



Colombia's

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Employment, Labour and Social Affairs Committee

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EXECUTIVE SUMMARY

On April 28, 2020, Colombia became a member of the Organization for Economic Cooperation and Development - OECD. Colombia made the commitment as a country to comply with the recommendations of seven OECD Committees after concluding the roadmap set up for its accession. Each year, the Colombian government is required

to report on the progress it has achieved within each of the critical areas identified in the recommendations. The Ministry of Labour is the government entity responsible for following up on the four recommendations of the OECD's Employment, Labour and Social Affairs (ELSAC) Committee on labour-related matters. This report describes the main advances with regards to the recommendations of the ELSAC Committee, specifically in relation to the *Fight against informality and subcontracting*, *Compliance with labour law*, *Collective bargaining* and *Violence against trade unionists* during the 2023 term.

This report highlights the social reforms presented by the Government of Change: (Gobierno del Cambio), the pension reform is sustainable, has an (additional) fiscal impact of only 0.3 points of the GDP, which is maintained for over 45 years. It achieves an increase in coverage that covers almost 86.8 percent of the elderly population by 2052 and achieves the elimination of horizontal inequities, as well as strongly reducing vertical inequities by eliminating subsidies for people who contribute more than 3 Current Legal Minimum Monthly Wages (CLMMW).

Regarding the labor reform that is currently going through Congress, it is important to point out that the Employment Committee requested the reform of 10 points in our legislation, such as strikes in essential public services, multi-level bargaining, the elimination of collective bargaining agreements, improvements in the connection between the amount that workers and employers must contribute to Social Security and the benefits and services they receive in return, strengthening the legal framework, as appropriate, to prohibit all forms of abusive subcontracting, including union service contracts and simplified joint stock companies through the use of cooperatives. Each of these aspects were addressed in the reform which thus covers the recommendations that were provided.

Labor informality and subcontracting:

The One-stop Business Window (Ventanilla Única Empresarial - VUE) has made significant progress in facilitating business procedures in Colombia. Despite its achievements, challenges for 2023 include the stabilization of existing services, the incorporation of new services, the strengthening of positioning in operational cities, and the creation of 47,549 companies.

During 2023, the One-stop Business Window contributed to the creation of 68,710 companies, meeting the annual target in July with 49,070 new companies. Three additional services have been added to simplify business. The strategy of holding "VUE Days" and regional events has sought to popularize the use of the VUE, with 72 participating cities and municipalities.

Meanwhile, draft bill 293 of 2023 for the creation of a Comprehensive Social Protection System that seeks to ensure that old age is made decent through the universalization of social protection, particularly stands out. In addition, the importance of addressing

labour informality and subcontracting is emphasized, by way of the regulations implemented over the last year in line with OECD recommendations.

The National Development Plan 2023, by way of Law 2294, proposes comprehensive measures to reduce labour informality, highlighting the Public Policy on Dignified and Decent Work; the strengthening of the Public Employment Service; incentives for green and blue employment, as well as the reinforcement of the qualifications system and support for the productive initiatives of women in urban and rural areas.

Labour Law Compliance:

The Ministry of Labour has taken significant steps towards strengthening labour inspections; allocating specific budgets to projects aimed at increasing effectiveness; strengthening the prevention system and modernizing labour inspection. In parallel, extensive training for inspectors has been carried out, with more than 3,800 officials trained on key issues such as fundamental rights, social security and conflict resolution during the year 2023. The number of inspectors increased to 1,259 in 2023, highlighting the importance of permanent hires for those who pass the career exam, in alignment with international standards. Furthermore, the efficiency and traceability of these processes has been improved with the implementation of the electronic case management system, which is connected to the fine collection system. The increase in preventive inspections and administrative action in 2023 has been highlighted, with detailed information available to the public, promoting transparency in inspection measures. The national inspection strategy seeks to strengthen competencies, foster a culture of respect for labour rights and guarantee compliance with fundamental rights, with a special focus on the rural sector. In relation to the fine collection system, there has been a progressive increase in verified payments to the Fund for the Strengthening of Labour and Social Security Inspection, Surveillance, and Control. (FIVICOT), totaling more than 9,100 million pesos between 2020 and 2023. These initiatives reflect the commitment of the Ministry of Labour to the creation of a fair, safe working environment that complies with existing standards.

Collective bargaining:

Collective bargaining in Colombia has undergone significant changes through a process led by the Ministry of Labour. This process included the creation of the Subcommittee on Labour Reform, which met with the representatives of different sectors and national and international organizations. During the sessions of the Subcommittee, valuable contributions were received from experts, international organizations, the Inter-American Commission on Human Rights (IACHR), and

meetings were convened at the departmental level to promote social dialogue. A total of 538 proposals were systematized, highlighting issues such as job stability, rural work, working hours and the regulation of digital platforms.

As a result of this participatory process, the Government presented the Labour Reform Bill "Trabajo por el Campo" in March 2023, incorporating the ILO's observations. This bill addresses issues such as freedom of association, collective bargaining, negotiable unity, and restrictions on union pacts and agreements. The proposal also seeks to amend legislation related to the prohibition of strikes for federations and confederations, following recommendations from the ILO. The amendment of article 417 of the Substantive Labour Code (C.S.T.) is particularly noteworthy, which grants federations and confederations the same powers as top-tier trade unions.

