advice of independent experts.*

5. The Council shall review the operation and effectiveness of this Chapter, including the degree to which progress has been made in implementing the objectives of this Chapter, within five years after the date of entry into force of this Agreement and thereafter within any other period as may be decided by the Council. Unless otherwise agreed, this review:

- (a) shall be conducted by one or more independent experts subject to the availability of resources. The Parties shall make every*

理事会可与根据类似协议设立的其他理事会举行联席会议。

3. 除非缔约方另有决定，理事会每次会议均应包含一次会议，期间理事会成员有机会与公众会面，讨论与本章实施相关的事项。

4. 理事会可审议本章范围内的任何事项，并采取其他任何行动以行使其职能，包括：

- (a) 设立委员会、工作组或专家组并分配职责；及
- (b) 征求独立专家的意见。

5. 理事会应在本协议生效日期后五年内，以及此后理事会决定的任何其他期限内，审查本章的运作和有效性，包括在实现本章目标方面取得的进展程度。除非另有约定，此项审查：

- (a) 应由一名或多名独立专家根据资源可用性进行。缔约方应尽一切

effort to decide on the selection of the expert or experts, and shall cooperate with the expert or experts in the preparation of the report;

- *(b) shall include a literature review and consultation with the members of the public, including representatives of labour and business organizations, as well as an opportunity for the Parties to provide comments;*
- *(c) shall make recommendations for the future; and*
- *(d) shall be concluded within 180 days of its commencement and made public 30 days thereafter.*

Article 13.10: National Mechanisms

- 1. Each Party may convene a new, or consult an existing, national labour advisory or consultative committee, composed of members of its public, including representatives of its labour and business organizations, to provide views on any issue related to this Chapter.*
- 2. Each Party shall establish an office or designate an existing office within its ministry responsible for labour affairs that shall serve as a National Administrative Office (NAO), and provide to the other Party its contact information through diplomatic channels.*

努力决定专家的选择，并应与专家合作编写报告；

- (b) 应包括文献综述以及与公众成员（包括劳工和商业组织代表）的协商，并为缔约方提供发表意见的机会；
- (c) 应提出未来建议；且• (d) 应在其启动后180天内完成，并在之后30天内向公众公布。

第13.10条：国家机制

1. 各方可召集一个新的国家劳工咨询或协商委员会，或与现有的此类委员会协商，该委员会由包括其劳工和商业组织代表在内的公众成员组成，以提供与本章相关的任何问题的意见。
2. 各方应在其负责劳工事务的部门内设立一个办公室或指定一个现有办公室作为国家行政办公室（NAO），并通过外交渠道向另一方提供其联系信息。

3. The NAO shall serve as a point of contact with the other Party and perform the functions assigned by that Party or the Council, as well as:

- (a) coordinate cooperative programs and activities pursuant to Article 13.11;
- (b) receive and review public communications pursuant to Article 13.12; and
- (c) provide information to the other Party, a Review Panel established under Article 13.15, and the public.

Article 13.11: Cooperative Activities

1. The Parties may develop a plan of action for cooperative labour activities for the promotion of the objectives of this Chapter. To the extent possible, those activities shall be linked to any recommendation in any Council report referred to in Article 13.9. An indicative list of areas of possible cooperation between the Parties is set out in Annex 13-A to this Chapter.

2. In carrying out the plan of action, the Parties may, commensurate with the availability of resources, cooperate through:

- (a) seminars, training sessions, working groups and conferences;
- (b) joint research projects, including sector studies; and

3. 国家联络点应作为与另一方的联络点，并履行该缔约方或理事会分配的功能，以及：

- (a) 根据第13.11条协调合作计划和活动；
- (b) 根据第13.12条接收并审查公众通讯；以及
- (c) 向另一方、根据第13.15条设立的审查小组及公众提供信息。

第13.11条：合作活动

1. 缔约方可制定劳工合作活动行动计划，以促进本章目标的实现。在可能的情况下，这些活动应与第13.9条所述理事会报告中的任何建议相关联。缔约方可开展合作的领域示例清单见本章附件13-A。

2. 在执行行动计划时，缔约方可根据资源可用性，通过以下方式合作：

- (a)研讨会、培训课程、工作组和会议；
- (b)联合研究项目，包括行业研究；以及

- (c) other means by which the Parties may decide.

3. The Parties shall carry out the cooperative activities with due regard to the differences that exist with respect to each Party's national conditions, circumstances and needs, including with respect to their economies, their social and cultural traditions and their legal framework.

Article 13.12: Public Communications

1. Each Party shall provide for the submission and receipt of public communications on labour law matters that:

- (a) are raised by a national of the Party or by an enterprise or organization established in the territory of the Party;
- (b) arise in the territory of the other Party; and
- (c) pertain to any matter related to this Chapter.

