



EMBASSY *of* COLOMBIA

W A S H I N G T O N

WORKER RIGHTS

The rights of workers in Colombia are protected by a robust legal framework, which includes constitutional and statutory protections that reflect the core labor standards defined under the International Labor Organization's (ILO) Declaration on Fundamental Principles and Rights at Work. Colombia has ratified 60 ILO Conventions, including all eight fundamental labor rights conventions. Among these rights are:

- **Freedom of Association and the Effective Right to Collective Bargaining**
- **Prohibition of Forced Labor**
- **Effective Abolition of Child Labor**
- **Non-Discrimination in Employment**

Constitutional protections permit workers to form unions without interference and provide protections from dismissal for workers that establish unions (fuero sindical). Various rulings and decisions of the Constitutional Court have validated the constitutional rights of workers to associate, bargain collectively and strike.

LABOR REFORMS TO MEET ILO STANDARDS

In the past, the ILO has noted several provisions of Colombian labor law and practice that raised issues of consistency with some of the jurisprudence of the ILO conventions. Statutory reforms passed in 2000 eliminated most of these issues, and many additional legislative, regulatory and judicial opinions during the Uribe Administration have strengthened the legal framework and further addressed the ILO's concerns. These changes include:

- In 2003, the Colombian Constitutional Court annulled several provisions limiting industrial unions' rights to collective bargaining.
- In 2006, a new Code for Infants and Adolescents was adopted, which addressed ILO concerns regarding protections against the worst forms of child labor, the regulation of apprenticeships, and child labor in hazardous activities.
- In 2005 and 2006, new Presidential Decrees and regulations were adopted that addressed concerns regarding Workers' Cooperatives and Temporary Workers.
- Legislation passed in 2007 will significantly expedite labor justice by adopting new oral procedures for labor disputes. Efforts are on-going to effectively implement the new oral procedure law by providing the resources necessary for: (1) training judges and personnel; (2) computer and case management technology; and (3) court and administrative infrastructure.

The right to strike is guaranteed under the Constitution of Colombia. President Uribe has now sent a new bill (Bill 190) to the Congress asking for its expedited consideration in an extraordinary session that began on February 6, 2008, which would address two pending ILO issues by: (1) moving the authority to declare the legality of strikes to the judicial branch; and (2) permitting arbitration 60 days after a strike at the request of both parties.

The Constitution does permit limits on the right to strike in essential services, which has been defined through statute and constitutional court jurisprudence. The government is currently working on legislation to provide legal guidelines for the definition of essential services that will be submitted to the Congress for passage when it returns for its regular session in August 2008.



IMPROVING UNION REGISTRATION PROCEDURES

Currently, there are close to **one million unionized workers** in Colombia, and **over 7,650 unions registered** with the Ministry of Social Protection. New government resolutions have expedited the labor union registration process.

To further enhance the legal protections and provide greater confidence that administrative processes would not be used to inappropriately frustrate the registration of legitimate unions meeting the legal requirements, the Minister of Social Protection issued a regulation in May 2007 which reduced the period for administrative consideration of a union registration submission from 15 to only five days. Any problems with the submission can be identified, remedied, and resubmitted during a two month period. A failure to deny the registration within five days means it is automatically granted.

During 2007, 73 new unions were registered.