It reaffirms the fundamental right of association with trade unions in Colombia, which is supported by the Constitution and international conventions. The labour reform aims to strengthen this right and guarantee the participation of workers, even under the circumstances of mission-related employment. With regard to the right to strike, its importance is recognized, but its limitation in essential public services is also suggested, in line with constitutional jurisprudence. The amendment of section 430 of the C.S.T. is proposed to define the minimum service required and restrict strikes for essential public services.

Finally, the effectiveness of the Special Committee for the Treatment of Disputes before the ILO (CETCOIT) in the resolution of labour cases has been highlighted, with agreements reached for 67% of the 285 cases closed between 2012 and 2022. The labour reform process in Colombia seeks to balance workers' rights with the needs of the Social Rule of Law, promoting the active participation of all kinds of actors and adapting to the country's labour-related realities.

Violence against trade unionists:

The Attorney General's Office fulfils its constitutional duty to prosecute and investigate crimes, with a priority focus on the protection of human rights defenders and members of trade union. To do this, it implements strategies outlined in previous reports and adjusts its budget based on the demand for protection. Collective protection is governed by specific requirements.

In relation to the homicide of trade unionists, the internal coordination at the Attorney General's Office; the appointment of specialized prosecutors and the implementation of protocols particularly stand out. Moreover, the violation of the rights of freedom of assembly and freedom of association is addressed by way of training and actions aimed at expediting cases, including the mechanism of conciliation.

The Attorney General's Office continuously evaluates its performance and delivers annual statistics. Its collaboration with the National Protection Unit and the implementation of measures to resolve cases of threats are noteworthy. Additionally, the role of the Mobile Anti-Riot Squad (ESMAD in Spanish) - which has been transformed into the Unit for Dialogue and the Maintenance of Order (UNDMO) and

focuses on dialogue and respect for human rights - is critically examined and improved. The institution continues to comply with OECD recommendations and strengthens its strategies, demonstrating its commitment to the protection of human rights and the safety of defenders and trade unionists..

Overall, the report reveals the continuity of efforts on the part of the Prosecutor's Office and the National Police in addressing cases of violence against trade unionists and human rights defenders; implementing protection measures; strengthening training and promoting dialogue as a means of peaceful resolution in situations of conflict.

RECOMMENDATIONS

The actions, standards and strategies that the Government of Colombia has carried out in order to comply with the labour recommendations issued by the Employment, Labour and Social Affairs (ELSAC) Committee of the OECD within the framework of the country's entry into this organization, have been presented below. In accordance with the formal opinion issued by ELSAC, actions have been outlined for each of the four recommendations.

1

Labour informality and subcontracting

1.1. Implementation of a one-stop-shop for the registration of companies that unifies the procedures for the registration of new companies (Ventanilla Única Empresarial)

Decree 1875 of 2017 created the One-Stop Business Window (Ventanilla Única Empresarial - VUE) as a public-private cooperation strategy, coordinated by the Ministry of Commerce, Industry and Tourism, to promote and facilitate business activity in the country, through the simplification and automation of procedures.

This strategy contains a technological platform that integrates commercial, tax and social security procedures required for the incorporation of a company at a national level, as well as other procedures linked to business-related activities. The VUE currently operates across all 57 chambers of commerce in the country, and allows new entrepreneurs to perform the Company Registry process - among others - virtually, under the modality of Natural Person and Simplified Joint Stock Company, and will progressively incorporate other procedures related to business activities.

VUE Implementation Work

The Ministry of Trade, Industry and Tourism has been working since 2016 on the conception, regulation, readiness, production and strengthening of the VUE.

The implementation, consolidation and expansion of the VUE has been carried out through joint work with the Colombian Confederation of Chambers of Commerce – Confecámaras, by way of the execution of cooperation agreements, for which the lines of work are defined annually to advance in the fulfillment of the established goals. The following have been established as working components of the VUE implementation plans:

- i. **Geographical Expansion:** includes all the activities required for the integration of new chambers of commerce in the operations of the VUE.
- ii. **Stabilization of the operation:** includes all the activities required to ensure compliance with the standards for the incorporation of each chamber of commerce in operation into the VUE, as well as the activities for the definition, monitoring and follow-up on key management indicators (KPIs).
- iii. **Expansion of services:** includes all the activities required for the incorporation of new services related to the process of operating companies and their closure, in the VUE, to facilitate business activity and issues related to the platform's interoperability with social security systems.
- iv. **Promotion and dissemination:** includes all activities related to raising awareness about the VUE, its functionalities and the services on offer for entrepreneurs.
- v. **Regulatory monitoring** activities are cross-cutting, with a view to identifying opportunities for intervention by the Ministry, providing legal and/or technical inputs

for the identification of risks or initiatives that negatively impact the performance of the VUE.

Challenges for 2023

Although there are significant advances in the services provided by the VUE to facilitate business activity in Colombia, some of the challenges to be highlighted for 2023 are¹:

- Achieve the stabilization and enhancement of the procedures and services that are currently in operation, in accordance with the provisions of the Action and Monitoring Plan for Conpes document 3956 (National Economic and Social Policy Council document) the Business Formalization Policy.
- Include new services to facilitate business activity, especially in the processes of company closure and liquidations, in accordance with the Action and Monitoring Plan for Conpes 4011 the National Entrepreneurship Policy, as well as any that critically need to be simplified to establish the roadmap for the validity period.
- Better position the VUE in the cities where it currently operates, to increase the usage of integrated services, with emphasis on those related to social security subsystems.
- Achieve the creation of 47,549 new companies through the VUE, in accordance with the target established in the Investment Project "Implementation of strategies for the capacity-building and strengthening of MSMEs at the national level".

