



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

NORTH AMERICAN LABOUR COOPERATION AGREEMENT IMPLEMENTATION ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca



NORTH AMERICAN LABOUR COOPERATION AGREEMENT IMPLEMENTATION ACT

CHAPTER N-3.2

WHEREAS the Government of Canada has entered into the *North American Agreement on Labour Cooperation* with the United Mexican States and the Government of the United States of America which commit all three countries to close cooperation on labour issues and provide for the effective enforcement of laws relating to the protection of labour standards;

AND WHEREAS the Provinces of Canada have significant constitutional authority with respect to the enactment and enforcement of legislation in relation to the protection of labour standards;

AND WHEREAS the Agreement specifically provides for the separate accession of each of the Governments of the Provinces of Canada, and the Government of Canada, and the Governments of the Provinces of Canada cannot claim the full benefit of the Agreement unless they introduce measures to provide for the implementation of the Agreement;

AND WHEREAS the Government of Canada and the Governments of the Provinces of Canada, including the government of Prince Edward Island, have negotiated the *Canadian Intergovernmental Agreement Regarding the North American Agreement on Labour Cooperation* setting out the means whereby the *North American Agreement on Labour Cooperation* can best be implemented in the interests of all Canadians:

1. Definitions

In this Act

- (a) “**appropriate Commission**” means, in respect of a panel determination as defined in Annex 41A of the Labour Cooperation Agreement, the Commission for Labour Cooperation established under Article 8 of that agreement;
- (b) “**Canadian Intergovernmental Labour Agreement**” means the *Canadian Intergovernmental Agreement Regarding the North American Agreement on Labour Cooperation* signed by the Government of Canada on May 23, 1995 and by the Government of Prince Edward Island on October 7, 1998;
- (c) “**Labour Cooperation Agreement**” means the *North American Agreement on Labour Cooperation* entered into among the Government of Canada, the Government of the United Mexican States and the Government of the United States of America, signed on September 14, 1993, as amended from time to time in accordance with Article 52 of that Agreement;
- (d) “**panel**” means an arbitral panel convened under Article 29 of the Labour Cooperation Agreement;
- (e) “**panel determination**” means a panel determination as defined in Annex 41A of the Labour Cooperation Agreement;
- (f) “**Supreme Court**” means the Supreme Court of Prince Edward Island. 1999,c.5,s.1.

2. Panel determination

An appropriate Commission may file a certified copy of a panel determination in the Supreme Court and, on being filed, the determination is deemed to be an order of the Supreme Court. *1999, c.5, s.2.*

3. Enforcement proceedings

- (1) Notwithstanding subsections 13(2) and 17(6) of the *Crown Proceedings Act R.S.P.E.I. 1988, Cap. C-32*, but subject to this section, a panel determination that is filed pursuant to section 2 is enforceable against the Crown in the same manner as any other order of the Supreme Court.

Appropriate Commission

- (2) Proceedings for enforcement of a panel determination as an order of the Supreme Court under section 2 may be taken against the Crown only by the appropriate Commission.

No enforcement against Minister or official

- (3) No proceedings may be taken against a Minister or an official in his or her official or personal capacity with respect to acts or omissions related to the administration of this Act.

Hearing in a summary way

- (4) Proceedings pursuant to subsection (2) shall be heard and determined in a summary manner.

Reference to the panel

- (5) Where a question of fact or of the interpretation of a panel determination arises in any proceedings pursuant to subsection (2), the Supreme Court shall refer the question to the panel that made the determination, and the decision of the panel on the question is binding on the Supreme Court.

Panel unable to reconvene

- (6) Notwithstanding subsection (5), where the panel that made the decision is unable to reconvene, the decision of another panel shall be deemed to be that of the original panel for the purposes of subsection (5).

No interventions

- (7) No person or body may intervene in any proceedings pursuant to subsection (2). *1999, c.5, s.3.*

4. Determinations, orders and decisions are final

- (1) Panel determinations, orders and decisions of the Supreme Court in proceedings under this Act are final and binding and are not subject to appeal to any court.

Limitation on proceedings

- (2) Subject to section 3, no panel determination or proceedings of a panel made or carried on under the Labour Cooperation Agreement, no order or decision made by the Supreme Court in any proceeding under this Act and no proceeding of the Supreme Court made or carried on or purporting to be made or carried on under that subsection shall be
- (a) questioned, reviewed, set aside, removed, prohibited or restrained; or
 - (b) made the subject of any proceedings in, or any process or order of, any court, whether by way of or in the nature of an application for judicial review, injunction, *certiorari*, prohibition, *quo warranto*, declaration or otherwise

on any grounds, including grounds that the determination, proceeding, order or decision is beyond the jurisdiction of the panel or the Supreme Court, as the case may be, or that, in the course of any proceeding, the panel or the Supreme Court for any reason exceeded or lost its jurisdiction. *1999,c.5,s.4.*

5. Procedure on withdrawal

- (1) If
- (a) the Government of Canada withdraws from the Labour Cooperation Agreement under Article 54 of that Agreement; or
 - (b) the Province of Prince Edward Island withdraws from the Canadian Intergovernmental Labour Agreement under Article 14 of that Agreement and thereby signifies its unwillingness to be further bound by the terms of the Labour Cooperation Agreement,

the Minister of Justice and Public Safety and Attorney General shall file a notice of the withdrawal in the Supreme Court setting out the Agreement from which Canada has withdrawn or in respect of which the Province of Prince Edward Island signifies its unwillingness to be further bound, and the date on which the withdrawal is effective.

Effect of filing notice

- (2) A panel determination made under an agreement referred to in a notice filed under subsection (1) may not be enforced under this Act as of the date of withdrawal set out in the notice. *1999,c.5,s.5; 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*