2. Each Party shall review these matters, as appropriate, in accordance with domestic procedures, and notify the public of communications accepted for review within 30 days of acceptance.

Article 13.13: General Consultations

1. The Parties shall at all times endeavour to come to an understanding on the interpretation and application of this Chapter.

- (c) 缔约方可决定的其他方式。

3. 缔约方开展合作活动时，应充分考虑各方在国情、情况和需求方面的差异，包括经济、社会文化传统及法律框架等方面的差异。

第13.12条：公众通讯

1. 各方应规定提交和接收关于劳动法事项的公众通讯，这些事项需满足以下条件：

- (a) 由该缔约方国民或在其领土内设立的企业或组织提出；
- (b) 发生在另一方领土内；且
- (c) 涉及与本章相关的任何事项。

2. 各方应根据国内程序酌情审查这些事项，并在接受审查后30天内将接受的通讯通知公众。

第13.13条：一般磋商

1. 缔约方应始终努力就本章的解释和适用达成谅解。

2. The Parties shall make every attempt, including through cooperation, consultations, and the exchange of information, to address any matter that might affect the operation of this Chapter.
3. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the NAO of the other Party.
4. If the Parties fail to resolve the matter, the requesting Party may use the procedures provided under Article 13.14.

Section C – Procedures for Labour Consultations and Dispute Settlement

Article 13.14: Ministerial Consultations

1. A Party may request, in writing, consultations with the other Party at the ministerial level regarding any obligation under this Chapter. The Party that is the subject of the request shall respond within 60 days of receipt of the request, or within any other period that the Parties may decide. The Parties shall be represented by the Council established under Article 13.9.
2. To facilitate discussion of a matter under consideration and assist in arriving at a mutually satisfactory resolution:

2. 缔约方应尽一切努力，包括通过合作、磋商和信息交流，解决可能影响本章运作的任何事项。3. 一方可通过向另一方的国家联络点提交书面请求，就本章项下产生的任何事项请求与另一方进行磋商。

- 4.如果缔约方未能解决该事项，请求方可使用第13.14条规定的程序。

C部分 - 劳工磋商和争端解决程序

第13.14条：部长级磋商

1. 缔约方可书面请求与另一方就本章任何义务进行部长级磋商。被请求方应在收到请求后60天内或缔约方可能商定的任何其他期限内作出回应。缔约方应由根据第13.9条设立的理事会代表。
2. 为促进对所审议事项的讨论并协助达成双方满意的解决方案：

- (a) each Party shall provide the other Party with sufficient information in its possession to allow a full examination of the matter raised, subject to a requirement in its law regarding the confidentiality of personal and commercial information; and
- (b) each Party may call upon one or more independent experts to prepare a report on a matter referred to in this Article. The Parties shall make every effort to decide on the selection of the expert or experts, and shall cooperate with the expert or experts in the preparation of the report. Any report shall be made public within 60 days of its receipt by the Parties.

3. Ministerial consultations shall be concluded no later than 180 days after the receipt of the request unless the Parties decide on another date.

Article 13.15: Establishment and Conduct of a Review Panel

1. Following the conclusion of Ministerial Consultations, the Party that requested the consultations may request, in writing, that a Review Panel be established if that Party considers that:

- (a) the matter is trade-related; and
- (b) the other Party has failed to comply with an obligation under this Chapter through:

- (a) 各方应向另一方提供其掌握的充分信息，以便对所提事项进行全面审查，但需遵守其法律中关于个人和商业信息保密性的要求；且• (b) 各方可召集一名或多名独立专家就本条所述事项编写报告。缔约方应尽一切努力决定专家人选，并与专家合作编写报告。任何报告应在缔约方收到后60天内向公众公开。

3. 部长级磋商应在收到请求后不迟于180天内结束，除非缔约方另行商定日期。

第13.15条：审查小组的设立与运作

1. 部长级磋商结束后，请求磋商的缔约方如认为存在下列情形，可书面请求设立审查小组：

- (a) 该事项与贸易相关；且• (b) 另一方未能履行本章项下的义务，具体表现为：

- (i) a failure to comply with an obligation under Article 13.3 or Article 13.4 to the extent that they refer to the ILO 1998 Declaration; or
- (ii) a persistent pattern of failure to effectively enforce its labour law through appropriate government action, private action, procedural guarantees, or public information and awareness.

2. Unless the Parties decide otherwise, a Review Panel composed of three independent experts, including a chairperson who is not a national of either Party, shall be established in a manner consistent with the criteria and procedures set out in Annex 13-B.

