

Article 26: Definitions

For purposes of this Agreement:

A Party has not failed to “**effectively enforce its labour law**” or comply with Article 3 in a particular case where the action or inaction by agencies or officials of that Party:

- (a) reflects a reasonable exercise of the agency’s or the official’s discretion with respect to investigatory, prosecutorial, regulatory or compliance matters; or
- (b) results from bona fide decisions to allocate resources to:
 - (i) enforcement in respect of other labour matters determined to have higher priorities; or
 - (ii) emergency needs arising as a result of urgent temporary social or economic priorities.

“**days**” means calendar days, including weekends and holidays;

“**enterprise**” means any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, sole proprietorship, joint venture or other association;

“**labour law**” means laws, regulations and jurisprudence, as applicable, that implement and protect, the labour principles and rights set out in Article 1;

“**national**” means:

- (a) with respect to Canada: a permanent resident of Canada or a citizen of Canada under Canadian legislation;
- (b) with respect to the Republic of Colombia: a natural person who is a Colombian by birth or naturalization, in accordance with Article 96 of the *Constitución Política de Colombia*;

“**persistent pattern**” means a sustained or recurring course of action or inaction beginning after the date of entry into force of this Agreement, and 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 Territory, the Northwest Territories and Nunavut and their successors;