In view of the foregoing, and in order to comply with the established targets and work on the challenges for the 2023 term, cooperation agreement No. 272 OF 2023, was signed on May 29, in which \$2,068 million pesos were contributed, \$1,500 million pesos in cash were provided by the ministry and the sum of \$568 million pesos in kind was provided by Confecámaras.

In a bid to achieve the goals and execution of the actions listed above, the Ministry of Commerce, Industry and Tourism, by way of the Directorate of MSMEs, has put in place the Investment Project "**Implementation of strategies for the capacity-building and strengthening of MSMEs at the national level**", which envisions among its specific objectives; "**the promotion of business formalization and a culture of lawfulness in companies**", and "**the technical Implementation of phase II of the One-stop Business Window**".as one of its activities, among others.

Achievements 2023

- The VUE is currently available in 72 cities/municipalities around Colombia, integrating all 57 Chambers of Commerce in the country, the activation target

¹ See Appendix 1: Clauses in Cooperation Agreement No. 272 of 2023, signed between the Ministry of Commerce, Industry and Tourism and the Colombian Confederation of Chambers of Commerce – Confecámaras.

of all 57 chambers of commerce was achieved upon the conclusion of the 2022 term, which also includes more than 20 services and procedures that can be carried out and consulted within the portal to simplify the relationship between the State and entrepreneurs. For more information, visit www.vue.gov.co.

- During 2023, with October 31 as the cut-off date, the creation of 68,710 companies was achieved, of which 58,737 are of the Natural Person modality and 9,973 are Simplified Stock Companies. See Appendix 2: Registration of companies created through the VUE.
- In July 2023, the business creation target was met by way of the VUE, with a total of 49,070 companies reported.
- The inclusion of three new services in the window was achieved, with the aim of simplifying business activity. These services include the following:

- i. Integration of the Liquidation and Payment of the Parafiscal Contribution for the Promotion, Sustainability and Competitiveness of Tourism – Fontur:

In September 2023, thanks to the work carried out alongside the National Tourism Fund – Fontur, the procedure for the Liquidation and Payment of the Parafiscal Contribution for the Promotion, Sustainability and Competitiveness of Tourism was successfully integrated. This contribution is a tax created by means of Article 40 of Law 300 of 1996 as a mandatory tax for tourism service providers or beneficiaries in the tourism sector, whose income is intended to benefit this sector.

Thus, pursuant to the provisions of the work schedule for the inclusion of this procedure in the VUE, on September 25, 2023, this procedure went live on the platform and therefore 100% progress was recorded for this activity. For further information visit <https://www.vue.gov.co/servicios-a-la-ciudadania/tramites-y-consultas/fontur>

- ii. Business Closure and Liquidation

By the end of the 2023 term, the integration of the procedure for the cancellation of natural person and establishment registrations in the VUE has been envisaged, which is expected to guide entrepreneurs and facilitate the process whenever they require or need to cancel their registration or close their commercial establishment in the case of natural persons.

It is important to highlight that, with the implementation of this procedure, individual entrepreneurs who wish to cancel their registration, will have the ability to do so online, which naturally implies that entrepreneurs will save the time it takes to travel to the chamber, and save the opportunity cost by using this time for other activities related to their business. The aim is to make progress with the fulfillment of the actions proposed in CONPES 4011 - National Entrepreneurship Policy.

- iii. Creation of a Limited Liability Company -LTDA-

This initiative is intended to expand company incorporation services through the VUE portal, allowing citizens/entrepreneurs to carry out the procedures for the creation of a company as a Limited Company -LTDA-, which is the second most common type of company employed by entrepreneurs in the country, following the Simplified Joint-Stock Company (S.A.S.). The service is expected to be available at the end of 2023.

- iv. Integration of business development offerings, agencies in the Commerce, Industry and Tourism sector and chambers of commerce.

The One-stop Business Window (VUE) acts as an essential, centralised point that facilitates procedures and provides relevant information to entrepreneurs. By the end of the 2023 term, both national and regional programs will have been integrated.

First, the diversity and specificity of programs available across different regions of the country can vary significantly. That which may be relevant to one entrepreneur in a particular region may not be relevant to another in a different region. By consolidating this information in the VUE, personalized immediate access is provided to any resources that may prove to be the most relevant for the operations and expansion of each particular business. By having access to these programs via the VUE, entrepreneurs will not only be better informed, but they will also be better positioned to make strategic decisions that benefit both their companies and the business fabric of the country as a whole, in the long term.

With regards to incorporating the offerings of the Commerce, Industry and Tourism sector, information has been received, to date, from the Support Route for the Development of Microenterprise (the FortaleSER program, formerly CREEce) and information is expected to be received from the Productivity and Sustainability Factories and Reindustrialization Centers (Zascas).