3. Unless the Parties decide otherwise, the Review Panel shall perform its functions in accordance with the provisions of this Part, Annex 13-B and the Model Rules of Procedure to be established by the Parties further to Annex 13-B. The Review Panel:

- (a) shall determine, within 30 days of confirmation of its terms of reference, whether the matter is trade-related and cease its functions if it determines that the matter is not trade-related;
- (b) shall provide the Parties with sufficient opportunity to make written and oral submissions to the Review Panel;

- (i) 未能履行第13.3条或第13.4条项下的义务（在涉及国际劳工组织1998年宣言的范围内）；或

- (ii) 通过适当的政府行动、私人诉讼、程序保障或公共信息和意识，持续模式地未能有效执行其劳动法。

2. 除非缔约方另有决定，否则应按照附件13-B规定的标准和程序，设立一个由三名独立专家组成的审查小组，其中包括一名非任一缔约方国民的主席。

3. 除非缔约方另有决定，审查小组应根据本部分、附件13-B以及缔约方根据附件13-B进一步制定的程序示范规则的规定履行其职能。审查小组：

- (a) 应在确认其职权范围后30天内确定该事项是否与贸易相关，若确定无关则终止其职能；
- (b) 应为缔约方提供充分机会向审查小组提交书面和口头陈述；

- (c) may consider written submissions and any other information sought or received from organizations, institutions, the public and persons with relevant information or expertise; and
- (d) shall hold proceedings that are open to the public, except to the extent necessary to protect information in accordance with Article 13.19 and the Model Rules of Procedure.

Article 13.16: Review Panel Reports and Determinations

1. The Review Panel shall present to the Parties a report that:

- (a) makes findings of fact;
- (b) addresses the submissions and arguments of the Parties and any relevant information considered pursuant to Article 13.15.3(c);
- (c) determines whether the Party that is the subject of the review has failed to comply with an obligation under Article 13.3 or Article 13.4 to the extent that they refer to the ILO 1998 Declaration or a persistent pattern of failure to effectively enforce its labour law through appropriate government action, private action, procedural guarantees, public information and awareness, or any other determination requested in the terms of reference; and

- (c) 可考虑书面意见及从组织、机构、公众和掌握相关信息或专业知识的人士处寻求或收到的其他信息；且
- (d) 应举行公开的诉讼程序，除非根据第13.19条和程序示范规则需保护信息而作必要限制。

第13.16条：审查小组报告和决定

1. 审查小组应向缔约方提交一份报告，该报告应：

- (a) 作出事实认定；
- (b) 处理缔约方的意见和论点以及根据第13.15.3(c)条考虑的任何相关信息；
- (c) 确定被审查的缔约方是否未能履行第13.3条或第13.4条下的义务，这些义务涉及国际劳工组织1998年宣言，或通过适当的政府行动、私人诉讼、程序保障、公共信息和意识持续未能有效执行其劳动法，或职权范围中要求的任何其他确定；以及

- (d) makes a recommendation for resolution of any non-compliance determined under sub-paragraph (c), which normally shall be that the Party that is the subject of the review adopt and implement an action plan sufficient to remedy the pattern of non-compliance.

2. The Review Panel shall present its initial report to the Parties within 120 days after the last panellist is selected unless the Review Panel extends the time period by up to a further 60 days or the Model Rules of Procedure to be established by the Parties further to Annex 13-B provide otherwise. If the Review Panel extends the time period, it shall first give written notice to both Parties setting out the reasons for the extension of time.

3. Each Party may submit written comments to the Review Panel on its initial report within 30 days of presentation of the report or within any other period as the Parties may decide. After considering these written comments, the Review Panel, on its own initiative or at the request of either Party, may reconsider its report and make any further examination that it considers appropriate.

4. The Review Panel shall present to the Parties a final report within 60 days of the presentation of the initial report, unless the Parties

- (d) 就子段落(c)中确定的任何不合规提出解决建议，通常应为被审查的缔约方采纳并实施足以纠正不合规模式的行动计划。

2. 审查小组应在最后一名小组成员选定后120天内向缔约方提交其初步报告，除非审查小组将期限延长至多60天，或缔约方根据附件13-B制定的程序示范规则另有规定。若审查小组决定延期，应首先向双方缔约方提交书面通知，说明延期理由。

3. 各方可在报告提交后30天内或缔约方商定的其他期限内，就初步报告向审查小组提交书面意见。审查小组在考虑这些书面意见后，可主动或应任一缔约方请求重新审议其报告，并进行其认为适当的进一步审查。

4. 审查小组应在提交初步报告后60天内向缔约方提交最终报告，除非缔约方

decide otherwise. The final report shall be made public within 60 days of its receipt by the Parties.

5. If, in the final report, a Review Panel determines that there has been non-compliance within the meaning of sub-paragraph 1(c), the Parties may develop, within the following 90 days, or any longer period as they may decide, a mutually satisfactory action plan to implement the Review Panel's recommendations.

