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# NATIONAL COMMISSION ON CONCERTATION OF WAGE AND LABOR POLICIES OF COLOMBIA – NCCWLP –

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The role of Economic and Social Councils and  
similar social dialogue institutions

Working Session 6: How to enhance Fundamental  
Labour Rights?: the role of the social dialogue, the  
Colombian experience

The Hague, 29-30 October 2015



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## ABSTRACT

The aim of this presentation is to present the experiences of the tripartite social dialogue in Colombia, regarding the implementation of fundamental labour rights through the social dialogue. In addition, it is intended to show the learned lessons of tripartism in the framework of the collective construction of labour policy.

Accordingly, we will present the achievements of the last few years of the National Commission on Concertation of Wage and Labor Policies of Colombia.



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# NATIONAL COMMISSION ON CONCERTATION OF WAGE AND LABOUR POLICIES OF COLOMBIA



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## ¿What is The National Commission on Concertation of Wage and Labour Policies?

- ✓ Is the tripartite scenario, created by the Political Constitution of Colombia, which seeks to promote good relations between workers and employers, to contribute to the solution of collective labour disputes and to agree the wage and labour policies.
- ✓ The Colombian Congress regulated by an Act: a) the conformation, b) the functions and c) the procedures to negotiated and conclude the minimum wage.



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## ¿Who are the members of The National Commission on Concertation of Wage and Labour Policies?

### Government

- Labor Department (Ministry)
- Finance and Fiscal Department (Ministry)
- Agriculture Department (Ministry)
- Industry & Trade Department (Ministry)
- National Planning Department

### Workers

- General Confederation of Workers, CGT
- Unitary Confederation of Workers, CUT
- Confederation of Workers of Colombia, CTC
- Democratic Confederation of Pensioners of Colombia, CDP

### Employers

- National Entrepreneurs Association of Colombia , ANDI
- National Retail Federation of Colombia, FENALCO
- National Banking Association, ASOBANCARIA
- Colombian Farmers Association, SAC
- Association of Small & Medium Business of Colombia, ACOPI



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# Implementation of the Fundamental Labor Rights; the role of the Social Dialogue



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## INTRODUCTION: COLLECTIVE NEGOTIATION IN THE PUBLIC SECTOR

- **What is the Collective Negotiation in the public sector?**

In accordance with the Presidential Decree 160 of 2014, the Collective Bargaining in the public sector, is the legal possibility for the Public Authorities and the Labor Unions of the Public Service to negotiate the conditions of employment.

- **How to implement the Collective Negotiation in Colombia?**

Colombia by the Act 411/97 adopted the Convention of the ILO 151 “*Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service*”. This Act was regulated by the Decrees 1092/2012 and 160/2014, both legal instruments, were discussed in the Public Sector Subcommittee of the NCCWLP



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## INTRODUCTION: COLLECTIVE NEGOTIATION IN THE PUBLIC SECTOR

- **What are the characteristics of Collective Bargaining in Colombia?**
  - a) Biannual negotiation, with Unified Bargaining Petitions.
  - b) A single negotiating table and a single Collective Agreement by public entity.
  - c) The subjects of the Collective Bargaining are:
    - The conditions of employment of public workers.
    - Relations between The Administration and Unions.



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## RESULTS OF THE NATIONAL AGREEMENT STATE 2015

- Colombia is the first country in the Region to achieve two agreements between the Labor Unions in the Public Service and The Government, as their employer.
- The second Collective Bargaining between The Government and Public Service workers was held during the first half of 2015, in the framework of the ILO 151 Convention and the Decree 160 of 2014. Which benefited 1,200,000 public workers.
- There were agreed 73 out of 101 requests presented in the Unified Bargaining Petitions



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## RESULTS OF THE NATIONAL AGREEMENT STATE 2015

The prominent Agreements are:

- **4.66 %** salary increase for 2015 and **CPI +1%** for 2016
- Improvements in **Labour Formalization Policies**
- **Public Employment** contests
- Subscription of the Great National Pact per **Dignified and Decent Work**
- Extension of the **bonus for services** for the territorial employees



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In the CUT opinion the Government took 16 years to implement the Collective Bargaining in the Public Sector.

Collective Bargaining in Colombia has been **possible thanks to the movement of the Public Sector accompanied by the Labor Unions and to the disposition of The Government to negotiate and agree the Unified Bargaining Petitions.**



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## COLLECTIVE AGREEMENTS IN THE PRIVATE SECTOR

- Based on the freedom of association principle, in Colombia all employees have the right to form or join professional organizations working towards the defense of their rights and interests.
- The constitutional legislation incorporates Convention No. 87 of the International Labor Organization (ILO) regarding the right of employers and employees to constitute the organizations they deem convenient, as well as affiliating with these organizations. In addition, organizations of employees and employers are entitled to draft their administrative statutes and regulations, elect freely their representatives, and organize their management and activities.
- All the unions related to the enterprise are allowed to participate in the negotiation process.



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## COLLECTIVE AGREEMENTS IN THE PRIVATE SECTOR

When in the collective negotiation agreement is part of a union whose members exceed one third of the total of the workers of the company, of the Convention's rules extend to all workers of the same, whether unionized or not.