In relation to the portfolio of programs offered by the 57 Chambers of Commerce, the integration of the three main programs offered by each chamber has been contemplated, focusing on the main target audience of the VUE, namely, start-ups and newly incorporated companies.

With the purpose of promoting the services offered by the VUE and popularizing their use among the target audience, "VUE Days" were held within the context of a number of regional events and business fairs, consisting of an information point and advisors in charge not only of providing assistance, but also of taking a tour around the fairs, and inviting entrepreneurs and attendees to visit the VUE point. Academic meetings were also held with key stakeholders from the regions, such as academia, entrepreneurial networks and territorial agencies, to discuss the VUE strategy, in a bid to turn them into project multipliers. The cities and dates on which the aforementioned events were held are as follows: Neiva on November 22, Santa Marta on November 23 and 24, Ibagué on November 24, and Pasto from November 30 to December 2.

A series of improvements were made to the VUE Dashboard and indicators, to have access to updated information, allowing for an effective understanding of the impact of the implementation of the One-stop Business Window – VUE in each of the cities. The update actions carried out to date per section are:

a) Creation Section

- Reorganization of modules: The first module will summarize aggregated information from all 72 cities using the VUE for the period between 2018 and the present. The second module will allow for a precise analysis of each of the cities.
- Adjustments to filters and charts, to allow information to be delivered as clearly and accurately as possible.
- Unification of graphs presenting data on business creation. It will seek to jointly display the number of companies created per channel and the type of legal regime. [General Module]
- Development of a monthly business creation chart over the past year, which will include the annual growth rate. This means that the chart will provide information on the number of companies created each month in 2023 using the variations obtained by comparing the same month in the year 2022. [General Module & City Module]
- Creation of a map that will make it possible to understand the ratio of companies created per city that have been registered through the window and will highlight leading cities at the national level for the period between 2018 and the present. [General Module]
- Disclosure of the percentages of companies created by way of the VUE by city during the period between 2018 and the present. This chart will reveal how the ratio of companies using the window as a means of creation has evolved over the years [Module by city]

b) Baseline Section

- Filter and chart settings.
- Modification of the graph on time per procedure The aim will be to create an intuitive display that contains, to the extent possible, the total time required and its respective breakdown by procedure, differentiating between short procedures (in minutes) and long procedures (hours).
- Modification of the associated cost graph A graph showing the percentage of costs per withholding entity will be created, as well as its respective breakdown, revealing the cost in pesos per procedure in the latter.
- Creation of a table that allows for a comparison between the procedures that are carried out by way of virtual or in-person channels.

c) Web Interaction Section

- Website analytics update Present recent data on new users, bounce rate, average dwell time, page load time, and, if possible, the user experience whilst using the page.
- Unifying the display of the links and pages being visited the most under a single graph that will facilitate their interpretation and comparison.
- Settings for the graphs, to make them more intuitive for your reference.

1.2. Design and implement a single affiliation system for the numerous social security systems (including health, pensions, family allowance and accident insurance)

Adjustments or change controls were made in 2023 to production functionalities and efforts were aimed at improving interoperability with other entities that hold the different sources of references. This includes the National Civil Registry, Migración Colombia and the National Planning Department (Departamento Nacional de Planeación - DNP), among others. The aim is to improve the timeliness, quantity and quality of the data; This is a process that is still underway.

To date, the transactions per functionality in the Transactional Affiliation System of the General Social Security System for Health are as follows:

FUNCTIONALITY	2018	2019	2020	2021	2022	NOV_2023	TOTAL
Healthcare Provider (EPS) Transfer	355,153	1,383,858	1,141,427	1,352,550	1,347,140	1,205,412	6,785,540
Ex officio affiliation			316,479	459,406	783,333	507,743	2,066,961
Acquisition of conditions for quoting			45,724	95,657	184,606	245,493	571,480
Inclusion of beneficiaries	14,361	58,301	121,254	130,472	136,943	139,210	600,541
Supplementary Data Update	8,449	17,584	71,266	109,810	116,876	101,641	425,626
Ex officio affiliation for people with a Temporary Protection Permit.					102,793	10,389	113,182
Affiliation to the Subsidized Scheme			24,172	28,758	23,834	12,316	89,080
Loss of conditions for quoting			7,070	20,543	21,217	17,302	66,132

Exclusion of Beneficiaries	585	3,590	5,606	6,063	7,853	5,281	28,978
Re-registration to the HCP (EPS)		6,337	22,270	24,759	7,421	9,936	70,723
Report on the start of an employment relationship	701	473	337	297	2,316	1,752	5,876
Transfer to a subsidized scheme		71	818	876	1,517	1,249	4,531
Identity Document Update	957	3,099	3,162	1,940	1,252	1,013	11,423
HCP (EPS) Registration					1,111		1,111
Request Exclusion as a Spouse/Permanent Partner	31	137	165	215	299	279	1,126
Termination of Employment Relationship				5	-		5
TOTAL	380,237	1,473,450	1,759,750	2,231,351	2,738,511	2,259,016	10,842,315

Source: Ministry of Health of Colombia, based on usability statistics report sent by the Information Technology and Communications Office (OTIC in Spanish). Cut-off date: 27/12/2023

Transactional Affiliation System (SAT) - Occupational Risk

During the year 2023, the web services for the modification of the company's main economic activity and Cancellation of the Start of an employment relationship or training internship were added to be reported by the Occupational Risk Administrators in the Transactional Affiliation System.

