



FIFTH ITEM ON THE AGENDA

**Special Technical Cooperation  
Programme for Colombia (2001-03)**

1. At its 281st Session (June 2001), the Governing Body of the ILO asked the Office to prepare a technical cooperation programme for Colombia.
2. The Special Technical Cooperation Programme for Colombia was submitted to the 282nd Session (November 2001) of the Governing Body by the Director of the Regional Office for the Americas, Mr. Agustín Muñoz. Since that time, the Office has submitted regular reports to each session of the Governing Body on the activities undertaken under the Special Programme.
3. The Office submitted the last progress report on the activities initiated under the Special Technical Cooperation Programme for Colombia at the 287th Session (June 2003) of the Governing Body.
4. The Officers of the Governing Body decided that the progress made by this Programme should be examined by the Committee on Technical Cooperation of the Governing Body.
5. The latest progress report, incorporated as an appendix, describes the activities that have been carried out to date since the last session of the Governing Body (June 2003).

Geneva, 1 March 2004.

## Appendix

### I. Progress made in activities. Context in which the Programme is being implemented

1. A series of events shaped the social and political conditions in which the Programme is being implemented. One milestone was the agreement reached on 12 December 2003 at the National Consultation Committee on Labour and Wage Policies on the increase in the minimum wage.
2. In the words of the trade union organizations, for the country this agreement spelt “good news about consultations, not only on the percentage increase in the minimum wage and the transport subsidy, but also on measures that have a positive impact on the most vulnerable sectors of the population”. The agreement was the culmination of efforts at consultation, which is, to paraphrase the trade union confederations, “the way to turn what has been agreed into reality”. This recognition emphasizes the efforts of the trade union organizations, the employers and the Government to contribute to social and labour peace in the country through dialogue and consultation. In this light, the call made by the trade union confederations when they announced the agreement on 12 December takes on particular importance. In the document in question it was stated that “by signing this agreement, the trade union movement is proposing that it be used as an example for national reconciliation with a view to reaching a humanitarian agreement and a politically negotiated solution to the conflict”.
3. The Colombian employers’ sector considered this agreement to be an important step towards the resumption and strengthening of dialogue leading to the conclusion of agreements, in this particular case, the determination of the minimum wage. According to the employers, the corresponding negotiations have once again given the social partners their due role in determining working conditions and related living conditions.
4. In the Government’s view, the dialogue and negotiations that concluded with the agreement of 12 December 2003 were the result of efforts made to open up areas for dialogue, promote tripartite dialogue and strengthen the mutual trust that must prevail in a democratic society. In this respect, the Government, through the Vice-President of the Republic and the Deputy Minister for Labour Relations, stressed the role played by the ILO over the past months, as it provided support to the social partners during their processes of dialogue and in the consolidation of the areas necessary for that tripartite dialogue to take place.
5. As indicated, the agreement signed in the framework of the National Consultation Committee referred not only to the decision to increase the minimum wage, but to a further eight points going from keeping prices stable; monitoring and follow-up of the articles in the family shopping basket; public service rates for levels one and two;<sup>1</sup> keeping the educational shopping basket stable; defining a consultation policy for the public sector in the development of international agreements; strengthening the National Consultation Committee; and retroactive payment to state officials before 31 December.
6. Similarly, the Office of the Vice-President of the Republic, together with the leaders of the trade union confederations and the country’s employers’ occupational organizations, has been conducting a series of round table discussions aimed at facilitating and promoting human and fundamental rights at work. These discussions, together with other activities with which the ILO was associated (through its Subregional Office for the Andean Countries and the US-DOL/ILO project) have helped to strengthen areas for dialogue and consultation.
7. It is clear that other events in the political sphere that the trade union organizations consider to be a triumph for themselves have contributed to this improvement in the social climate: on the one hand the rejection of the referendum proposed by the Government (among the issues submitted for the referendum, two could have directly affected working conditions and labour relations), and on the

<sup>1</sup> For socio-economic reasons, the population of Colombia is divided into six levels. Levels one and two are those with the lowest income.

other, the triumph of certain candidates, either from the trade union ranks or supported by them, in the recent elections for governors and mayors.

