

**FOR INFORMATION**

## FOURTH ITEM ON THE AGENDA

**Implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia**

1. The Office has been reporting regularly to the members of the Governing Body on the progress made in the implementation of the Tripartite Agreement on Freedom of Association and Democracy (hereinafter, the “Tripartite Agreement”), signed by representatives of the Government of Colombia and Colombian employers’ and workers’ organizations. The Tripartite Agreement was submitted to the Conference Committee on the Application of Standards at the 95th Session of the International Labour Conference (June 2006) and to the Governing Body at its 297th Session (November 2006). This report will describe the latest developments in this area since the last report was presented to the Governing Body at its 301st Session (March 2008).
2. Work is continuing on the implementation of the four projects established under the commitments made in the Tripartite Agreement and financed by the Government of Colombia, on the promotion of fundamental labour Conventions, strengthening of labour inspection, promotion of employment for young people and women, and local economic development. In October 2008, the Office began to implement a new project, financed by the Government of the United States, to promote an enabling environment and capacity to apply fundamental principles and rights at work, in particular freedom of association and the right to collective bargaining. In 2009, the Office will start two new projects, financed by the Government of Colombia, to promote the effectiveness of social dialogue and to provide tools to improve the situation of women on the labour market.
3. Since the Tripartite Agreement was presented, the Office has carried out an important number of missions to Colombia by officials and experts of the Regional Office, the Subregional Office for the Andean countries and headquarters, to continue supporting the commitments undertaken by the Government and Colombian employers’ and workers’ organizations. Some of the activities carried out are described below.

**Combating impunity**

4. The Office has continued to encourage the adoption of measures by the Office of the Attorney-General and the Superior Council of the Judicature to sustain the increase in the number of cases investigated and convictions handed down for attacks on members of the

trade union movement. As a result, and thanks to government efforts and the interest and concern displayed by the social partners, 19 special investigation units and three specialized judges were established in 2008. The Office is developing a database to monitor investigations into attacks on members of the trade union movement. Nevertheless, a large number of cases remain to be investigated; hence the importance of action to support the Government so that the Office of the Attorney-General and the Superior Council of the Judicature can pursue their efforts to step up their investigations and proceedings that may lead to convictions.

## Promoting fundamental labour standards

5. During the reporting period, the Office continued to provide advisory assistance to some 80 trade unions and employers' organizations<sup>1</sup> in search of alternative solutions to settle labour disputes and on the role of the International Labour Organization (ILO). In the last six months, it pursued its efforts to promote ILO standards on the protection of and respect for trade union guarantees among officials of the judiciary and workers' and employers' organizations. The Office is facilitating the establishment of an observatory to monitor the application of fundamental rights at work. Diagnostic studies have also been prepared on gender issues in the Single Confederation of Workers of Colombia (CUT), the General Confederation of Labour (CGT), the Confederation of Workers of Colombia (CTC) and the National Business Association of Colombia (ANDI). A proposal has been drafted on the inclusion of fundamental rights at work in the national education curriculum. Draft regulations implementing Act No. 411 on collective bargaining in the public sector were prepared in a tripartite process, with the participation of an eminent labour law specialist. A radio and television campaign was designed to raise public awareness on the importance of respect for trade union guarantees, and an educational booklet was prepared on the same subject. In addition, an ILO manual on these issues was translated into Spanish.

## Strengthening social dialogue

6. The Office has continued to participate in sessions of the National Commission on Wage and Labour Policies and in tripartite meetings convened by the President of Colombia to develop a timeline for meeting the commitments under the Tripartite Agreement and to discuss some of the issues brought to the attention of the high-level mission to Bogotá in November 2007. Workshops were held on the importance of social dialogue for the members of regional consultation subcommittees, and activities on the same subject were carried out with each of the social partners. A tripartite training programme was developed on negotiating techniques for members of the Special Committee for the Handling of Conflicts referred to the ILO (CETCOIT). It is planned to set up a tripartite technical advisory committee in the near future to advise the members of the National Commission on Wage and Labour Policies on the matters within its remit. Along the same lines, the Office has commissioned studies on subjects proposed by representatives of the Government and the social partners. It has also hired consultancies on confidence building for social dialogue, the state and challenges of collective bargaining in Colombia, and reaching agreements on the functions and procedures of the National Commission on Wage and Labour Policies and the CETCOIT.
7. In 2008, the tripartite round tables coordinated by the Office in its different projects identified a number of subjects inherent in the commitments under the Tripartite

<sup>1</sup> For reasons of confidentiality, the list of workers' and employers' organizations is only available to trade union confederations and employers' chambers, respectively.

Agreement. These include: amending the administrative procedure for registering workers' organizations; regulating the application of the ILO Conventions on collective bargaining in the public sector; the establishment of arbitration courts; and regulating the procedure for declaring a strike illegal. On the latter issue, at the Government's initiative, a new law has been adopted by the National Congress transferring competence in this regard from the executive to the judicial branch. It is important to note that the mechanisms for consultation and participation of the social partners, according to the principles adopted by the ILO's supervisory bodies, must be further improved if they are to make a more effective and enriching contribution to the design, implementation and evaluation of labour policies.

8. Once again, the Office wishes to highlight the continued cooperation of the Government of Colombia and the readiness of the officials of the Colombian workers' and employers' organizations to support the process of implementing the Tripartite Agreement. Nevertheless, considerable efforts still need to be made to fulfil the commitments that have been undertaken.

Geneva, 23 February 2009.

*Submitted for information.*