On the date of this report, the Occupational Risk Administrators have reported 55,752,332 web service registrations, broken down as follows:

Web service	Number of Records
Modify Economic Activity	6
Transferred Company Consultation	313
Company Structure Consultation	534
Report on Employer Transfer Withdrawal	9,224
Correction of the Contributor Subtype Type	32,669
Report Employer Transfer	86,140
Consult Default Period	154,637
Transferable Employer Consultation	159,298
Report Work Center Reclassification	207,531

Occupational Risk Administrator (ARL) Affiliation	636,910
Contribution Base (IBC) Modification	1,317,334
Report Work Center Variation	1,388,565
Report ARL Termination of Employment Relationship	2,328,627
Report on Definitive Withdrawal from the General Occupational Risk System Company	2,501,213
Report Branch Developments	2,829,239
Report Work Center Developments	2,884,455
Default Report	10,639,787
Report ARL Termination of Employment Relationship	13,811,566
Report ARL Start of Employment Relationship	16,764,284
Grand Total for Entries Reported in Web Services	55,752,332

Source: Ministry of Health of Colombia based on usability statistics report sent by the Information Technology and Communications Office (OTIC).

The number of records reported in the Web services by the Occupational Risk Administrator is as follows:

Web Services Report by ARL	Number of Records Reported by ARL
AURORA	321,722
AXA	8,050,422
COLMENA	9,012,025
EQUIDAD	354,317
SURA	24,831,192
POSITIVA	10,740,925
BOLIVAR	2,088,528
ALFA	54,682

Source: Own elaboration based on ARL usability statistics report sent by the ICT Office (OTIC).
Cut-off date: 26/12/2023

Pursuant to the provisions of Resolution 1798 of 2023, it is expected that the process of - incorporating information on the affiliation of the contractors and independent workers that have voluntarily registered onto the General Occupational Risks System that have an active affiliation - to the Transactional Affiliation System by the Occupational Risk Administrators shall take place no later than April 12, 2024

Finally, it is necessary to specify that, as a result of the implementation of the affiliation to the General Occupational Risk System by way of the Transactional

Affiliation System, information on affiliation or 982,225 affiliated companies and 10,882681 affiliated individuals can be found in the TAS.

Transactional Affiliation System – (TAS) General Pension System.

On the date of this report, Pension Administrators report “affiliations by transfer” to the SAT via web services, with information on a total of 458,726 transfers uploaded to date, which is broken down as follows:

Pension Administrator	Record number reported in Web Services
PORVENIR	260,419
COLPENSIONES	139,810
PROTECCION	58,497

Source: Own elaboration based on SGP usability statistics report sent by the ICT Office. Cut-off date: 26/12/2023

Transactional Affiliation System (SAT) - Family Allowance System

During 2022 and 2023, the following web services for information reporting were launched into operation to update the information previously integrated by the Family Compensation Funds into the Transactional Affiliation System:

- Report First Time Affiliation
- Report Recurring Affiliation
- Report Disaffiliation
- Report Employer Payment Status
- Report the start of the employment relationship
- Report Termination of Employment Relationship
- Report Loss of Membership on Serious Grounds

On the date of this report, the Family Compensation Funds have reported 2,130,425 web service registrations, broken down as follows:

CCF WEB SERVICE	Number of records reported
CAJA COLOMBIANA DE SUBSIDIO FAMILIAR COLSUBSIDIO	106,357
Report on Termination of Employment Relationship	39,787
Report on Start of Employment Relationship	62,616
Report First Time Affiliation	3,954
CAJA DE COMPENSACION FAMILIAR CAFAM	10,523
Report on Termination of Employment Relationship	1

CCF WEB SERVICE	Number of records reported
Report on Start of Employment Relationship	10,522
CAJA DE COMPENSACION FAMILIAR CAMACOL COMFAMILIAR CAMACOL	151
Report on Termination of Employment Relationship	74
Report on Start of Employment Relationship	69
Report First Time Affiliation	3
Report Disaffiliation	5
CAJA DE COMPENSACION FAMILIAR COFREM	112,668
Report on Termination of Employment Relationship	29,096
Report on Start of Employment Relationship	75,290
Report First Time Affiliation	795
Report Recurring Affiliation	166
Report Disaffiliation	1,718
Report Employer Payment Status	4,772
Report Loss of Membership on Serious Grounds	831
Consult First Time CCF Affiliation Application	
CAJA DE COMPENSACION FAMILIAR COMFENALCO ANTIOQUIA	325,554
Report on Termination of Employment Relationship	165,246
Report on Start of Employment Relationship	156,424
Report First Time Affiliation	1,325
Report Recurring Affiliation	177
Report Disaffiliation	2,381
Respond to Ccf First Time Affiliation Application	1
CAJA DE COMPENSACION FAMILIAR COMFENALCO SANTANDER	98,025
Report on Termination of Employment Relationship	45,734
Report on Start of Employment Relationship	51,086
Report First Time Affiliation	1,205
CAJA DE COMPENSACION FAMILIAR DE ARAUCA	500
Report on Termination of Employment Relationship	85
Report on Start of Employment Relationship	284
Report First Time Affiliation	55
Report Disaffiliation	76
CAJA DE COMPENSACIÓN FAMILIAR DE BARRANCABERMEJA	13,029
Report on Termination of Employment Relationship	6,042
Report on Start of Employment Relationship	6,850
Report First Time Affiliation	119
Report Recurring Affiliation	2
Report Disaffiliation	4
Report Loss of Membership on Serious Grounds	12