8. A further significant occurrence is that the number of trade union leaders who have been assaulted, and consequently lost their lives, has considerably fallen.<sup>2</sup> However, the trade union representatives have systematically, and in a variety of forums (including the round tables chaired by the Vice-President of the Republic), maintained that assaults against trade unionists, their human and trade union rights, as well as against the trade union organizations themselves, are still serious. In addition, according to trade union spokespersons, the rights to organize and to bargain collectively are still obstructed by the application of procedural measures which go beyond the provisions of the law and applicable regulations. As a result, the workers' representatives insist that measures be taken to solve the problems raised.
9. This being the case, everything would seem to indicate that the support that the ILO can offer the Government and the social partners to strengthen the processes of dialogue, consultation and agreement, is fundamental, and this has been recognized by both the Government and the social partners. This support is helping to improve the social climate in the country and social peace.

### ***Human rights and the right to life***

10. On the matter of the plan to protect the lives of trade unionists under threat, this process has now been accelerated. The implementation of this part of the Programme, with support from the AFL/CIO Solidarity Centre has, since its inception, enabled 20 trade unionists and their respective families to be temporarily moved out of the country. The Solidarity Centre made it possible for five trade unionists to leave the country at very short notice. The Social Assistance Secretariat of Colombia has sponsored the departure of 25 trade unionists with their respective families. Given that the funds granted for this purpose had virtually run out by the end of 2003, the Social Assistance Secretariat requested the allocation of a further sum (US\$53,000) to facilitate the departure of another seven trade unionists, with their respective families. The ILO agreed to this request.
11. With the support of the German Government and the German Confederation of Trade Unions (DGB), plans are being made for the departure of a trade unionist from the judiciary, with his family, for a period of two years – it should be pointed out that the judiciary is one of the groups to have suffered most assaults and murders. In addition, both the Trades Union Congress (TUC) and the Canadian Labour Congress (CLC) have submitted proposals for similar plans to facilitate the departure of trade unionists whose lives or physical integrity are under threat. These plans are being studied by the trade union confederations of Colombia.
12. Under the same heading, it should be noted that with the support of the employers' sector of Colombia, the Fundación País Libre (Free Country Foundation) is developing activities to promote respect for personal freedom, through – among other things – the preparation of booklets on the serious consequences of kidnappings in all spheres – personal, family and social.

### ***Promotion of fundamental rights at work***

13. Activities seeking to promote and raise awareness of fundamental rights at work have been reinforced through the development of workshops, seminars and an academic week, targeted at various levels and audiences. Three regional forums have been conducted with the support of the financial resources of the special programme and the contribution of human resources from the Subregional Office for the Andean Countries, which followed up on the First National Forum on Human Rights and Fundamental Rights at Work. A second course was organized for judges and magistrates on international labour standards, with special emphasis on standards relating to freedom of association and collective bargaining, in cooperation with the "Rodrigo Lara Bonilla" School for the Judiciary, the ILO's International Labour Standards Department and the International Training Centre of the ILO (Turin).

<sup>2</sup> So far this year, six murders of trade union leaders have been reported, according to sources within the Human Rights Group of the Ministry of Social Protection.

14. The first university conferences were organized on the promotion of fundamental rights at work, with the active participation of two members of the Committee of Experts on the Application of Conventions and Recommendations. These conferences were held for a week at five universities in Bogotá. With the support of the US-DOL/ILO project, a seminar was conducted on fundamental rights at work, applicability and incorporation into national legislation, at the Universidad Externado de Colombia.
15. During the second half of 2003 two workshops were held (Bogotá and Cali) for the country's attorneys-general on the subject of the promotion of fundamental rights, international labour standards and the follow-up to Case No. 1787 before the Committee on Freedom of Association. In February 2004, a third workshop was organized (Medellín) on the same subject. The holding of these workshops, in two of which the Vice-President of the Republic, the Attorney-General of the Nation and the Deputy Minister for Labour Relations participated, led to the acceleration – on numerous occasions – of procedures to clarify cases dealt with in Case No. 1787 before the Committee on Freedom of Association. This also gave the Government the opportunity to provide both more and detailed information to the Committee on the cases in question. Furthermore, in December 2003, the first seminar was organized in Chinautá for attorneys-general on fundamental standards, international labour standards and ILO supervisory mechanisms. These activities also had the support of an official from the Ministry of Social Protection as well as from the Subregional Office of San José, in the person of the international labour standards specialist from that office.
16. Two further workshops for attorneys-general are planned for the months of May and June this year. Likewise, in May a second seminar will be held for attorneys-general on fundamental standards, international labour standards and ILO supervisory mechanisms. In the coming months the training manual on international labour standards should be finalized for judges and magistrates, with particular emphasis on freedom of association. Lastly, a further week of university conferences on the subject of fundamental rights at work is being organized.

