

I.- Text of Title IX

LABOR PROGRESS IN COLOMBIA.

Report on compliance of Colombia within the framework of the Sustainable Development Chapter of the European Union FTA.

1. CONTENT OF THE CHAPTER:

I.- Text of Title IX

Title IX on Trade and Sustainable Development, signed between the European Union, Colombia, and Peru, provides:

"TITLE IX COMMERCE AND SUSTAINABLE DEVELOPMENT ARTICLE 267 Context and objectives

Recalling the Rio Declaration on Environment and Development of the United Nations in 1992, and the implementation of Agenda 21, which agreed at the UN Conference on Environment and Development (UNCED) held in Rio on June 14, 1992; the Millennium Development Goals adopted in September 2000, The Johannesburg Declaration on Sustainable Development approved on September 4, 2002 and, Ministerial Declaration on full and productive employment and decent work adopted by the Economic and Social Council of the United Nations in September 2006, the Parties reaffirm their commitment to sustainable development, for the well-being of present and future generations . In this regard, the Parties agree to promote international trade to contribute to the objective of sustainable development and to work to integrate and reflect this objective in their commercial relationship. In particular, the Parties highlight the benefit of considering work and the environment, mental issues related to trade as part of a comprehensive approach oriented towards trade and sustainable development.

they reaffirm their commitment to promoting the development of international trade in such a way as to contribute to the objective of sustainable development, for the welfare of present and future generations. In particular, the Parties underline the benefit of considering trade related labour and environmental issues as part of a global approach to trade and sustainable development, and [will] ensure that sustainable development objectives are integrated and reflected at every level of their trade relationship.

2. Given the provisions of paragraph 1, the objectives of this Title are, among others:

(a) promote dialogue and cooperation among the Parties to facilitating the application of the provisions of this Title and strengthening the relationship between trade and labor and environmental policies and practices;

(b) strengthen compliance with the work and environmental legislation of each Party, as well as the commitments derived from the international agreements and agreements mentioned in articles 269 and 270, as an essential element to improve the contribution of trade to sustainable development;

(c) strengthen the role of trade and trade policy in promoting the conservation and sustainable use of biological diversity and natural resources, as well as in reducing pollution by the objective of sustainable development;

(d) Strengthen the commitment to labor principles and rights following the provisions of this Title, as an important element to improve the contribution of trade to sustainable development; (e) promote public participation in the matters covered by this Title. PE / CO / EU / en 323 3. The Parties reaffirm their full readiness to comply with their commitments in this Title taking into account their capabilities and, in particular, their technical and financial capacities.

4. The Parties reiterate their commitment to address global environmental challenges, under the principle of common but differentiated responsibilities.

5. The provisions of this Title shall not be used as a means of arbitrary or unjustifiable discrimination between the Parties or a disguised restriction on trade or investment.

2. Resolution of 13 June 2012

On June 13, 2012, the European Parliament issued a Resolution on the Trade Agreement between the EU, Colombia, and Peru, within which a series of demands were made in the workplace:

The European Union calls on the Andean countries to ensure the establishment of a transparent and binding road map on human, environmental and labour rights, which should be aimed essentially at safeguarding human rights, enhancing and improving trade unionists' rights and protecting the environment; suggests that they take into account the Action Plan related to Labour Rights between Colombia and the US, with particular reference to the following:

- enforcing and implementing legislation and policy measures which guarantee freedom of association and the right to bargain collectively, without loopholes, in particular for workers in the informal sector, and especially through the elimination of the use of cooperatives, collective pacts or other measures that have the purpose or effect of denying workers their trade union rights or the benefits of a direct employment relationship;
- conducting strict labour inspections which lead to penalties in the case of discrimination, non-justified dismissals, intimidation and threats against workers;
- clear and verifiable steps to strengthen social dialogue at regional and local level as well as on the part of enterprises;
- introducing measures to guarantee the effective enforcement of legislation to protect the environment and biodiversity, particularly from the negative effects of deforestation and the extraction of raw materials;
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- taking the necessary steps to end impunity and investigating, prosecuting and punishing in civil courts those most responsible, both intellectually and materially, for the crimes committed in Colombia;
- achieving clear, time-bound and result-based targets in each of the above areas;
- calling on the European Commission to immediately begin assisting Colombia and Peru in the establishment and implementation of the above process, and urging it to produce a regular report to be presented and assessed by the European Parliament;
- underlining the fact that some of the targets of this road map should preferably come into effect before the entry into force of the FTA;

3. Colombia Government's ACTIONS against THE COMMITMENTS OF THE AGREEMENT

I. Fighting employment informality

a. Labor Formalization

The Ministry of Labor has carried out different strategies and has launched a series of public policies to combat the country's labor informality. Since 2016, the Ministry of Labor is making progress in the formulation of the "National policy on decent work 2018-2030" with the objective of guiding the Labor Sector in the coming years, to contribute to Colombia's compliance with the SDGs. In this sense, the country has directed its policies and efforts to reduce the domestic unemployment rate and achieved it, despite the reduction in the Economic growth rate throughout the region. In Colombia, the unemployment rate declined from 12% in 2010 to 9.4% in 2017, and the percentage of informal workers between 2010 and 2017 decreased from 69.7% to 62.3% due in part to the policies to improve the quality conditions of employment of Colombian workers.

