

## CHAPTER 5

### SOCIAL ASPECTS

#### ARTICLE 191

##### Objectives and multilateral commitments

1. The Parties reaffirm their commitment to the internationally recognised core labour standards, as defined by the relevant ILO Conventions, and in particular the freedom of association and the right to collective bargaining, the abolition of forced labour, the elimination of the worst forms of child labour and non-discrimination in respect to employment. The Parties also reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).
2. The Parties reaffirm their commitment to the 2006 Ministerial declaration by the UN Economic and Social Council on Full Employment and Decent Work, promoting the development of international trade in a way that is conducive to full and productive employment and decent work for all, including men, women and young people.
3. The Parties recognise the beneficial role that core labour standards and decent work can have on economic efficiency, innovation and productivity, and they highlight the value of greater policy coherence between trade policies, on the one hand, and employment and social policies on the other.

4. The Parties agree that labour standards should not be used for protectionist trade purposes.
5. The Parties recognise the benefits of commerce in fair and ethical trade products and the importance of facilitating such commerce between them.

## ARTICLE 192

### Levels of protection and right to regulate

Recognising the right of the Parties and the Signatory CARIFORUM States to regulate in order to establish their own social regulations and labour standards in line with their own social development priorities, and to adopt or modify accordingly their relevant laws and policies, each Party and Signatory CARIFORUM State shall ensure that its own social and labour regulations and policies provide for and encourage high levels of social and labour standards consistent with the internationally recognised rights set forth in Article 191 and shall strive to continue to improve those laws and policies.

## ARTICLE 193

### Upholding levels of protection

Subject to Article 192, the Parties agree not to encourage trade or foreign direct investment to enhance or maintain a competitive advantage by:

- (a) lowering the level of protection provided by domestic social and labour legislation;
- (b) derogating from, or failing to apply such legislation and standards.

## ARTICLE 194

### Regional integration

In the light of the social challenges facing their respective regions, and in order to promote the sustainable development of international trade, the Parties recognise the importance of establishing social cohesion policies and measures to promote decent work at regional level.

## ARTICLE 195

### Consultation and monitoring process

1. In accordance with Article 191, the Parties recognise the importance of monitoring and assessing the operation of the Agreement on decent work and other areas of sustainable development through their respective participative processes and institutions, as well as those set up under this Agreement.
2. The Parties may consult each other and the CARIFORUM-EC Consultative Committee on social issues covered by Articles 191 to 194. Members of the CARIFORUM-EC Consultative Committee may submit oral or written recommendations to the Parties for disseminating and sharing best practice relating to issues covered by this Chapter.
3. On any issue covered by Articles 191 to 194 the Parties may agree to seek advice from the ILO on best practice, the use of effective policy tools for addressing trade-related social challenges, such as labour market adjustment, and the identification of any obstacles that may prevent the effective implementation of core labour standards.
4. A Party may request consultations with the other Party on matters concerning the interpretation and application of Articles 191 to 194. The consultations shall not exceed three months. In the context of this procedure any Party may independently seek advice from the ILO. In this case the limit for the period of consultations is extended by a further period of three months.

5. If the matter has not been satisfactorily resolved through consultations between the Parties pursuant to paragraph 3 any Party may request that a Committee of Experts be convened to examine such matter.

6. The Committee of Experts shall comprise three members with specific expertise in the issues covered by this Chapter. The Chairperson shall not be a national of either Party. The Committee of Experts shall present to the Parties a report within three month of its composition. The report shall be made available to the CARIFORUM-EC Consultative Committee.

## ARTICLE 196

### Cooperation

1. The Parties recognise the importance of cooperating on social and labour issues in order to achieve the objectives of this Agreement.

2. Subject to the provisions of Article 7, the Parties agree to cooperate, including by facilitating support, in the following areas:

- (a) exchange of information on the respective social and labour legislation and related policies, regulations and other measures;

- (b) the formulation of national social and labour legislation and the strengthening of existing legislation, as well as mechanisms for social dialogue, including measures aimed at promoting the Decent Work Agenda as defined by the ILO;
- (c) educational and awareness-raising programmes, including skills training and policies for labour market adjustment, and raising awareness of health and safety responsibilities, workers' rights and employers' responsibilities; and
- (d) enforcement of adherence to national legislation and work regulation, including training and capacity building initiatives of labour inspectors, and promoting corporate social responsibility through public information and reporting.

## CHAPTER 6

### PROTECTION OF PERSONAL DATA

#### ARTICLE 197

##### General objective

1. The Parties and the Signatory CARIFORUM States, recognising:
  - (a) their common interest in protecting fundamental rights and freedoms of natural persons, and in particular their right to privacy, with respect to the processing of personal data,