### ***Freedom of association and collective bargaining***

17. To enhance knowledge of rights in the sphere of freedom of association and collective bargaining, as well as respect for those rights, a series of workshops and seminars has been conducted on the subject, both for trade unionists and for employers' groups. A further mechanism to achieve the objectives indicated has been the preparation of studies on the subject.
18. With respect to workshops and seminars, since June 2003 four seminars have been held for trade unionists (Cartagena, Barranquilla, Pereira and Bucaramanga) relating to dispute settlement. Also, members of the trade union organizations of Colombia have attended seminars relating to adapting legislation, one on labour legislation and four on dispute settlement. Likewise, a seminar was conducted on proposals of alternative systems for conflict resolution and for the analysis of "good labour practices" in certain sectors (for example, banana production). Other seminars, targeting trade unionists, dealt with improvements in industrial relations and the settlement and prevention of labour conflicts in Colombia. A national workshop on the situation of and prospects for collective bargaining in the public sector was organized for members of three trade union confederations (CUT, CGTD and CTC) and held in Bogotá. A further five seminars were organized in Barranquilla, Pereira, Cali, Medellín and Bucaramanga with the same content and intended for other representatives of the trade union confederations. A national seminar entitled "Map of violations of freedom of association in Bogotá" was organized for representatives of the CUT, CGTD and CTC. In the framework of the US-DOL/ILO project, and with the support of the Federal Mediation and Conciliation Service (FMCS) of the United States, three tripartite seminars were organized, one in 2003 in Bogotá and the other two in Cali and Medellín in 2004 (for representatives of enterprises and trade unions, of the employers' occupational organizations of the regions involved, and officials from the Ministry for Social Protection), on the subject of "Prevention and settlement of labour conflicts".
19. With regard to activities intended to disseminate rights and procedures related to consultation, negotiation and prevention of conflicts three workshops were organized in the framework of the US-DOL/ILO project (Bogotá, Medellín and Cali) on "Alternative systems for dispute settlement", intended for members of the ANDI. In addition, four activities were organized to prepare section managers from the ANDI (Cali, Pereira, Cartagena and Barranquilla) for their participation in the regional consultation committees on labour and wage policies.

20. In the framework of technical cooperation for Colombia and the US-DOL/ILO project, support was given to reactivate the regional subcommittees for consultation on labour and wage policies (Cali, Cartagena, Bucaramanga, Medellín and Pereira). Likewise, with the support of the US-DOL/ILO project, a seminar was held for inspectors and regional directors on international labour standards and ILO supervisory mechanisms, in Bogotá.
21. To raise awareness of socio-labour realities in Colombia, particularly in the sphere of freedom of association and collective bargaining, under the auspices of the ILO various studies were conducted on freedom of association (map of freedom of association; situation of collective bargaining in the public sector; social and trade union impact of labour reforms on the living and working conditions of the population in the exercise of fundamental rights; strikes at the federation and confederation levels; essential services; the role of the Ministry of Social Protection in Labour Relations; and an analysis of collective agreements (various types of enterprise agreements)). It is hoped to complete, with the support of the US-DOL/ILO project, the “system of registration and statistics on collective agreements” which will make it possible to proceed with the installation of the corresponding software at the Ministry of Social Protection. Users will then be trained, and two workshops will be held in Bogotá for this purpose.