For the year 2017, 22 million 382 thousand people in informal employment situations. The total of formal employees, measured by those employed who contribute to the pension, was 8.2 million people, while the total number of informal workers, that is, employed who do not contribute to retirement, was 13 million 595 thousand people. In 2017, it was possible to achieve a formalization rate of 36.8% of the employed population that contributes effectively to the pension social security system, which represented an advance of seven percentage points compared to the figure for 2010 - 29.8%

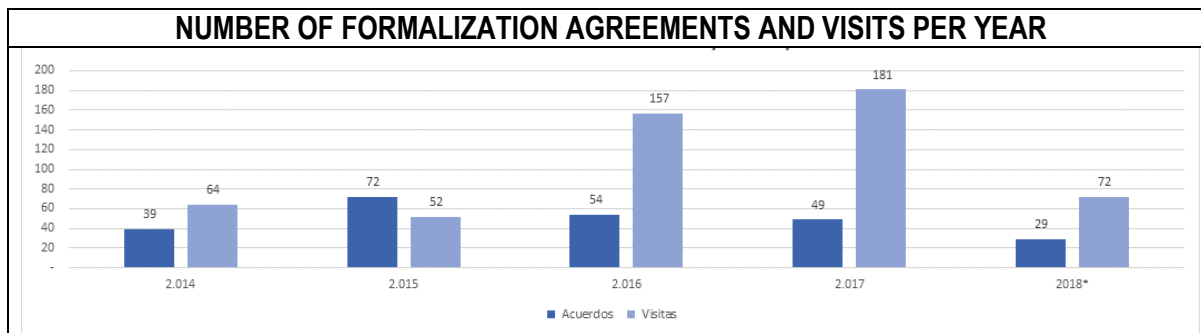
Likewise, with the purpose of consolidating decent work, social security for all people, and the development of active employment generation policies, the National Network for Labor Formalization (RNFL) was created through Decree 567 of 2014, strategy of the Ministry of Labor that materializes the execution of its actions by means of promotion, training, guidance, accompaniment, intervention in affiliation, monitoring and control of projects, plans and activities aimed at formalizing employment the workers in Colombia. Currently, the RNFL articulates, coordinates and manages its agenda through 35 regional tables where the strategy is installed. In these spaces, the activities to be developed are proposed according to the collaborative work and the work plan designed with the support of different public and private entities.

Twenty-two thousand people were sensitized and trained in 2017 and 5,600 people, on June 30, 2018, on the benefits of social security through events, raising awareness and explaining the rights of workers of sectors and populations with high rates of informality. The RNFL has 436 strategic allies nationwide and has a presence in the 32 departments of the country.

On the other hand, along with the inspection, monitoring and control processes, a labor formalization policy was designed for companies that fail to comply with labor regulations in labor subcontracting processes, sanctioning those who fail to comply, but at the same time making agreements of formalization. From 2014 to 2017, 212 formalization agreements have been signed that have benefited 35,719 workers. In 2017, 47 formalization agreements signed that helped 6035 workers. To verify compliance with the terms of the formalization agreements signed, 180 monitoring and verification visits made in 2017.

By 2018, the number of people responsible for socializing and training employers concerning standards for formalization and the benefit of opting for it increased. Likewise, and through a strategy of territorialization (a division of the country into three zones), the signing of more formalization agreements has been promoted and managed.

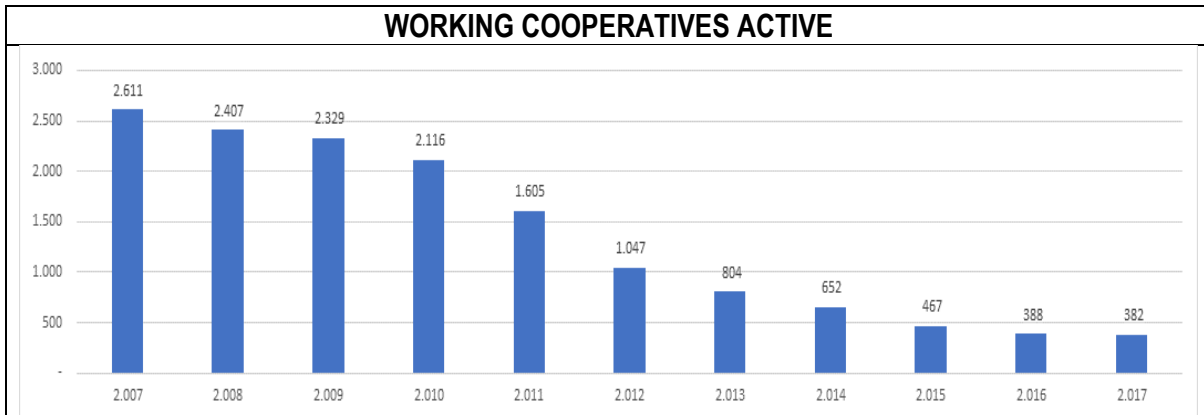
LABOR FORMALIZATION AGREEMENTS SUBSCRIBED 2012 - 2017			
YEAR	No. SUBSCRIBED AGREEMENTS	No. FORMALIZED WORKERS	No. FOLLOW-UP VISITS TO AGREEMENTS
2012	3	1.905	0
2013	42	9.571	16
2014	39	9.332	64
2015	72	4.544	52
2016	54	3.930	157
2017 *	49	6.148	181
TOTAL	259	35.430	470



Inspection actions:

- In 2017 the Ministry of Labor made 2,200 visits. In 2.018, 5,000 visits will be made, which means an increase of 227% concerning those made in 2.017.
- Resolution 3783 of September 29, 2017, granted the Special Investigations Unit functions to Advance the actions related to the misuse of collective agreements; union contracts and labor intermediation in the critical sectors: ports, sugar, palms, mines, and floriculturist.
- Through Resolution 5242 of December 11, 2017, the number of members of the Special Investigations Unit increased to 15.
- To reach rural areas, the Ministry of Labor in 2017 held 6 service fairs in municipalities with significant rural geographical participation or labor conflict (In the Cauca Valley: Candelaria, Florida, El Dovio and Palmira.) In Antioquia: Amagá In Tolima: Ibagué). One thousand six hundred ninety-five people trained.
- In 2018, a special program is being developed to provide the Mobile Labor Inspection service, which will be concentrated in nine (9) Departments (Cauca, Valle del Cauca, Antioquia, Bolivar, Magdalena, Córdoba, Sucre, Cundinamarca, Boyacá) and prioritized in 18 municipalities