6. Following the expiry of the period set out in paragraph 5, if the Parties are unable to decide on an action plan, or the Party that is the subject of the review is failing to adopt or implement the action plan according to its terms, the requesting Party may request in writing that the Review Panel be reconvened with a view to determining whether or not a monetary assessment needs to be set and paid in accordance with Annex 13-C.

Section D – General Provisions

Article 13.17: Enforcement Principle

This Chapter does not empower a Party's authorities to undertake any action aiming at labour law enforcement in the territory of the other Party.

另有决定。最终报告应在缔约方收到后60天内向公众公布。

5. 如审查小组在最终报告中认定存在第1(c)款意义上的不合规情形，缔约方可在随后90天内（或双方商定的更长期限内）制定相互满意的行动计划，以落实审查小组的建议。

6. 在第5款规定的期限届满后，若缔约方未能就行动计划达成一致，或被审查的缔约方未按行动计划条款采纳或实施该计划，请求方可书面请求重新召集审查小组，以确定是否需要根据附件13-C设定并支付货币评估。

D部分 - 一般规定

第13.17条：执行原则

本章不授权缔约方当局在另一方领土内采取任何旨在执行劳动法的行动。

Article 13.18: Private Rights

A Party shall not provide for a right of action under its law against the other Party on the ground that the other Party has acted in a manner inconsistent with this Chapter.

Article 13.19: Protection of Information

- 1. A Party that receives information identified by the other Party as confidential or proprietary information shall protect such information as confidential or proprietary.*
- 2. A Review Panel that receives confidential or proprietary information under this Chapter shall protect it in accordance with the Model Rules of Procedure to be established by the Parties further to Annex 13-B.*

Article 13.20: Cooperation with International and Regional Organizations

The Parties may establish a cooperative arrangement with the ILO, or any other competent international or regional organization to draw on their expertise and resources to achieve the objectives of this Chapter.

Article 13.21: Review

第13.18条：私人权利

缔约方不得因其法律规定的诉讼权对另一方提起诉讼，理由是该另一方以不符合本章的方式行事。

第13.19条：信息保护

1. 缔约方收到另一方标识为机密或专有信息的信息，应将该等信息作为机密或专有信息予以保护。
2. 根据本章规定收到机密或专有信息的审查小组，应按照缔约方根据附件13-B制定的程序示范规则予以保护。

第13.20条：与国际和区域组织的合作

缔约方可与国际劳工组织或其他任何相关国际或区域组织建立合作安排，利用其专业知识和资源以实现本章目标。

第13.21条：审查

The provisions of this Chapter shall be reviewed pursuant to Article 19.2 (Review Clause).

Annex 13-A: Cooperative Activities

1. The Parties have established the following indicative list of areas for cooperative activities that they may develop pursuant to Article 13.11:

- (a) information sharing: exchanging of information and sharing of best practices on issues of common interest and on relevant events, activities, and initiatives organized in their respective territories;*
- (b) international forums: cooperation within international and regional forums such as the ILO on labour-related issues;*
- (c) fundamental rights and their effective application: legislation and practice related to the core elements of the ILO 1998 Declaration (freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation);*
- (d) worst forms of child labour: legislation and practice related to compliance with the ILO Convention concerning the Prohibition*

本章的条款应依据第19.2条（审查条款）进行审查。

附件13-A：合作活动

1. 缔约方已根据第13.11条制定以下合作活动领域的指示性清单：

- (a) 信息共享：就共同关心的问题以及各自境内组织的相关活动、事件和倡议交换信息并分享最佳实践；
- (b) 国际论坛：在国际劳工组织等国际和区域论坛内就劳工相关问题开展合作；
- (c) 基本权利及其有效实施：与国际劳工组织1998年宣言核心要素相关的立法和实践（结社自由及有效承认集体谈判权、消除一切形式的强迫或强制劳动、有效废除童工、以及消除就业和职业歧视）；
- (d) 最恶劣形式的童工：关于遵守《国际劳工组织公约》中有关禁止

and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), done at Geneva, on 17 June 1999;

- *(e) labour administration: institutional capacity of labour administrations and tribunals;*
- *(f) labour inspectorates and inspection systems: methods and training to improve the level and efficiency of labour law enforcement, strengthen labour inspection systems, and help ensure compliance with labour laws;*
- *(g) labour relations: forms of cooperation and dispute resolution to ensure productive labour relations among workers, employers, and governments;*
- *(h) working conditions: mechanisms for supervising compliance with legislation pertaining to hours of work, minimum wages and overtime, and employment conditions;*
- *(i) occupational safety and health: prevention of occupational injuries and illnesses;*
- *(j) gender: gender issues, including the elimination of discrimination in respect of employment and occupation;*
- *(k) informal economy: facilitating transition from the informal to the formal economy; and*
- *(l) any other matter that the Parties may decide.*