CCF WEB SERVICE	Number of records reported
CAJA DE COMPENSACION FAMILIAR DE BARRANQUILLA COMBARRANQUILLA	79,290
Report on Termination of Employment Relationship	7,332
Report on Start of Employment Relationship	71,102
Report First Time Affiliation	505
Report Employer Payment Status	41
Report Loss of Membership on Serious Grounds	310
CAJA DE COMPENSACION FAMILIAR DE CALDAS	5,893
Report on Termination of Employment Relationship	1,688
Report on Start of Employment Relationship	2,896
Report First Time Affiliation	865
Report Recurring Affiliation	63
Report Disaffiliation	19
Report Loss of Membership on Serious Grounds	362
CAJA DE COMPENSACIÓN FAMILIAR DE CÓRDOBA	4,406
Report First Time Affiliation	1,023
Report Disaffiliation	98
Report Employer Payment Status	3,245
Report Loss of Membership on Serious Grounds	40
CAJA DE COMPENSACIÓN FAMILIAR DE CUNDINAMARCA "COMFACUNDI"	2,391
Report on Termination of Employment Relationship	616
Report on Start of Employment Relationship	1,750
Report First Time Affiliation	25
Caja de Compensación Familiar de Fenalco del Tolima "Comfenalco"	62,467
Report on Termination of Employment Relationship	21,259
Report on Start of Employment Relationship	36,529
Report First Time Affiliation	755
Report Recurring Affiliation	5
Report Disaffiliation	772
Report Employer Payment Status	3,021
Report Loss of Membership on Serious Grounds	126
CAJA DE COMPENSACIÓN FAMILIAR DE LA GUAJIRA "COMFAGUAJIRA"	25,009
Report on Termination of Employment Relationship	6,224
Report on Start of Employment Relationship	18,187
Report First Time Affiliation	176
Report Recurring Affiliation	2
Report Disaffiliation	420
CAJA DE COMPENSACIÓN FAMILIAR DE NARIÑO	25,443

CCF WEB SERVICE	Number of records reported
Report on Termination of Employment Relationship	10,618
Report on Start of Employment Relationship	14,323
Report First Time Affiliation	427
Report Disaffiliation	75
CAJA DE COMPENSACION FAMILIAR DE RISARALDA	7,490
Report on Start of Employment Relationship	7,462
Report Disaffiliation	28
Caja de Compensación Familiar de San Andres y Providencia Islas - CAJASAI	176
Report on Termination of Employment Relationship	9
Report First Time Affiliation	76
Report Recurring Affiliation	18
Report Disaffiliation	73
CAJA DE COMPENSACION FAMILIAR DEL CAQUETA	1,567
Report on Termination of Employment Relationship	703
Report on Start of Employment Relationship	781
Report First Time Affiliation	78
Report Employer Payment Status	5
CAJA DE COMPENSACIÓN FAMILIAR DEL HUILA "COMFAMILIAR HUILA"	3,371
Report on Termination of Employment Relationship	1,878
Report on Start of Employment Relationship	173
Report First Time Affiliation	672
Report Recurring Affiliation	23
Report Disaffiliation	199
Report Employer Payment Status	304
Report Loss of Membership on Serious Grounds	122
CAJA DE COMPENSACION FAMILIAR DEL MAGDALENA	18,398
Report on Termination of Employment Relationship	6,894
Report on Start of Employment Relationship	11,111
Report First Time Affiliation	335
Report Disaffiliation	58
CAJA DE COMPENSACION FAMILIAR DEL NORTE DE SANTANDER	66,237
Report on Termination of Employment Relationship	25,191
Report on Start of Employment Relationship	40,001
Report First Time Affiliation	770
Report Recurring Affiliation	30
Report Disaffiliation	18
Report Loss of Membership on Serious Grounds	227
CAJA DE COMPENSACIÓN FAMILIAR DEL ORIENTE COLOMBIANO "COMFAORIENTE"	17,832

CCF WEB SERVICE	Number of records reported
Report on Termination of Employment Relationship	5,732
Report on Start of Employment Relationship	11,565
Report First Time Affiliation	249
Report Recurring Affiliation	1
Report Disaffiliation	17
Report Employer Payment Status	194
Report Loss of Membership on Serious Grounds	74
CAJA DE COMPENSACION FAMILIAR DEL PUTUMAYO	10,519
Report on Termination of Employment Relationship	4,723
Report on Start of Employment Relationship	5,400
Report First Time Affiliation	180
Report Disaffiliation	216
CAJA DE COMPENSACION FAMILIAR DEL SUR DEL TOLIMA CAFASUR	26
Report on Termination of Employment Relationship	4
Report First Time Affiliation	21
Report Recurring Affiliation	1
CAJA DE COMPENSACION FAMILIAR DEL VALLE DEL CAUCA "COMFENALCO VALLE"	391
Report on Start of Employment Relationship	1
Report First Time Affiliation	390
CAJASAN	22,292
Report on Start of Employment Relationship	21,013
Report First Time Affiliation	1,126
Report Recurring Affiliation	9
Report Disaffiliation	107
Report Loss of Membership on Serious Grounds	37
COMFACESAR	19,238
Report on Termination of Employment Relationship	421
Report on Start of Employment Relationship	18,444
Report First Time Affiliation	373
CONFAMILIAR ANDI	224,724
Report on Termination of Employment Relationship	50,827
Report on Start of Employment Relationship	170,368
Report First Time Affiliation	1
Report Disaffiliation	3,528
COMPENSAR E.P.S.	635,900
Report on Termination of Employment Relationship	292,343
Report on Start of Employment Relationship	335,618
Report First Time Affiliation	6,674

