

ANNEX 43

EXTENT OF OBLIGATIONS

1. On the date of signature of this Agreement, or of the exchange of written notifications under Article 46, Canada shall set out in a declaration 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 delivery to Chile, and shall carry no implication as to the internal distribution of powers within Canada. Canada shall notify Chile six months in advance of any modification to its declaration.
2. Unless a communication relates to a matter that would be under federal jurisdiction if it were to arise within the territory of Canada, the Canadian National Secretariat shall identify the province of residence or establishment of the author of any communication regarding the labour law of Chile that it forwards to the Chilean National Secretariat. The Chilean National Secretariat may choose not to respond if that province is not included in the declaration made under paragraph 1.
3. Canada may not request consultations under Article 20, the establishment of an Evaluation Committee of Experts under Article 21, consultations under Article 25, or the establishment of a panel under Article 26 at the instance, or primarily for the benefit, of the government of a province not included in the declaration made under paragraph 1.
4. Canada may not request consultations under Article 20, the establishment of an Evaluation Committee of Experts under Article 21, consultations under Article 25, or the establishment of a panel under Article 26, unless Canada states in writing that the matter would be under federal jurisdiction if it were to arise within the territory of Canada, or:
 - (a) Canada states in writing that the matter would be under provincial jurisdiction if it were to arise within the territory of Canada; and
 - (b) the federal government and the provinces included in the declaration account for at least 35 percent of Canada's labour force for the most recent year in which data are available; and
 - (c) where the matter concerns a specific industry or sector, at least 55 percent of the workers concerned are employed in provinces included in Canada's declaration under paragraph 1.
5. Chile may not request consultations under Article 20, the establishment of an Evaluation Committee of Experts under Article 21, consultations under Article 25, or the establishment of a panel under Article 26, concerning a matter related to a labour law of a province unless that province is included in the declaration made under paragraph 1 and the requirements of subparagraphs 4(b) and (c) have been met.
6. Canada shall, no later than the date on which an arbitral panel is convened pursuant to Article 26 respecting a matter within the scope of paragraph 5 of this Annex, notify Chile in writing of whether any monetary enforcement assessment or action plan imposed by a panel under Article 35(4) or (5) against Canada shall be addressed to Her Majesty in right of Canada or Her Majesty in right of the province concerned.
7. Canada shall use its best efforts to make the Agreement applicable to as many of its provinces as possible.