Likewise, the Ministry of Labor has adopted and implemented regulations that have significantly reduced the use of worker cooperatives, as well as sanctioned union and SAS contracts that make illegal labor intermediation. In this sense, the cooperative worker were ostensibly reduced: while in 2010 more than 2,000 cooperatives were created, in 2016 only 270. Likewise, the Seine has also ostensibly improved its capacity to effectively collect the sanctions confirmed: when started the process with the OECD, just collected 32% of possible penalties, today is charging 66%. Since 2014, fines have been imposed for more than 169 million dollars, of which 93 million have been for misuse of labor intermediation. The useful collection of fines and the follow-up of labor formalization agreements have also improved and are under strict monitoring through quarterly public reports. In 2017, the highest collection obtained since SENA made the collection, with a total of COP 13,711,076,751. This represents an increase of 38% compared to the amount collected in 2016.



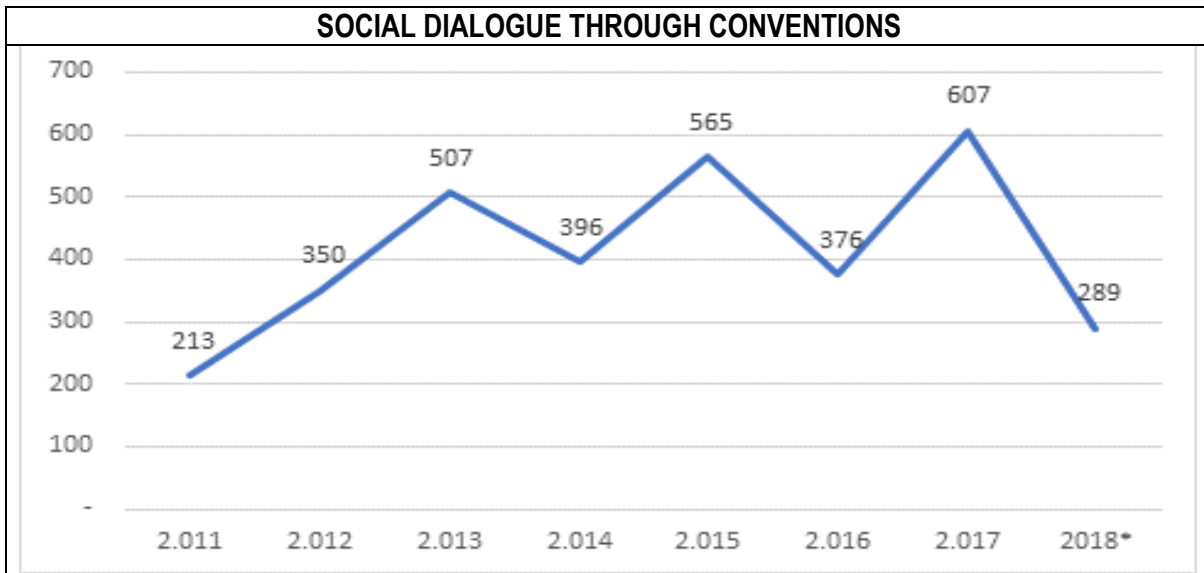
b. Actions to guarantee the exercise of the right of association and freedom of association.

In Colombia, article 39 of the Constitution guarantees the right of association. The Right of Association has been widely protected by the State and by the Jurisprudence of the Constitutional Court that has stated that: (i) every worker without distinction of origin, sex, race, nationality, political, sexual or religious orientation among others, that is identified in a group with common interests has the right to associate freely; (ii) Workers and employers have the right to form trade unions or associations without interference by the State. Their legal recognition will occur by the simple registration of their constituent act. The internal structure and functioning of trade unions and social or labor organizations will be subject to the legal order and democratic principles.

Trade union representatives are provided jurisdiction and other guarantees necessary for the performance of their administration. iii) the constitutional guarantee of freedom of association protects the community so that this premium over the subjective rights of the worker who may concur or collide with the rights of the organization; (iv) The cancellation or suspension of legal identity may only occur through legal means. Along these lines, it is important to point out that in Colombia, members of the police force do not have the right to form associations. In Colombia, there are strong independent workers' organizations Union.

For the Government, it is clear that collective bargaining is an element that contributes to maintaining social peace, favors the stability of labor relations that can be disturbed by unresolved discussions in the workplace. In this sense, in recent years has issued important rules to facilitate collective bargaining, Decrees 89 of 2014 and 17 of 2016, allow the collective bargaining unit in companies that have several unions and expediting the procedures for the convocation of courts of arbitration. From 2010 to 2014, 1574 Collective Agreements have been deposited, and in the last two years of 2015 to 2016, 941 collective agreements were deposited, in the years 2017 to 2018, 896 collective agreements have been deposited as of November 15.

The following graph shows the new collective agreement deposits since 2011.



In recent years in Colombia, as a result of the constitutional development of Article 39, there has been a boom in the right of association that has resulted in a proliferation of first, second and third-grade union organizations, this has resulted in a company having up to 83 unions, which disperses social dialogue and collective bargaining.

The interest of the Government is that there are representative interlocutors that allow levels of agreement that will bring as a consequence, critical collective negotiations that will benefit all the parties.

c. Protection of the Right of Association, freedom of association and collective bargaining.

