



Colombia FTA Facts

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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, between 2002 and 2007 homicides in Colombia decreased by 40 percent in the country as a whole and by twice as much 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.