Unless they have been agreed upon different rules in the collective bargaining agreement, if within sixty (60) days immediately preceding the expiration of his term, one or both parties have not done written manifestation of its stated desire to terminate, the convention defined extended for successive periods of six in six months, counting from the date fixed for its termination.



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## COLLECTIVE BARGAINING BY ECONOMIC SECTOR

- In the past three years there have been signed **1.253 collective bargaining in the private sector.**
- From 2013 to September 2015, the major economic sectors that have signed collective negotiation agreements are:
  - Industry: 361
  - Agro-industry: 293
  - Health: 158
  - Services: 105
  - Government: 98



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## FREEDOM OF ASSOCIATION IN COLOMBIA

- **The freedom of association fundamental right** has been recognized through the Conventions Nos. 87, 98, 151 and 154 of the ILO and is understood as the right of citizens to organize and defend their common interests.
- With the participation of representatives from employers and workers, and with the intention **of mediate upon collective labor disputes, the National Commission on Concertation on Wage and Labor Policies, created the CETCOIT.**

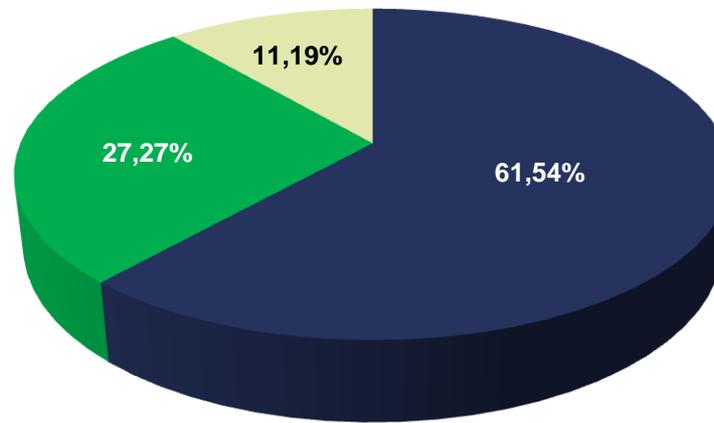


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# CETCOIT

**The Special Committee on Treatment of Labor Conflicts to the ILO** is a tripartite body composed by The Government and organizations of employers and workers. The aim of CETCOIT is mediate in the settlement of collective disputes relating to the Conventions 87, 98, 151 and 154 of the ILO.

## CETCOIT cases



■ cases with agreement   ■ cases without agreement   ■ pending cases



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# CETCOIT CASES

## 1. Chec - Sintraelecol (CUT):

- They signed a Collective Bargaining Agreement.
- The Labor Union withdrew 27 complaints that had notified in the Labor Department and a criminal complaint with the Attorney General's Office.

## 2. Aguas Capital – Aguas Capital Union (CTC)

- The Collective Agreement was replaced by a Collective Bargaining Agreement.
- Affiliation of the 3rd part of the company worker's, to the Union.
- Recognition of the benefits of the Collective Bargaining Agreement to all workers .
- Creation of effective channels of communication between the Company and the Union.

## 3. Cerrejon - Sintracerrejon (CGT)

- Conformation of a working table to analyze the Collective Bargaining Agreement that the company had signed with another union
- Reactivation of the negotiations of the statements of conditions in order to subscribe a Collective Bargaining Agreement.

**The results obtain by the CETCOIT respond to the effort of the tripartite constituents and to the independent role played by the Facilitator.**



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## In Summary

- In opinion of the Labor Union, in Colombia the Social Dialogue requires a better enforcement in order to guaranty the implementation of the agreements obtains in the NCCWLP. Some of the agreements builds, are pending of implementation. For example, the Administrations should submitted to the Congress, the Bill that reduces the contribution of health of the pensioners.
- In opinion of the entrepreneurs, the National Commission of Concertation, is an important scenario for the social dialogue that has contributed to the rapprochement of the tripartism actors and the signing or subscription of relevant agreements for the country healthy. The agreements that have been reached, have been fulfill or are close to be achieve.



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## In Summary

- The Decent Work promote the Social Dialogue, and this the origin of the functions and activities of NCCWLP.
- In Colombia the National Commission on Concertation of Wage and Labor Policies implement, by a tripartite way, the Fundamental Labor Rights according with the objectives and aims promote by the Decent Work.
- October 7<sup>th</sup>, 2015 the National Commission on Concertation celebrate the first public session in the framework of Decent Work Festivity, where the President announced that Colombia will mark the 7<sup>th</sup> October as a National Day, in remembering of the respect of the labor rights.



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According with the celebration of the Decent Work Festivity, the following are the main results obtains by the public policy, that was discussed in this forum:

- Decline of the labor child rate.
- The increase of the affiliation in the Social Security, for independent workers.
- The increase in the number of persons certified by Labor Skills.
- The increase in the rate of workers affiliated to Professional Risk



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General Secretary  
CTC

**Fabio Arias**  
General Secretary  
CUT

**Jorge Espinosa**  
Principal of Organization  
CGT

**Catalina Peraffán**  
Lawyer to the Vice-Presidency of Legal and Social Affairs  
ANDI

**Gloria Gaviria**  
Chief, Cooperation and International Relations Office  
Labor Department

**Andrés Mauricio Ramírez**  
Technical Secretary  
National Commission on Concertation of Wage and Labor Policies

