



# Colombia FTA Facts

Office of the United States Trade Representative  
March 2008

[www.ustr.gov](http://www.ustr.gov)

## Colombia FTA: Colombia's Labor Laws and Labor Protections

### **Strongest Labor Protections Ever in a Trade Agreement**

As a result of the bipartisan trade deal, the labor chapter of the U.S. – Colombia Free Trade Agreement, like the agreements with Peru, Panama and Korea, goes further in incorporating labor protections into a trade agreement than previous trade agreements, by the United States or any other country. It includes:

**Fundamental Labor Rights Guaranteed** — Enforceable obligation to adopt and maintain in law and practice the five fundamental labor rights, as stated in the 1998 *ILO Declaration on Fundamental Principles and Rights at Work* (ILO Declaration):

- Freedom of association;
- The effective recognition of the right to collective bargaining;
- The elimination of all forms of forced or compulsory labor;
- The effective abolition of child labor and a prohibition on the worst forms of child labor; and
- The elimination of discrimination in respect of employment and occupation.

**Enforcement Ensured** — Enforceable obligation to effectively enforce labor laws related to internationally recognized labor rights; includes fundamental labor rights from the ILO Declaration, plus acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

**Dispute Settlement Parity** — Labor obligations subject to the same dispute settlement procedures and remedies as commercial obligations. Available remedies are fines and trade sanctions, based on amount of trade injury.

### **Colombia's laws provide for fundamental labor rights and more**

- Ratified 71 ILO conventions — including all eight of the core conventions. Under Colombia's Political Constitution, ratified ILO conventions have the same legal authority as national law.
- Passed major labor law reform in 2000 addressing long-standing observations of the ILO on freedom of association and collective bargaining.
- A 2006 *Tripartite Agreement on Freedom of Association and Democracy* signed by labor confederations, employers, and the government led to the establishment of a permanent ILO presence in Colombia.

### **Freedom of Association**

- Colombia's Constitution provides for the right to establish trade unions free from government intervention and guarantees the right to strike.

- The law provides for special legal protection for union representatives to prevent against anti-union discrimination in employment.

### **Right to Organize and Bargain Collectively**

- The law prohibits individuals from interfering with, pressuring, or limiting workers' trade union rights, including the right to freely associate.
- The law requires employers to negotiate with unions that submit legitimate requests to bargain collectively.

### **Prohibition on Forced Labor**

- Colombia's Constitution prohibits slavery and servitude and trafficking in persons, and violations are subject to imprisonment under the penal code.
- The Inter-institutional Committee against Trafficking in Persons and various ministries have implemented a variety of anti-trafficking initiatives within Colombia. In 2006, the Government of Colombia reported 49 active investigations, 63 prosecutions, and 10 convictions related to trafficking.

### **Labor protections for children and a prohibition on the worst forms of child labor**

- Colombia's *Código de Infancia y Adolescencia* establishes a minimum age for employment (generally 15 years of age, with limited exceptions under specified conditions) and sets hours and conditions of work for children under 18 years of age.
- The Ministry of Social Protection has established a list of the worst forms of child labor that are prohibited for all minors under age 18.
- Colombia's National Development Plan 2002-2006 establishes the eradication of exploitive child labor as a priority.

### **Non-discrimination in respect of employment**

- The *Código Sustantivo del Trabajo* states that all workers are equal before the law and that each worker possesses the same protections and guarantees.
- The government has tasked a special unit to propose, coordinate, and evaluate policies, plans and programs of prevention, inspection, monitoring and control for the reduction of employment discrimination.

### **Acceptable Conditions of Work**

- In 2007, Colombia raised its monthly minimum wage to \$202 (USD), a \$12 increase from 2006.
- The law requires employers to protect the security and health of their workers through the provision of proper equipment and workplaces.
- The law makes provisions for overtime work that vary according to whether workers' normal hours are daytime, night time, or mixed shifts.

### **Creating a Safer Environment for Unionists**

Due to paramilitary demobilizations, improvements in the general security situation and a greatly expanded protection program for vulnerable groups, homicides in Colombia have decreased by 40 percent since 2002 in the country as a whole and by over 60 percent for union members. The Colombian government has established a special prosecutors unit and assigned three judges to pursue convictions in priority homicide cases identified by Colombia's major unions.