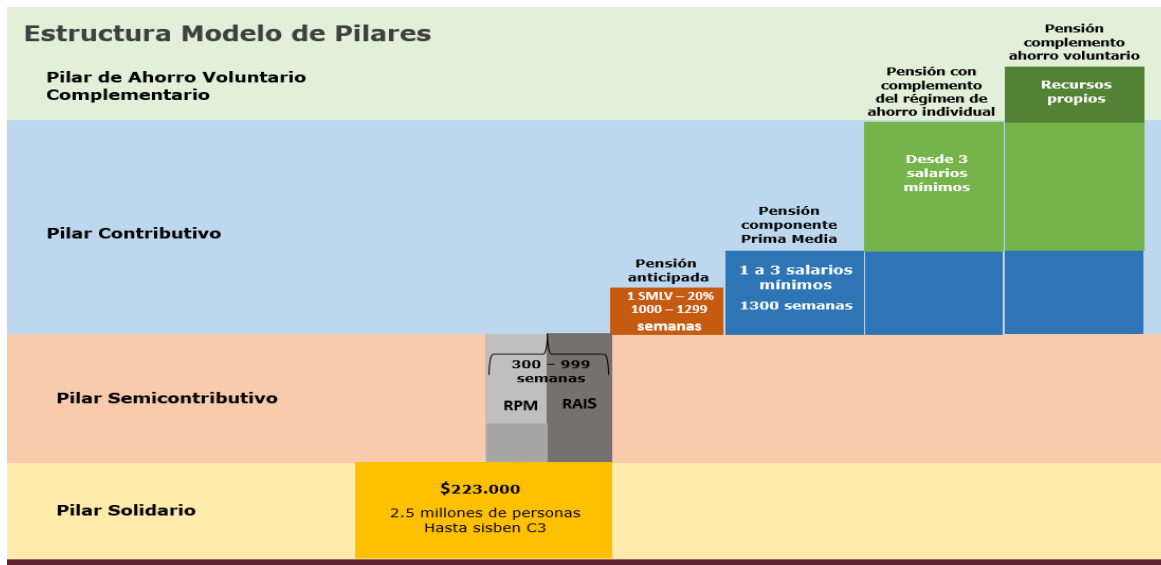
CCF WEB SERVICE	Number of records reported
Report Employer Payment Status	2
Report Loss of Membership on Serious Grounds	1,263
COMFABOY	36,274
Report on Start of Employment Relationship	36,256
Report Disaffiliation	18
CAJA DE COMPENSACION FAMILIAR DEL CAUCA	54,471
Report on Termination of Employment Relationship	17,488
Report on Start of Employment Relationship	36,623
Report First Time Affiliation	357
Report Employer Payment Status	3
CAJA DE COMPENSACIÓN DE FENALCO COMFENALCO QUINDIO	39,477
Report on Termination of Employment Relationship	18,851
Report on Start of Employment Relationship	19,704
Report First Time Affiliation	502
Report Recurring Affiliation	16
Report Disaffiliation	294
Report Loss of Membership on Serious Grounds	110
CAJA DE COMPENSACION FAMILIAR DE ANTIOQUIA COMFAMA	17,598
Report on Start of Employment Relationship	7
Report First Time Affiliation	10,745
Report Recurring Affiliation	97
Report Disaffiliation	4,779
Report Loss of Membership on Serious Grounds	1,970
IPS COMFACASANARE	22,323
Report on Termination of Employment Relationship	98
Report on Start of Employment Relationship	21,279
Report First Time Affiliation	946
COMFATOLIMA	60,019
Report on Termination of Employment Relationship	6,669
Report on Start of Employment Relationship	38,176
Report First Time Affiliation	361
Report Recurring Affiliation	40
Report Disaffiliation	1,110
Report Employer Payment Status	13,663
CCF DE FENALCO ANDI COMFENALCO CARTAGENA	396
Report First Time Affiliation	396
Total Records Reported	2,130,425

1.3. Improve the correlation between that which workers and employers must contribute to Social Security and the benefits and services they receive in return

Draft bill 293 of 2023 "by way of which *the Comprehensive Social Protection System for Old Age, Disability and Death by Natural Causes is established, and other provisions are pronounced*" is a comprehensive reform that seeks to advance the materialization of the principle of universal insurance, through which a social protection system will be integrated into a social security mechanism. The change that is proposed is a qualitative reform, in which the economic capacity of each person is taken into account to be able to differentiate between people and cover everyone in a proportional way; thus, it will be possible to cover both those who do not have an income of any kind, as well as those who have certain factors that allow them - by means of the support of the State - to free up their resources, thus promoting dignity in old age.