并立即采取行动消除最恶劣形式的童工（第182号公约）的立法与实践，该公约于1999年6月17日在日内瓦通过；• (e) 劳动行政管理：劳动行政管理部门及法庭的机构能力；• (f) 劳动监察机构与监察制度：提升劳动法执行水平和效率的方法与培训，加强劳动监察制度，并帮助确保遵守劳动法；• (g) 劳动关系：合作形式与争议解决，以确保工人、雇主和政府之间建立高效的劳动关系；• (h) 工作条件：监督遵守关于工作时间、最低工资和加班以及就业条件的立法机制；• (i) 职业安全与健康：预防职业伤害和疾病；• (j) 性别：性别问题，包括消除就业和职业歧视；• (k) 非正规经济：促进从非正规经济向正规经济的过渡；以及• (l) 缔约方可能决定的任何其他事项。

2. In identifying areas for labour cooperation and capacity building, and in carrying out cooperative activities, each Party may consider the views of its worker and employer representatives, as well as those of other members of the public.

Annex 13-B: Procedures Related to Review Panels

Qualifications of Panellists

1. Each Panellist shall:

- (a) be chosen on the basis of expertise in labour matters or other appropriate disciplines, objectivity, reliability and sound judgment;
- (b) be independent of, and not be affiliated with or take instructions from, either Party; and
- (c) comply with a code of conduct to be established by the Parties pursuant to this Annex.

2. If either Party believes that a panellist is in violation of the Code of Conduct, the Parties shall consult and, if they decide that the panellist shall be removed, a new panellist shall be selected in accordance with the procedures set out in paragraph 4 or 5 that were used to select the panellist who was removed. The time limits shall run from the date of the removal of the panellist. The Model Rules of Procedure may

2. 在确定劳工合作和能力建设领域以及开展合作活动时，各方可考虑其工人和雇主代表以及其他公众成员的意见。

A附件13-B：审查小组相关程序

小组成员的资格

1. 每位小组成员应：

- (a) 基于劳工事务专业知识或其他相关学科、客观性、可靠性和良好的判断力进行遴选；
- (b) 独立于任一缔约方，不隶属于任何一方或接受其指示；且
- (c) 遵守缔约方根据本附件制定的行为准则。

2. 如任一缔约方认为小组成员违反行为准则，缔约方应进行协商；若决定将该小组成员被移除，则应根据第4款或第5款规定的程序（原用于选定被移除小组成员的程序）选任新小组成员。时限应自小组成员被移除之日起算。程序示范规则可

provide procedures for resolving the situation if the Parties cannot decide.

3. Individuals shall not serve as panellists with respect to a review in which they have an interest, or if a person or organization with which they are affiliated has an interest.

Review Panel Selection Procedures

4. For the purposes of selecting a panellist, the following procedures shall apply:

- (a) within 20 days of the receipt of the request for the establishment of a Review Panel under Article 13.15.1, each Party shall select one panellist; and*
- (b) if one Party fails to select its panellist within this period, the other Party shall select the panellist from among qualified individuals who are nationals of the Party that has failed to select its panellist.*

5. For the purposes of selecting the chairperson, the following procedures shall apply:

- (a) the Party that is the subject of the review shall provide the Party that made the request with the names of three individuals who it considers to be qualified to be the chairperson. The names*

在缔约方无法达成一致时，为解决该情形提供程序。

3. 个人不得在与自身存在利益关系的审查中担任小组成员，或在其所属个人或组织存在利益关系时担任小组成员。

审查小组选择程序

4. 为选择小组成员之目的，应适用下列程序：

- (a) 在收到根据第13.15.1条设立审查小组的请求后20日内，各方应各选任一名小组成员；且
- (b) 若一方未能在上述期限内选任其小组成员，另一方应从该未选任成员方的国民中符合条件的个人里选任小组成员。

5. 为选任主席之目的，应适用下列程序：

- (a) 作为审查对象的缔约方应向提出请求的缔约方提供其认为有资格担任主席的三位个人姓名。姓名

shall be provided no later than 20 days after the receipt of the request for the establishment of the Review Panel under Article 13.15.1;

- (b) the requesting Party may choose one of the individuals to be the chairperson or, if the names were not provided or none of the individuals is acceptable, provide the Party that is the subject of the review with the names of three individuals who it considers to be qualified to be the chairperson. Those names shall be provided no later than five days after receiving the names under sub-paragraph (a) or 25 days after the receipt of the request for the establishment of the Review Panel; and
- (c) the Party that is the subject of the review may choose one of the three individuals to be the chairperson, no later than five days after receiving the names under sub-paragraph (b), failing which either Party shall immediately request the Director General of the International Labour Office to appoint a chairperson within 25 days.