The Constitutional Court has repeatedly stated that the right of association is established in Article 39, which provides that all Workers and employers have the right to form trade unions or associations without interference by the State. Their legal recognition will occur by the simple registration of their constituent act. Additionally, it determines that the cancellation or suspension of legal identity may only occur through legal means. The Constitutional Court has indicated that the fundamental right of union association due to discrimination is violated when the employer gives a negative and unjustified differential treatment to unionized workers in relation to those who are not.

On the other hand, the Constitutional Court has established that the right of union association has a close relationship with freedom of association to the extent that it allows the fulfillment of its purposes. In this sense, in judgment C-399 of 1999 [70], that Court defined the right of association as "the faculty of every person to engage with another in the realization of a collective project, freely arranged, of a social nature, cultural, political, economic, etc. through the formation of an organizational structure recognized by the state (...) [and] refrain from being part of a certain association and the expression of the correlative right not to be bound, -not directly or indirectly to this-, freedom that it is protected by articles 16 and 38 of the Constitution. "

Concerning Collective agreements these are regulated in our Colombian legal system, in this regard the Constitutional Court has indicated:



"Pacts and conventions are instruments or mechanisms for collective bargaining, aimed at solving and ending collective labor disputes and ensuring that they lead to strike action.

The covenants and collective agreements are intended to "set the conditions that will govern employment contracts during their term." That is to say, that both have not only a normative character but a mandatory element or obligational aspect the scopes that specified in the judgment mentioned above C-009 of 1994.

Common legal rules govern agreements and conventions

The difference between the covenants and the conventions is that they celebrated between employers and non-unionized workers, while these are negotiated "between one or more employers or employers' associations, on the one hand, and one or more trade unions or union federations by the other."

The employer enjoys the freedom to conclude collective agreements with non-unionized workers, which may coexist with collective labor agreements. However, this general rule has its exception in art. 70 of law 50 of 1990, which states: "When the union or trade unions group more than a third of the workers of a company, it can not sign collective agreements or extend the existing ones.

In this order of ideas, it could be concluded that if both collective pacts and collective agreements must objectively regulate the working relations of the company, which oblige both non-unionized and unionized workers, the conditions or prescriptions of both they must be equal in order to guarantee the right to equality, because it is violated when faced with the same factual situations in terms of labor relations, differential treatment is granted that does not have, as stated before an objective foundation and reasonable. The Board wondered what would be the basis for establishing differences of labor order between the workers affiliated to the union and those who are not affiliated with it?

The answer is that such a foundation does not exist unless it is wished to use as a reason for this freedom and the employer's generosity. However, in the Court judgment, this reason is not accompanied by respect for the fundamental rights to equality and union association, because the employer cannot be allowed, protected by the freedom to agree or contract and to freely dispose of it. of their heritage, disregarding the rights principles and constitutional values ".

The Constitution, in its article 39, recognizes the right of unionization to all workers, except members of the public force; In article 93, it orders that the rights contained in said Charter be interpreted in accordance with the human rights treaties ratified by Colombia, in accordance with paragraph 4 of article 53 of the same set of higher standards that says that international conventions of work duly ratified are part of domestic law.

This means that the equality of opportunities that the legislator develops for non-unionized workers, along with the freedom of the employer to enter into collective agreements with these workers, through the setting of the rules that regulate the collective agreement in the aforementioned article 481, should not be construed against or in detriment of the exercise of the fundamental right of freedom of association. Therefore, any solution to the case that limits the realization of this fundamental right must be rejected, since, in light of Article 1 of ILO Convention 98 that is part of the constitutionality block in the strict sense, the recognition of freedom of association by article 39 of the Constitution and Convention No. 87 also implies the duty of adequate protection against any act that dissuades or sanctions its exercise. The first article of the aforementioned agreement 98 reads as follows:



Workers must enjoy adequate protection against any act of discrimination aimed at undermining freedom of association concerning their employment.

2. This protection must be exercised especially against any act that has as its object:

(a) subjecting the employment of a worker to the condition that he or she does not join a union or that he or she ceases to be a member of a union;

(b) dismiss or otherwise injure a worker because of union membership or participation in union activities outside of work hours or, with the consent of the employer, during work hours. "

Thus, the Constitutional Court although it established that the collective pacts are not unconstitutional, it indicated the parameters in which they must be subscribed, this way the things, the collective pacts, celebrated in detriment of the labor norms, besides the possibility of being sanctioned by the Ministry may end up being sanctioned by the provisions of article 200 of the Penal Code.

Next, we allow ourselves to transcribe article 200:

"Article 200. Violation of the Rights of Meeting and Association. <Article modified by Article 26 of Law 1453 of 2011. The new text is as follows:> The one that prevents or disturbs a lawful meeting or the exercise of rights granted by labor laws or retaliates on the occasion of strike, meeting or legitimate association, shall incur a penalty of imprisonment from one (1) to two (2) years and a fine of one hundred (100) to three hundred (300) minimum monthly legal salaries in force.

The same penalty shall be incurred by the party that enters into collective agreements in which, as a whole, better conditions are granted to non-unionized workers, with respect to those conditions agreed in collective bargaining agreements with unionized workers of the same company.

The penalty of imprisonment shall be three (3) to five (5) years and a fine of three hundred (300) to five hundred (500) minimum legal monthly salaries in force if the conduct described in the first paragraph is committed:

1. Placing the employee in a situation of helplessness or that endangers their integrity.
2. The behavior is committed in a disabled person, who has a serious illness or a pregnant woman.
3. Through the threat of causing death, personal injury, damage to another's property or to the worker or his ascendants, descendants, spouse, permanent companion, brother, adoptive or adoptive, or relative up to the second degree of affinity.
4. By deception on the worker. "

It is important to reiterate that the Constitutional Court has set limits for the celebration of collective agreements, which are under the criminal norm referred to above.

d. Processing of cases for work under the Criminal Code

Since 2015, the Office of the Prosecutor has worked with the Ministry of Labor and the ILO to prioritize the cases that have the most significant possibility of rapidly advancing through the judicial system. More recently, the Ministry of Labor and the new Attorney General have established a work plan to address cases related to the violation of the right of association and the misuse of collective agreements.



