



Governing Body

316th Session, Geneva, 1–16 November 2012

GB.316/POL/8

Policy Development Section
Technical Cooperation Segment

POL

Date: 5 October 2012

Original: Spanish

EIGHTH ITEM ON THE AGENDA

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

Purpose of the document

This document informs the Governing Body of progress in the implementation of the 2006 Tripartite Agreement over the period from October 2011 to August 2012.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work; strengthen tripartism and social dialogue.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: See paragraph 12.

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Related documents: Decree No. 1092 of 24 May 2012; Report of the Office of the Attorney-General of the Nation: *Trabajo digno y decente en Colombia: seguimiento y control preventivo de las políticas públicas* ("Decent work in Colombia: Follow-up and preventive control with regard to public policies").

Activities undertaken

1. In November 2011 the Ministry of Labour and the Department for Labour Administration were established in Colombia. The ILO Office for the Andean Countries, in coordination with the Labour Administration and Inspection Programme (LAB/ADMIN), contributed to developing a definition of the functions and structure of the new ministry within a consultation process with representatives of employers' and workers' organizations and with the relevant government bodies. Similar assistance was given to the subsequent social dialogue process within the Standing Negotiation Committee on Labour and Wage Policies, to draw up a proposal that was submitted to the President of the Republic for approval.
2. Technical assistance relating to the promotion of tripartite social dialogue in the country's departmental subcommittees is ongoing, with a view to making the content and relevance of such dialogue more dynamic, improving capacity to follow up on agreements and establishing effective communication mechanisms between all the national social dialogue bodies. As a result, the state decent work plan, set out in the development plan for the department of Magdalena, was approved and has advanced the process for the approval of a municipal decent work policy in the country's second largest city, Medellín. A similar process is to be carried out with the Bogotá City Council.
3. Technical assistance is being provided to implement the Act on Labour Formalization and Job Creation, which bans employment intermediation through associated labour cooperatives for activities relating to the permanent core functions of enterprises and the public sector. The ILO has contributed by producing a guide for labour inspectors and providing training for civil servants, both those already in employment and new hires at the end of 2011.
4. With regard to freedom of association, the Office of the Attorney-General of the Nation has launched a mass media campaign to promote labour rights and freedom of association. At the end of 2011 it also published a report entitled *Trabajo Digno y Decente en Colombia. Seguimiento y control preventivo a las políticas públicas* ("Decent work in Colombia: Follow-up and preventive control with regard to public policies").
5. With respect to legislation on collective bargaining in the public sector, on 24 May 2012, Decree No. 1092 was passed, repealing Decree No. 535. The trade union confederations have expressed their partial disagreement with it and have lodged an action with the Council of State, which is still pending. The subcommittee for public-sector bipartite social dialogue will run 32 workshops (one in each of the country's departments), financed by the Ministry of Labour, to provide information about the new legislation to local government delegates and members of trade union confederations.
6. The functioning of the Special Committee for the Handling of Conflicts referred to the ILO (CETC-OIT) has been strengthened and regulations have been drawn up establishing the rules of procedure of the Committee and the receivability requirements for cases. A facilitator was appointed with tripartite approval, who has overseen the resolution of a large number of cases with technical assistance provided by the Office through the International Labour Standards Department. The Director of that department learnt about the operations of CETC-OIT on her recent visit to Colombia in August 2012.

Financial aspects

7. The Government undertook to provide funding to ensure the completion of the proposals set out in the Tripartite Agreement on Freedom of Association and Democracy in Colombia. The constituents requested the Office to mobilize and manage supplementary technical cooperation resources.
8. As in previous years, the Office wishes to highlight the continued and immediate cooperation of the Government of Colombia, and the readiness of the representatives of the workers' and employers' organizations to tackle issues covered by the Tripartite Agreement.
9. The Office continues to convene the tripartite committee for the follow-up of ILO technical cooperation in Colombia. The tripartite committee has participated in the definition of the priorities of the ILO technical cooperation programme for Colombia for the current biennium. At the request of representatives of trade union organizations and of employers, indicators will be jointly defined to measure the progress of the ILO cooperation programme in priority areas.
10. In 2012, the Ministry of Labour has made significant contributions to the ILO, amounting to US\$1,138,000, to support the implementation of technical cooperation projects to promote social dialogue at the local level and contribute to the reinforcement of the national policy for the elimination of child labour. Also, and as a result of its activities with other donors, the ILO has been implementing initiatives that have resulted in the mobilization of more than \$6 million over the last two years.
11. Approval was granted for the project *Promoción del cumplimiento de las normas internacionales del trabajo en Colombia* ("Advancing compliance with international labour standards in Colombia"), under Outcome 18 of the ILO programme and budget, for a total of \$4.8 million, financed by the United States Department of Labor (USDOL) for an estimated period of three years. The project, which has been the subject of tripartite consultations and includes actions to enforce international labour standards, particularly those relating to freedom of association and collective bargaining, strengthening labour inspection, promoting social dialogue and strengthening the capacity of the Government of Colombia to combat violence against trade unions, was officially announced by the President of the Republic on 6 August, in the presence of the United States Ambassador to Colombia, the Director of the ILO International Labour Standards Department and Colombia's Ambassador to the United Nations in Geneva. Furthermore, the Office of the Public Prosecutor of the Nation and the ILO signed a Memorandum of Understanding to strengthen the investigation and prosecution of all cases of violence against trade union members.

Next steps

12. The Office is currently developing and negotiating additional technical cooperation initiatives to increase its capacity to provide technical assistance and to support the priorities established in consultation with Colombian constituents. These include a project for the promotion of sustainable and responsible enterprises in the textile and flower-growing sectors, financed by the Governments of Switzerland and Norway, and a similar initiative in the mining sector, for which funding is being considered by a donor. These initiatives fall under the ILO's technical cooperation programme for Colombia.