



Colombian Action Plan Related to Labor Rights: Accomplishments to Date

Fact Sheets June 2011

On April 7, 2011, the U.S. and Colombian Governments announced an Action Plan in which the Colombian Government committed to a series of measures in defined time frames to improve the protection of internationally recognized labor rights, the prevention of violence against labor leaders, and the prosecution of the perpetrators of such violence. The U.S. Government has confirmed that the Colombian Government has taken the steps slated for completion to date, further building on work done during the initial phases of the Action Plan. These include the following actions:

RECENT ACTIONS

- Formally requested the International Labor Organization (ILO) to significantly strengthen its presence in Colombia in order to help implement the measures outlined in the Action Plan related to Labor Rights, including by helping to monitor the use of collective pacts and supporting the tripartite process.
- Issued a decree reforming the scope and functioning of the interagency committee that reviews risk assessments for the government protection program.
- Completed an analysis by the Prosecutor General's Office of closed unionist homicide cases in order to extract lessons to improve the investigation and prosecution of future cases.
- Eliminated the backlog of risk assessments for applicants to the government protection program for threatened union members and activists.
- Completed the reassignment of 50 new judicial police investigators to criminal cases involving union members and activists.
- Posted a dozen additional documents on Action Plan implementation on the Colombian Presidency website.

PREVIOUS ACCOMPLISHMENTS UNDER THE ACTION PLAN

Protecting Internationally Recognized Labor Rights

- Secured legislation to establish criminal penalties, including imprisonment, for employers that undermine the right to organize and bargain collectively or threaten workers who exercise their labor rights. The law includes a provision making it a crime to offer a

collective pact to non-union workers that has superior terms to those offered to union workers.

- Accelerated the effective date from July 2013 to June 2011 of new legal provisions, including significant fines, to prohibit and sanction the misuse of cooperatives and other employment relationships that undermine workers' rights.
- Issued regulations that implement these new legal provisions on cooperatives and other employment relationships, clarify earlier cooperatives laws, and ensure coherence among these laws. The regulations include significant fines for companies that violate these laws and create tools for the Government to promote the establishment and maintenance of direct employment relationships between the user companies and affected workers. The new regulations also strengthen and clarify rules to ensure that only legitimate, autonomous, and self-directed cooperatives are allowed to operate.
- Launched an outreach program through television, newspapers and electronic media to inform workers of their labor rights.
- Secured legislation to establish a separate Labor Ministry to provide better institutional capacity to protect labor rights.
- Began hiring 100 additional labor inspectors and budgeted for the hiring of 100 more labor inspectors in 2012, as part of a commitment to double the labor inspectorate by hiring 480 new labor inspectors over the next four years.
- Assigned 50 of these new labor inspectorate positions exclusively to cases involving cooperatives, and 35 of the remaining 50 new positions to address abuses of workers' rights in the priority sectors of palm oil, sugar, mines, ports, and flowers. Began conducting preventive inspections in these sectors.
- Improved systems for citizens to file labor-related complaints, including anonymously, via phone or internet.
- Launched preventive inspections to address improper use of temporary service agencies and developed an improved enforcement regime to prevent abuses.
- Established a robust enforcement regime to detect and prosecute the use of collective pacts to undermine the right to organize and bargain collectively, including through preventive inspections of all companies in which both union-negotiated collective bargaining agreements and collective pacts are present.
- Established and began to conduct a series of workshops to train labor inspectors and other Ministry of Social Protection personnel in conflict resolution, with a focus on conciliation and Alternative Dispute Resolution, and launched a related outreach program to the public, employers, and workers.
- Developed and began disseminating relevant Colombian laws and jurisprudence on essential public services, with guidance on how to challenge the constitutionality of any law establishing a public service as essential and therefore exempt from the right to strike.

Preventing Violence against those Exercising Labor Rights

- Expanded the scope of the existing government protection program for union leaders to also provide protection for labor activists (such as shop stewards and bargaining committee members), workers who are trying to organize or join a union, and former union activists who may be threatened because of their past activities on behalf of workers.
- Significantly increased (by over 30 percent) the proposed budget to provide this expanded protection for labor activists.
- Strengthened the separate teacher protection program, in consultation with teachers' union representatives, including by eliminating disincentives for those seeking relocation due to threats. The program recognizes the particular risks faced by teachers, many of whom work in remote areas.

Prosecuting Perpetrators of Violence against those Exercising Labor Rights

- Issued internal guidance to prosecutors to accelerate action on labor violence cases with leads, including a special focus on the priority labor cases identified by Colombian labor unions as well as labor violence cases from recent years.
- Mandated early identification in all new homicide cases of whether the victim was a union member or activist.
- Developed improved training for judicial police investigators and prosecutors on cases of violence related to union activity and began conducting such training.
- Developed a plan to strengthen the capacity and number of prosecutors and judicial police investigators in regional offices of the Prosecutor General.
- Included in the 2012 budget proposal the necessary financial resources to increase the Prosecutor General's Office's institutional capacity and to expand personnel and measures designed to reduce impunity. This includes funding for an additional 14 prosecutors, 14 assistant prosecutors, and 56 judicial police investigators to be assigned to the Prosecutor General's Labor sub-unit in 2012.
- Developed a plan and identified budgetary needs for victims' assistance centers specializing in human rights cases, including those involving crimes against unionists.
- Posted sentences resulting from all labor violence cases concluded since January 1, 2011, on the Prosecutor General's website.
- Began holding meetings with labor stakeholders to reconcile the list of outstanding unionist homicide cases compiled by the National Union School with that of the Prosecutor General.
- Developed a methodology for posting aggregate information about all completed criminal cases involving labor violence to date on the Prosecutor General Office's website.

REMAINING ACTION PLAN COMMITMENTS

By Oct. 31

- Final approval of the 2012 budget, which inter alia will fund 100 additional labor inspectors and additional resources for the Prosecutor General's Office

By Dec. 15

- Completion of the hiring of 100 labor inspectors
- Completion of an initial round of training inspectors in Alternative Dispute Resolution
- Fully implement the temporary service agency enforcement plan
- Complete the assignment of an additional 45 judicial police investigators to the Prosecutor General's Office

By 2014

- Hire an additional 380 labor inspectors