Procedural advance May-2018

Cases received from January 2016 to July 2018 2,225. Between January 2017 and July 2018 the Office of the Prosecutor received 426 complaints.

Below are listed the management of the Office of the Attorney General of the Nation is related:

- 133 Cases reconciled
- 383 cases in which the union desisted from the complaint.
- 188 cases in which the complaint was filed outside the term required by law (6 months)
- 1099 were filed. In 55% of these cases, it was established that the behavior deployed did not constitute a crime.
- 118 cases ended the process by connection, that is, the investigation was continued under another criminal
- 90 cases ended due to termination of the criminal action, inactivity due to connection, extinction of the complaint and preclusion.

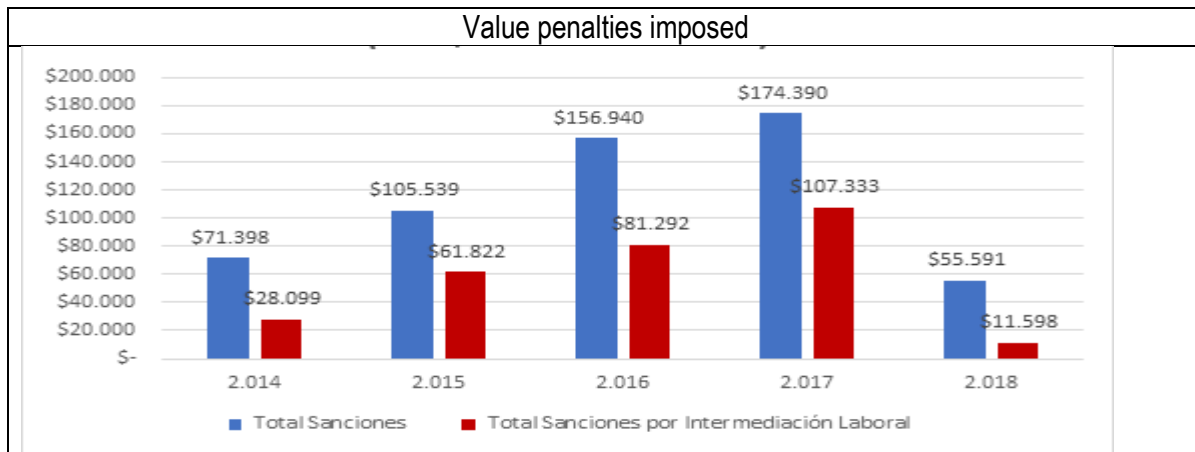
As can be noted the management of the Attorney General's Office in this criminal conduct that allows the protection of the rights of association and freedom of association has been unprecedentedly allowing not only to investigate the behavior but there is labor peace sought in the conciliations.

II. LABOR LAW COMPLIANCE - LABOR INSPECTION.

The Inspection, Surveillance and Control system has been significantly strengthened to achieve compliance with labor standards. Labor inspectors numbers have more than doubled, from 524 inspectors in 2011 to 904 in 2018. Their salary has increased at a higher rate than that of other civil servants; an electronic research management system has been developed and will continue to be strengthened through the cooperation project with the United States and the ILO. In the same way, the training program has improved, and a new training curriculum designed through the same cooperation project; the budget for inspection and control increased by 130% in 2017 and 67% by 2018.

The Direction of Inspection, Surveillance, Control, and Territorial Management in consideration of the provisions of Article 27 of Decree 4108 of 2011, considering that the Territorial Offices and Special Offices require the continuous support for the proper development of their administrative and missionary, has determined to structure a "Sponsor Plan" that began to operate from January 2018, where professionals from the same Directorate selected by their high level of commitment and their skills and interest in improving the process provides permanent support to the Territorial Directorates and Special Offices, in order to achieve continuous improvement in the fulfillment of different goals established in the annual action plan and raise the level of effectiveness, efficiency and effectiveness of the Ministry of Labor management in the territories.

Sanctions Ministry of Labor



a. Inspection, Surveillance, and Control Information System

The Ministry of Labor, with the cooperation of the United States Government and the ILO, has designed essential tools to improve inspection and provide greater transparency to the processes. One of the primary commitments was the design and implementation of the Information System.

Through a Technical Co-operation Agreement entered into by the US Department of Labor and ILO, the technical cooperation project was created to promote compliance with international labor standards in Colombia, which includes, among its activities, the development of an information system for the recording and analysis of data on the Labour Inspection.

As a result of the aforementioned project, the International Labor Organization "ILO" and the Ministry of Labor, through Convention 209 of April 28, 2016, joined forces to design and implement an Information System that contains the modules of the Preliminary Inquiry Procedure and the Administrative Sanctioning Procedure, for the Direction of Inspection, Surveillance, Control and Territorial Management.

In the development of the Agreement mentioned above, the parties proceeded to structure the Inspection, Surveillance, and Monitoring Information System. Also, ILO advanced its design and development. Likewise, it carried out theoretical-practical training processes for all officials of the Ministry of Labor who interacted with the Information System.

This system allows verifying and knowing first-hand and in real time, the current status of each of the stages of the preliminary inquiries and the sanctioning administrative procedures initiated in the Territorial Directorates, Special Offices, and the Special Investigations Unit.

The information system is installed and operational in 35 Territorial Directions, is operating in 79 municipal inspections, surpassing the goal of 2018, which was 50. By 2019, It is expected that it will be operational in the remaining 69 municipal inspections.

