

2. A Party shall not fail to effectively enforce its labour law, through a sustained or recurring course of action or inaction, to encourage trade or investment.

Article 3: Government Enforcement Action

Each Party shall promote compliance with, and effectively enforce, its labour law by taking appropriate and timely government action, including:

- (a) by establishing and maintaining labour inspection divisions, including by appointing and training labour inspectors or officers who monitor compliance and investigate suspected violations, including through on-site proactive inspections;
- (b) by initiating proceedings to seek appropriate sanctions or remedies for those contraventions; and
- (c) by encouraging or supporting mediation, conciliation and arbitration, as well as the establishment of worker-management committees to address labour regulation of the workplace.

Article 4: 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 a breach of that law.

Article 5: Procedural Guarantees

1. Each Party shall ensure that the proceedings referred to in Article 3(a) and (b) (Government Enforcement Action) and Article 4 (Private Action) are fair, equitable and transparent, and to this end, shall provide that:

- (a) persons which conduct the proceedings meet appropriate guarantees of independence, including not having an interest in the outcome of the matter;
- (b) the parties to the proceedings are entitled to support or defend their respective positions and to submit information or evidence;
- (c) the decision is based on that information or evidence and final decisions on the merits of the case are in writing;