### ***Promotion of social dialogue***

22. A large number of the activities described in the above paragraphs of this appendix are the result of the efforts made to strengthen social dialogue in Colombia. In the framework of this objective, a seminar was held with the Ministry of Social Protection to promote the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
23. Furthermore, support has been given to the employers who participate in the National Standing Committee on Labour and Wage Policies of the ANDI (Bogotá) as well as to the training programme developed for members of the ANDI, which also has the support of the Compensation Fund (COMFAMA). All the activities to help reactivate the regional subcommittees on labour and wage policies mentioned earlier are also working towards the same end.
24. As indicated above, there is no doubt that these efforts, together with the firm will for dialogue among the social partners, led to the conclusion of the National Consultation Agreement on the Increase in the Minimum Wage, on 12 December 2003. As stated, this agreement covers eight points which go beyond simply determining the level of the minimum wage.
25. The importance of this agreement, as stressed by the leaders of the trade union confederations of Colombia, the representatives of the ANDI and the Government itself, made it possible to move forward in the convening of a national meeting that could result in the adoption of a national consensus defining the broad outline of a socio-labour policy in Colombia. To prepare for this meeting and to decide on the content of a possible agenda, an initial preparatory meeting was held, under the auspices of the ILO, between the leaders of the trade union confederations (CUT, CGTD and CTC) and the ANDI, and with the participation of the Vice-President of the Republic and the Deputy Minister for Labour Relations of the Ministry of Social Protection. The Director of the Subregional Office for the Andean Countries was also present at the meeting together with the specialists in employers’ and workers’ activities of that office, and the head of the US-DOL/ILO project.
26. Also of note is the support that the Technical Cooperation Programme will be providing to the Office of the Vice-President of the Republic so that the “round tables for social dialogue and the facilitation and promotion of the human and fundamental rights at work of trade unionists and trade union leaders” can continue to be held in the regions yet to be covered (Armenia, Manizales, Neiva, Ibagué, Cúcuta, Riohacha, Montería and Sincelejo). These round table discussions, led by the Vice-President of the Republic, constitute essential areas for facilitation and dialogue, and as such contribute to improving the social climate in Colombia.
27. Likewise, the US-DOL/ILO project and the Subregional Office for the Andean Countries will continue to support the Ministry of Social Protection in organizing regional forums on fundamental rights at work, and at the same time continue to reactivate the regional consultation subcommittees.
28. Mention should also be made of a week during which workshops were conducted, various topics presented and round tables held, and in which the social partners, the Government and other academic bodies participated, on the theme of “Social dialogue and productivity”. This week of activities was held in Medellín with the support of the Subregional Office for the Andean Countries,

in collaboration with the International Training Centre of the ILO (Turin). The interest prompted by this activity has led to the social partners, the Government and academic and training institutions from other regions in Colombia to request that similar activities be organized. These activities could be held, in principle, in May 2004 in Cali, Bucaramanga and Pereira.

### ***Other activities involving ILO cooperation***

29. In the framework of the Special Technical Cooperation Programme for Colombia, and with the support of the US-DOL/ILO project, other activities were carried out (seminars and workshops) relating to the following subjects: "Trade union confederations against child labour: targeting domestic child labour"; "Women trade unionists and decent work"; "Trade unionism, decent work and the informal economy" (this activity was also carried out with the support of the RLA/01/M10/SPA project); "The transfer of methodologies – micro-enterprises and women"; and "ILO methodologies for micro-enterprises". With the support of the US-DOL/ILO project, a workshop will be held on "Methodology evaluation of the enterprise management programme" with a gender focus and training activities for poor women who are heads of households as part of the abovementioned programme (the programme is being carried out in collaboration with the Presidential Board for Equity for Women and the Ministry of Social Protection).
30. Some of the activities carried out during this period were intended primarily for employers' organizations and their members. This was the case for the workshop "Responsibility and social harmony"; the workshop on "Training for social harmony", using the 2001 manual prepared for this purpose; the seminar on "Institutional strengthening of the Colombian Association of Small and Medium-sized Enterprises" (ACOPI); and the presentation of the employers' association of Fontibón (with the support of the ACOPI). There was also support for the seminar on "Adapting labour legislation to promote employability" and the annual symposium of labour law specialists of the Colombian Association of Labour Relations (ASCORT).

### ***IPEC/ILO activities in Colombia***

31. With the aim of contributing to social peace and combating the use of children and young people in a variety of activities, some of which fall into the category of the worst forms of child labour, activities continue to be developed in the framework of the programme of action on "Dissemination, awareness-raising and training for trade union officials, civic leaders, parents, children and young workers with a view to the elimination of child labour". There are also programmes on "The elimination of domestic child labour in the homes of third parties in Negativa, Kennedy and Bucaramanga", "The elimination of child labour in small-scale mining" in the municipalities of Muzo, Nemocón and Sogamoso, and "The prevention and elimination of child labour in the central market (Central de Abastos – CORABASTOS). Likewise, in another four municipalities in the north of the department of Cauca, with the support of the Employers' Foundation (PREPAL), programmes for the elimination and prevention of child labour were set in motion. In February, a letter of intent was signed between the Office of the Mayor of Bogotá and the International Programme on the Elimination of Child Labour of the ILO (IPEC). This letter of intent will facilitate the activities that IPEC will continue to carry out in the capital of Colombia.

## **II. Organization and financial aspects of the Special Technical Cooperation Programme for Colombia**

32. The implementation of the Programme has continued to be coordinated by the ILO Regional Office for Latin America and the Caribbean and the Subregional Office for the Andean Countries.