During the period 2018, the IVC Information System has been implemented in 33 Territorial Directions, two special offices (Barrancabermeja and Urabá), and the special investigations work unit. Out of 119 municipal inspections, 56 have information on files included in the system and an implementation visit will be made to 24 municipal inspections to complete the period.

In the same way, a bridge module was established between the Ministry of Labor and the SENA for the collection of fines.

- On March 18, 2018, an interoperability service technical agreement No. WSDATEXT001 established.
- In the period from April to October 2018, the web service module for interoperability of the systems of the Ministry of Labor and SENA was designed and developed.
- During November and December 2018, tests and stabilization will be carried out on the development of the web service.
- It is projected for the year 2019, the realization of the pilot plan in the territory and the scheme of training and implementation at the national level.
- The Inspection, Surveillance and Control Department carries out control and verification of the transactions required to collect fines sent to SENA.

HUMAN RESOURCE:

- A statistical expert was hired to improve the quality of the periodic reports and thus guarantee the integrity and improvement in the generation of the quarterly bulletins of the Ministry of Labor to strengthen the project further.
- Seven experts in information technology were hired to ensure the stability of the service and assistance to the end user.

Rural mobile inspection:

The Government has been developing a process of implementation of the Mobile Labor Inspection. Currently, the model has the following characteristics:

1. Comprehensive Intervention Cycle

The mobile inspection guarantees the protection of the labor rights of rural workers who carry out activities in the agricultural sector, of the vulnerable working population, of those who, due to the nature of the activity, perform work in remote rural regions; of the rural zone workers in the informal sector. Whether adolescent workers in rural zones or in areas where there is no permanent presence of labor authorities.

Specific objectives

The labor authorities that carry out the mobile inspection must comply with a set of activities of a special nature gradually, without prejudice to their functions, to ensure labor rights and labor relations, as well as the development of policies inclusive to the workers:

- Sensitize and train high school students of grades 10 and 11, employers, workers or potential workers and communities in general, in matters, actions and necessary procedures for the protection of their labor rights and their duties.

- Schedule the development of administrative inspection actions in companies, shops, farms and any other source of employment generation, to verify the compliance of employers with the labor rights of workers, according to the types of relationships labor
- Encourage mechanisms that allow labor formalization in the regions, especially those, in which apparent employers are used or the sending of workers on a mission without proper authorization. This regime of visits will adopt with particular emphasis in the rural regions of the country where the State has not made a constant presence.
- Adopt preventive, inspection, surveillance and monitoring actions through concrete actions to eradicate all kinds of forced labor, irregular child labor, all kinds of discrimination against workers due to their gender, political opinion, religious conviction, age, among others.

Methodology

The Government organizes intervention plans on an annual basis; this will allow the consistent approach between workers, communities and the Ministry of Labor. Similarly, communities, workers' associations or unions may request mobile inspection visits to their territory or department.

The Ministry of Labor focuses the exercise on the development of the following strategy to achieve the proposed regional presence:

- Awareness and training for high school students of grades 10 and 11 - Community Action Boards - Workers according to a methodological proposal from a territorial and community approach, in order to the effective guarantee of the right to decent and decent work. This process will be carried out with a group a group of professionals, who will be accompanied by Labor Inspectors, who can streamline the adoption processes by citizens. The intervened communities will be recognized as watchdogs of labor rights.
- Inspection, Surveillance and Control Services Fairs where the integral offer of services of the labor sector is taken to the citizens of the municipalities targeted for intervention.
- Installation of mobile inspection office within 3 and 5 days, providing job guidance services in the procedures and services of labor inspection.

The results of the integral implementation are the following:

Under the integral intervention model as of October 20, 2018, 12 integral implementations have been carried out.

TERRITORIAL ADDRESS	MUNICIPALITY	FAIR DATE	TOTAL TRAINED AS OVERSEERS	TOTAL ATTENTIONS IN MOBILE OFFICE BY MUNICIPALITY	TOTAL ASSISTANTS TO SERVICE FAIRS I.V.C *
MUNICIPALITIES PDET					
ANTIOQUIA	ANORI	5/05/2018	81	81	130
	BRICEÑO	18/05/2018	104	32	104
BOLÍVAR	SAN JUAN DE NEPOMUCENO	1/06/2018	163	73	273
CAUCA	PIENDAMO	28/06/2018	170	89	400
	CALOTO	20/10/2018	152	73	160
CÓRDOBA	VALENCIA	10/07/2018	80	315	222
SUCRE	OVEJAS	16/10/2018	120	65	77
RURAL MUNICIPALITIES					
BOYACÁ	SAMACA	20/05/2018	159	194	290
CUNDINAMARCA	PACHO	4/08/2018	157	141	350
MAGDALENA	ZONA BANANERA	13/09/2018	150	27	59
VALLE DEL CAUCA	CERRITO	11/05/2018	107	72	184
	GUACARI	8/09/2018	157	59	350
TOTAL			1600	1221	2599

2. Inspection Brigades

In this model, each Territorial Directorate must select a municipality in its jurisdiction that is not the seat of labor inspection, taking into account the following criteria:

- Be one of the PDET municipalities (Development Plan with Territorial Approach - municipalities of peace) or
- Be municipalities with rural characteristics that present high labor conflict.

In the said municipality, an inspection brigade must be scheduled to last for one day. This day should include the development of the following components:

- Day of promotion and information of routes of attention in inspection, surveillance and control or
- Work tables with employers, communities or local authorities to discuss labor issues.