Conduct of the Review Panel

6. The Parties shall, within one year after the date of entry into force of this Agreement, establish Model Rules of Procedure, that shall be used for the establishment and conduct of proceedings under Section

应在收到根据第13.15.1条设立审查小组的请求后20天内提供；

- (b) 请求方可选择其中一名个人担任主席，若未提供名单或无一入选者可接受，则应向被审查的缔约方提供其认为具备主席资格的三位人选名单。该名单应在收到(a)项下名单后五日内或收到设立审查小组请求后25日内提交；且

- (c) 被审查的缔约方可在收到(b)项下名单后五日内从三位人选中选定主席，若逾期未选定，任一缔约方应立即请求国际劳工局总干事在25日内任命主席。

审查小组的运作

6. 缔约方应在本协议生效之日起一年内制定程序示范规则，该规则将用于C部分下诉讼程序的建立和进行。

C. The Model Rules of Procedure shall include a code of conduct for the purposes of paragraph 1 and rules for the protection of information under Article 13.19.

7. The Parties shall determine a separate budget for each set of Review Panel proceedings under this Chapter. The Parties shall contribute equally to the budget, unless they decide otherwise.

8. Unless the Parties decide otherwise, within 30 days of the establishment of the Review Panel, the terms of reference shall be:

- “To examine, in light of the relevant provisions of this Chapter, whether the Party that is the subject of the request has, in a trade-related matter, failed to comply with its obligations under Article 13.3 or Article 13.4 to the extent that they refer to the ILO 1998 Declaration, or engaged in a persistent pattern of failure to effectively enforce its labour law through appropriate government action, private action, procedural guarantees, or public information and awareness, and to make a finding, determination, and recommendation in accordance with paragraph 1 of Article 13.16.”*

9. For a determination under Article 13.15.3(a) whether the matter is trade-related, the requesting Party has the onus of establishing that the matter is trade-related. For a determination under Article

程序示范规则应包括第1款所述目的的行为准则以及第13.19条规定的信息保护规则。

7. 缔约方应为本章项下的每项审查小组程序确定单独的预算。除非另有决定，缔约方应均摊预算。

8. 除非缔约方另有决定，审查小组成立后30天内，其职权范围应为：

- “根据本章相关规定，审查被请求缔约方是否在贸易相关事项中未能履行第13.3条或第13.4条（限于涉及国际劳工组织1998年宣言的部分）规定的义务，或存在通过适当的政府行动、私人诉讼、程序保障或公共信息宣传持续未能有效执行其劳动法的模式，并根据第13.16条第1款作出认定、决定和建议。”

9. 根据第13.15.3(a)条判定事项是否与贸易相关时，请求方负有证明该事项与贸易相关的责任。根据第

13.16.1(c) whether the Party that is the subject of the request has failed to comply with its obligations, the requesting Party has the onus of establishing that non-compliance, and its case may be supplemented by any other information provided under Article 13.15.3(c).

10. A Review Panel shall not release the final report other than to the Parties. A Panellist may furnish a separate opinion on a matter not unanimously agreed. A Review Panel, however, shall not disclose which panellists are associated with a majority or minority opinion.

Annex 13-C: Monetary Assessments

1. The Review Panel shall reconvene as soon as possible after delivery of the request pursuant to Article 13.16.6. Within 90 days after being reconvened, the Review Panel shall determine whether the terms of the action plan have been implemented or the non-compliance remedied.

2. In the event of a negative determination under paragraph 1, and at the request of the requesting Party under Article 13.16.6, the Review Panel shall provide a monetary assessment payable on an annual basis, that reflects a determination of the estimated costs of implementing the action plan, or in the absence of an action plan,

13.16.1(c)条判定被请求缔约方是否未履行其义务时，请求方负有证明不合规情况的责任，且其主张可通过第13.15.3(c)条提供的任何其他信息予以补充。

10. 审查小组不得向缔约方以外的任何方发布最终报告。小组成员可就未达成一致意见的事项提供单独意见。然而，审查小组不得披露哪些小组成员与多数或少数意见相关联。

附件13-C：货币评估

1. 审查小组应根据第13.16.条的请求尽快重新召集。在重新召集后的90天内，审查小组应确定行动计划条款是否已得到实施或不合规问题是否已得到纠正。

2. 若根据第1款作出否定性裁定，且应请求方根据第13.16.6条提出请求，审查小组应提供按年度基准支付的货币评估，该评估应反映对实施行动计划的预估成本的裁定，或在无行动计划的情况下，

other appropriate measures to remedy the non-compliance provided that:

- *(a) the Review Panel may adjust the assessment to reflect:*
 - *(i) any mitigating factors, such as good faith efforts made by the Party to begin remedying the non-compliance after the final report of the Review Panel, good faith reasons for the Party's failure to comply with its obligations, or a real likelihood that the cost of the assessment would have a negative impact on vulnerable members of society;*
 - *(ii) any aggravating factors, such as the pervasiveness and duration of the Party's failure to comply with its obligations; or*
 - *(iii) the Party's national conditions, circumstances and needs; and*
- *(b) in no circumstances shall the monetary assessment exceed \$15 million U.S. dollars annually, or its equivalent in the currency of the Party that is the subject of the review, adjusted to the rate of inflation of that Party.*

3. Unless the Council decides otherwise, a monetary assessment shall be paid to the requesting Party. When the circumstances warrant, the Council may decide that an assessment shall be paid into an

其他用以补救不合规的适当措施，但须满足以下条件：

- (a) 审查小组可调整评估以反映：
 - (i) 任何减轻因素，例如被审查的缔约方为在审查小组最终报告后开始补救不合规行为所做的善意努力、该缔约方未能履行其义务的善意理由，或评估成本可能对社会弱势群体产生负面影响的真实可能性；
 - (ii) 任何加重因素，例如该缔约方未能履行其义务的普遍性和持续时间；或
 - (iii) 该缔约方的国情、情况和需求；以及
- (b) 在任何情况下，货币评估每年不得超过1500万美元，或按被审查的缔约方通货膨胀率调整后的等值该国货币。

3. 除非理事会另有决定，否则应向请求方支付货币评估。当情况需要时，理事会可决定将评估款存入一个

interest-bearing account designated by the Council and shall be expended at the direction of the Council to implement the action plan or other appropriate measures.

4. After the expiry of 90 days from the date on which the Review Panel determines the amount of the monetary assessment under paragraph 2, the requesting Party may provide the Party that is the subject of the review with a notice in writing demanding payment of the monetary assessment. The monetary assessment shall be paid in equal quarterly instalments, beginning 120 days after the requesting Party provides the notice, and ending upon a decision of the Parties, or upon the date of any Review Panel determination under paragraph 5.

5. If the Party that is the subject of the review considers that it has eliminated the non-compliance, it may refer the matter to the Review Panel by providing written notice to the requesting Party. The Review Panel shall be reconvened within 60 days of that notice and issue its report within 90 days thereafter.

6. In Canada, the procedures for enforcement of the monetary assessment resulting from a Review Panel determination under paragraph 2 shall be the following:

由理事会指定的计息账户，并应根据理事会的指示用于实施行动计划或其他适当措施。

4. 自审查小组根据第2款确定货币评估金额之日起90日期满后，请求方可向被审查的缔约方发出书面通知，要求支付该货币评估。货币评估应以等额季度分期付款方式支付，自请求方发出通知后120天开始，直至缔约方作出决定或根据第5款作出任何审查小组裁决之日终止。

5. 若被审查的缔约方认为其已消除不合规行为，可通过向请求方提交书面通知将事项提交审查小组。审查小组应于收到该通知后60日内重新召集，并于此后90日内出具报告。

6. 在加拿大，根据第2款由审查小组裁决产生的货币评估的执行程序应如下：

- (a) Ukraine may file in a court of competent jurisdiction a certified copy of a Review Panel determination only if Canada has failed to comply with the terms of a notice provided under paragraph 4 within 180 days of it being provided;
- (b) when filed, the Review Panel determination, for purposes of enforcement, shall become an order of the court;
- (c) Ukraine may take proceedings for enforcement of a Review Panel determination that is made an order of the court, in that court, against the person in Canada against whom the Review Panel determination is addressed in accordance with paragraph 4 of Annex 13-D;
- (d) proceedings to enforce a Review Panel determination that has been made an order of the court shall be conducted in Canada by way of summary proceedings, provided that the court shall promptly refer any question of fact or interpretation of the Review Panel determination to the Review Panel that made the determination, and the decision of the Review Panel shall be binding on the court;
- (e) a Review Panel determination that has been made an order of the court shall not be subject to domestic review or appeal; and

• (a) 乌克兰仅可在加拿大未能在收到第4款规定的通知后180天内遵守通知条款的情况下，向有管辖权的法院提交经认证的审查小组裁决副本；

• (b) 提交后，为执行之目的，审查小组裁决应成为法院命令；

• (c) 乌克兰可针对附件13-D第4款所述在加拿大的被审查小组裁决对象，在该法院提起执行已作为法院命令的审查小组裁决的诉讼程序；

• (d) 在加拿大执行已作为法院命令的审查小组裁决的诉讼程序应以简易程序进行，但法院须立即将有关审查小组裁决的任何事实问题或解释问题提交作出该裁决的审查小组，且审查小组的决定对法院具有约束力；

• (e) 已作为法院命令的审查小组裁决不得接受国内审查或上诉；以及

- (f) an order made by the court in proceedings to enforce a Review Panel determination that has been made an order of the court shall not be subject to review or appeal.

