

3. Each Party retains the right to the reasonable exercise of discretion and to bona fide decisions with regard to the allocation of resources between labour enforcement activities among the fundamental labour rights enumerated in Article 1.1 (a) to (d), provided the exercise of such discretion and such decisions are not inconsistent with the obligations of this Agreement.

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

ARTICLE 5: Procedural Guarantees

1. Each Party shall ensure that proceedings referred to in subparagraphs 1 (b) and (f) of Articles 3 and Article 4 are fair, equitable and transparent and to this end shall provide that:

- (a) persons who conduct such proceedings are impartial and independent and do not have 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 present information or evidence;
- (c) the decision is based on such information or evidence and final decisions on the merits of the case are in writing;
- (d) the proceedings are open to the public, except where the law and the administration of justice otherwise requires; and
- (e) the 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.