Under this operating model during 2018, the goal was to carry out the activity in 26 Territorial Directions. As of September 30 of this annuity, there is evidence of the participation of 24 Territorial Directorates in 32 municipalities, of which 11 are of PDET characteristics, and 21 are rural, and of these, four municipalities are from the areas most affected by the armed conflict - ZOMAC

The results of the brigades correspond to:

- The total number of people served is 3,337. From the previous figure, 1,634 have a characterization.

Bearing in mind that through Resolution 1854 of May 2, 2018, the Internal Working Group for the Protection of Labor Rights of Rural Workers was created, generating guidelines for the development of each activity, together with the formats to be used, that allows having a characterization of the attendee population. For this reason, they do not have the characterization of 285 people served by three Territorial Directorates.

In the original total of 3,337, the people who attended the work tables with employers, communities and local authorities were taken into account, where issues of labor issues were addressed. In addition to this, talks and preventive assistance with different groups of the community were carried out for a total of 1,418 without characterization.

OTRAS ACTIVIDADES DESARROLLADAS EN LAS BRIGADAS DE INSPECCIÓN SIN CARACTERIZACIÓN		
No.	ACTIVITY	TOTAL OF ATTENDED PEOPLE
1	PREVENTIVE ASSISTANCE	54
2	WORK TABLES - CONVERSATORIES	1315
3	FIELD WORK COMMERCE ESTABLISHMENTS	49
TOTAL		1418

(Source: Territorial Directorates Information date as of September 30, 2018 - Inspection, Surveillance, Control and Territorial Management of the Ministry of Labor)

III. SOCIAL DIALOGUE

The Ministry of Labor welcomes the concept of Social Dialogue, issued by the ILO, according to which social dialogue plays a crucial role in achieving the objective of promoting equal opportunities for men and women to make productive and decent work, in conditions of freedom, security and dignity.

The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress.

The Government takes into account the main principles of social dialogue:



- Strong, independent workers' and employers' organizations with the technical capacity and the access to relevant information to participate in social dialogue;
- Political will and commitment to engage in social dialogue on the part of all the parties;
- Respect for the fundamental rights of freedom of association and collective bargaining;
- and Appropriate institutional support.

In this way, an effective and proactive Social Dialogue allows to consolidate sustainable enterprises and provide workers with the full guarantee of their rights and contributes to the development of a thriving society with sustainable jobs and decent work; however we know that the scenario today has changed, generating great expectations in the face of the recovery and sustainability of the trust of civil society in institutions and the resolution of all types of conflicts through dialogue, together with the State's contribution through the regulatory adaptation of laws labor, collectively constructed.

Taking into account the above, the Ministry has promoted spaces for social dialogue, such as the National Commission for Wage and Labor Policies, as well as the 32 tripartite subcommittees for dialogue in the regions.

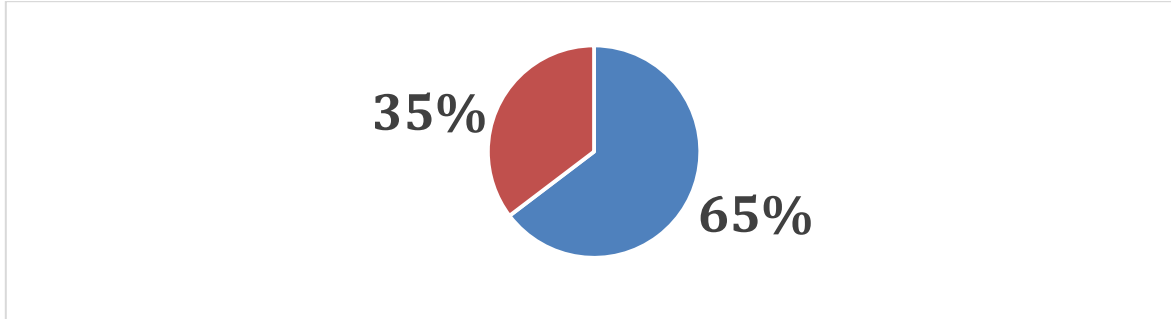
A relevant expression of social dialogue, in which we combine employers, workers and government in Colombia, is CETCOIT. The Special Commission for the Treatment of cases before the ILO has been a unique experience in the continent. In recent years, 202 cases have been addressed, of which 130 have ended in agreements, that is, their level of efficiency is over 65 %. The importance of this instance of dialogue and agreement lies in the fact that it has been established as the main instrument for the relationship of the actors in conflict and the recognition of the rights of association, freedom of association and collective bargaining. One of the main success factors of CETCOIT is the generation of confidence of all tripartite members.

CETCOIT Management Chart

CASES PER YEAR	AGREEMENT	WHITOUT AGREEMENT	PENDING	TOTAL CASES
2012	26	13	0	39
2013	17	15	0	32
2014	25	8	0	33
2015	25	15	0	40
2016	19	10	0	29
2017	11	7	1	19
2018	7	3	2	12
TOTAL	130	71	3	204

a. SOCIAL DIALOGUE IN THE FRAMEWORK OF THE FTA

■ Total cases with agreement ■ Cases without agreement



In Article 281 of the Trade Agreement with the European Union, national mechanisms on labor and environmental matters are defined as those "committees or groups [that] may present opinions and make recommendations on the application of this Title, including on their initiative, to through the respective internal channels of the Parties. " Since the entry into force of the Agreement in 2013, the national consultation mechanisms had been carried out within the national spaces already established for communication with civil society within the Ministries of Environment and Labor, which were the Environmental Council and the Permanent Commission of Wage and Labor Policies respectively. However, members of trade unions, business associations and NGO representatives wanted to establish a mechanism similar to the one existing in the European Union within the framework of the Agreement with the European Union and constituted in 2017 a National Advisory Group (Domestic Advisory Group - DAC). Since its creation, the position of the Colombian Government has been marked by respect for the functioning of this group, stating that although there are no financial resources for this purpose, there is a willingness to strengthen dialogue with civil society. Consequently, periodic meetings have been held between the Government of Colombia and the representatives of the DAC to establish communication channels, define the points on which they want to work and present the positions of the different actors involved.

b. A MILESTONE IN COLOMBIA'S HISTORY- SIGNING THE DECENT WORK COVENANT

On October 9 of this year, as part of the Decent Work Day that Colombia celebrates each year, the PACT FOR DECENT WORK was signed in a tripartite manner.