7. If Ukraine has failed to comply with a notice provided under paragraph 4 within 180 days of it being provided, the procedures for the enforcement of the monetary assessment resulting from a Review Panel determination under paragraph 2 shall be executed in Ukraine as follows:

- (a) Ukraine shall deem a Review Panel determination as a binding foreign arbitral award within the meaning of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done in New York, on 10 June 1958, and shall recognize and enforce it as such;
- (b) a Review Panel determination shall be deemed to be the result of a valid arbitration agreement; and
- (c) a competent Ukrainian court may refuse to recognize and enforce the Review Panel determination only on the grounds provided for in this Chapter.

8. If a Party makes a change to its domestic procedures for enforcement under paragraph 6 or 7 that has the effect of

- (f) 法院为执行已作为法院命令的审查小组裁决而作出的命令，不得接受复审或上诉。

7. 如果乌克兰未能在收到第4款所述通知后180天内遵守该通知，则应根据第2款由审查小组裁决产生的货币评估执行程序，在乌克兰按以下方式执行：

- (a) 乌克兰应将审查小组裁决视为1958年6月10日在纽约签订的《承认及执行外国仲裁裁决公约》意义上的具有约束力的外国仲裁裁决，并据此予以承认和执行；
- (b) 审查小组裁决应被视为有效的仲裁协议的结果；且
- (c) 乌克兰有管辖权的法院仅可基于本章规定的理由拒绝承认和执行审查小组裁决。

8. 如一缔约方根据第6款或第7款对其国内执行程序作出变更，且该变

undermining the provisions of this Annex, that Party shall be considered to be in violation of this Chapter.

Annex 13-D: Extent of Obligations

1. At the time of entry into force of this Agreement, Canada shall notify Ukraine, through diplomatic channels, a written declaration with a list of any provinces for which Canada is to be bound in respect of matters within their jurisdiction. The declaration shall be effective on the date of receipt by Ukraine, and shall carry no implication as to the internal distribution of powers within Canada. Canada shall notify Ukraine of any modification to its declaration, which shall take effect six months thereafter, subject to any outstanding public communications, Ministerial review or Review Panels.

2. Canada shall not request the establishment of a Review Panel under Section C at the request of the government of a province not included in the declaration provided under paragraph 1.

3. Ukraine shall not request the establishment of a Review Panel under Section C concerning a matter related to a labour law of a province unless that province is included in the declaration provided under paragraph 1.

破坏本附件规定的效果，则该缔约方应被视为违反本章。

附件13-D：义务范围

1. 本协议生效时，加拿大应通过外交渠道向乌克兰提交一份书面声明，列出加拿大将在其管辖权范围内受约束的省份清单。该声明自乌克兰收到之日起生效，且不暗示加拿大内部权力分配。加拿大应就声明任何修改通知乌克兰，修改将在六个月后生效，但需遵守任何未决的公众通讯、部长级审查或审查小组的意见。

2. 加拿大不得根据第1款未列入声明的省份政府的请求，依据C部分要求设立审查小组。

3. 乌克兰不得就与省份劳动法相关的事项请求根据C部分设立审查小组，除非该省份已包含在第1款规定的声明中。

4. Canada shall, no later than the date on which a Review Panel is established pursuant to Article 13.15 respecting a matter within the scope of paragraph 3, notify Ukraine in writing of whether any recommendation of a Review Panel in a report under Article 13.16 or any monetary assessment imposed by a Review Panel under Annex 13-C with respect to Canada shall be addressed to Her Majesty in right of Canada or Her Majesty in right of the province concerned.

5. Canada shall make its best efforts to have as many of its provinces as possible accept to be added to the declaration referred in paragraph 1.

Chapter 14: Transparency

Section A – Publication, Notification and Administration of Laws

Article 14.1: Definitions

For the purposes of this Section:

ruling of general application means an administrative ruling or interpretation applying to situations of fact and persons falling within the general scope of that ruling or interpretation and establishing a norm of conduct but does not include:

4. 加拿大应不迟于根据第13.15条就第3款范围内事项设立审查小组之日，以书面形式通知乌克兰：审查小组根据第13.16条在报告中提出的任何建议，或审查小组根据附件13-C对加拿大实施的任何货币评估，应提交给加拿大女王陛下还是相关省份女王陛下。5. 加拿大应尽最大努力使其尽可能多的省份同意被纳入第1款所述声明。

第14章：透明度

A部分 - 法律的公布、通知和管理

第14.1条：定义

就本部分而言：

普遍适用的裁决指适用于该裁决或解释的一般范围内的事实情况和人员并确立行为规范的行政裁决或解释，但不包括：