On behalf of the National Government, the pact was signed by the President of the Republic, Dr. Ivan Duque, the Minister of Labor, Dr. Alicia Arango and the Director General of Public Administration, Dr. FERNANDO GRILLO RUBIANO; on the part of the workers, the pact was signed by the Presidents of the General Confederation of Labor - CGT, the Confederation of Workers of Colombia CTC and the Democratic Confederation of Pensioners - CDP; by the Business sector signed the presidents of the National Association of Entrepreneurs -ANDI, ASOCIACIÓN COLOMBIANA DE MEDIANAS Y

PEQUEÑAS INDUSTRIAS – ACOPI, la SOCIEDAD DE AGRICULTORES DE COLOMBIA-SAC y la ASOCIACIÓN GREMIAL FINANCIERA DE COLOMBIA – ASOBANCARIA. También firmaron como testigos de honor la Fiscalía General de la Nación, la Procuraduría General de la Nación y la OIT.

The Pact for Decent Work is an initiative of the Office of the Minister of Labor, Dr. Alicia Victoria Arango Olmos, and aims to raise awareness among the public about the importance of decent work, framed in the creation of formal employment, compliance and respect for workers' rights and the extension of social protection.

The following are the commitments signed in the pact:

1. Establish relationships based on solidarity, fraternity, trust, sense of belonging and mutual growth.
2. Respect the pacts, SUBSCRIBED AGREEMENT and commitments acquired as a result of consensus and social dialogue.
3. Socialize interests, fight for ideals, discuss differences and always develop actions framed within respect, transparency, trust, consideration and integrity.
4. Create and enable formal employment opportunities in conditions of equity and with full respect for labor rights and current regulations.
5. Contributing to eradication, child labor, and forced labor.
6. Continue participating in the Labor Agreement Commission for the protection of a vital and mobile minimum wage for workers.
7. Give a treatment to the workers, without labor harassment and without any discrimination for reasons of sex, race, national origin; family, language, religion, political or philosophical opinion.
8. Develop activities within a working day without exceeding what the law and agreements contemplate.
9. Provide and verify regulatory compliance for the provision of the service and the conditions of social security and health appropriate to workers, as established in the standard
10. Respect and protect pension rights, freedom of association and negotiation led through the construction of roads, strategies, social dialogue tables and through the strengthening of departmental coordination subcommittees.
11. Fulfill in a timely and efficient manner the tasks, responsibilities and guidelines given by the employer in accordance with the law, the employment contract and the internal work regulations previously established.
12. Maintain a climate and necessary instruments so that, through meaningful and fruitful social dialogue, all petitions or disagreements are addressed and resolved.
13. Be supportive in cases of natural disasters, labor migration and forced displacement.
14. Develop a decent work consensus public policy based on the foundations of social dialogue and tripartism based on the strengthening and specialization of the surveillance and control inspection system.
15. Comply with and enforce all the constitutional and legal tools, the ILO Declaration of Fundamental Principles and Rights at Work in 1998, international labor standards, as well as in compliance with the Sustainable Development Goals, especially the Decent Work Goal 8, within the framework of the 2030 agenda and in strict compliance with the present pact.

16. Improve the conditions of employability and meritocratic accessibility of public servants in accordance with current regulations and monitor compliance with national agreements reached with public sector workers in 2013, 2015 and 2017 at the national and territorial levels.

IV. Fight against Violence and impunity

It is important to bear in mind that the rates of violence against trade unionists have greatly diminished. The protection program for union leaders has proven to be effective, its processes have been simplified and resources have been budgeted consistently in recent years. A collective protection measure for trade unionists approved in addition to the existing protection measures for individuals. Currently, the National Protection Unit (UNP) is protecting 393 trade union leaders and activists, 3,609 risk level studies have been carried out and regional workshops are being held to implement the protection route for organized unionists in the Valley, Meta and Córdoba by the Ministry of Labor and the UNP.

From the Office of the Deputy Attorney General of the Nation, the creation of an Elite Group was established to monitor and promote the cases that are being carried out as a result of violence against members of trade union associations. From there it has managed to articulate the Directorates in charge of the subject of violence against trade unionists, identify the universe of aggressions and collect the data related to the processes of the whole country in centralized databases as well as to promote the investigation in the sectional and National Directions. Likewise, it has given impetus to the procedural advance of the cases through the identification of the fiscal dispatches in charge of the processes, and the control and monitoring of the investigations where trade unionists are victims, advancing committees and working groups to these cases.

From January 2011 to November 2017, the Prosecutor's Office has received 173 cases of homicide (Cases are known directly by the entity that I represent or that have been sent by the National Trade Union School or the Ministry of Labor - a figure that is still under review). Of these 173 cases, there is a substantive procedural advance in 43.9% of the cases (76 cases), 34 convictions, with 44 persons deprived of their liberty; 7 cases in trial and there are 114 people deprived of freedom. The rate of imputation in the investigation of the crime of homicide against trade unionists is among the highest in the state, 38% if this compares with the rate of imputation for intentional homicide, in general, that is 24.3%. Therefore, the necessary measures are being taken to combat this phenomenon.

Equally, Prosecutor's Office and Republic's Judges have issued three hundred and forty-nine (349) convictions between 2011 and 2017.