The aim is therefore to achieve dignity in old age through the universalization of social protection, given that every person, in accordance with the characteristics of the pillars contemplated herein, will effectively enjoy this right without any form of discrimination, either via a pension allowance (contributory pillar) or a periodic economic benefit (semi-contributory pillar) or basic income (solidarity pillar).

The purpose of the new Comprehensive Social Protection System for Old Age, Disability and Death By Natural Causes is to guarantee protection against contingencies arising from old age, disability and death through the recognition of people's rights by way of the Solidarity Pillar, the Semi-Contributory Pillar and the Contributory Pillar. It is, in turn, integrated through the Average Premium Component and the Complementary Individual Savings Component. and finally, the Voluntary Savings Pillar, to which the principles and provisions of the reform will not be applied, which is why it will not be furthered.



1. The Solidarity Pillar will cover Colombian men who are at least sixty-five (65) years of age and Colombian women who are sixty (60) years of age, who must be part of the extreme poverty, poverty and vulnerable groups, in accordance with the targets established by the National Government, and who must, in addition, prove they have resided in the Colombian territory for a minimum of ten (10) years immediately prior to the date of submission of the application to access the Basic Solidarity Income. The Basic Solidarity Income will be 223 thousand pesos, which is three times higher than the value of the subsidy that is currently given to the elderly. It is important to note that the process of joining the Solidarity Pillar will be carried out at the Ministry of Labour.

2. The Semi-Contributory Pillar is made up of people affiliated to the system who have contributed between three hundred (300) and less than one thousand (1000) weeks to the Comprehensive Social Protection System for Old Age by the age of sixty-five (for men) and sixty (for women), and are also eligible for the Solidarity Pillar.

3. The Contributory Pillar is aimed at dependent and independent workers, public servants and people with the capacity to pay contributions, which allows them to access a comprehensive old-age, disability or survivors' pension in the system and other benefits established in this law.

This pillar is made up of:

- **Contributory Pillar in the Average Premium Component:** It is composed of all the people affiliated to the system and will receive contributions from the base income used to calculate contributions worth between one (1) current legal monthly minimum wages (CLMMW) and up to three (3) CLMMW. The benefits in this pillar are financed using resources from the Common Old-Age Fund and through a defined benefits mechanism, as well as the Savings Fund of the Contributory Pillar that is established by way of this law.

- Complementary Individual Savings component in the Contributory Pillar: It is composed of all persons affiliated to the system whose income is greater than three (3) CLMMW and will receive contributions from any portions of the base income for contributions exceeding three (3) CLMMW and up to twenty-five (25) CLMMW, whose benefits are financed using the amount secured in individual savings and its respective financial returns.

The pension granted by the Contributory Pillar is a single pension only and will equal the sum of the values determined in both components: the Average Premium Contributory Component and the Individual Savings Supplementary Contributory Component, provided that the person meets the requirements of the Average Premium Component in the first place.

The new system will include alternative mechanisms aimed at enabling people to make their contributions to the system in proportion to their income, including the creation of a solidarity mechanism through which the State contributes to the contributions of workers that make up the popular care economy, mainly benefiting women who do not have access to pensions and people who cannot contribute due to their low income.

Hence, in the contributory pillar specifically, the aim is to encourage permanent contributions and increase the coverage of this pillar with the existence of other special pensions, such as:

1. Early Retirement Benefit: Members who are not under the transitional regime or who relinquish it, who are also women over the age of sixty-two (62) or men over the age of sixty-five (65) who through use of the actuarial system of equivalences, do not meet the minimum number of weeks required to access the retirement pension under the Contributory Pillar and have contributed for over (1000) weeks, will be able to enjoy the early retirement benefit, which will be equal to one current legal monthly minimum wage. The value equivalent to the missing contributions will be deducted from their allowance - up to 1300 weeks.
2. Family Pension: this pension is provided according to the sum of the contribution efforts or payments made by each of the spouses or permanent partners, after establishing a notarial and/or legal declaration of civil partnership that results in compliance with the requirements established to obtain the comprehensive retirement pension under the Contributory Pillar defined in this law.
3. Special pension for mothers or fathers that have a child with a disability: the working mother or working father receiving the Benefit for his or her Child with a disability does not lose the benefit if he or she goes back to work, but he/she must continue to make solidarity contributions to the pension. This collection will not be subject to a request for compensation in lieu, or repayment of

contributions subsequent to the recognition of the pension since the right has already been acknowledged.

4. Benefit in the form of weeks for women with children. There is also a benefit in the form of weeks for women with children in article 36 *ibid.*, which is a special recognition for women - "Gender Compensation", through which they may obtain the benefit of reducing the number of weeks required by fifty weeks per live-born or adopted child; up to a minimum of 1150 weeks for a maximum of three (3) children.

Similarly, in order to facilitate access to Contributory Pillar benefits, special provisions have been established on the subject of contributions:

Actuarial equivalences system: the resources contributed and saved within the Complementary Individual Savings Component may be used to accredit the minimum number of weeks required to acquire the right to the pension under the Average Premium Component, through an actuarial system of equivalences that calculates the value of those weeks, which will be regulated by the National Government.

With regard to Rural Work, people who carry out one of the primary economic activities and live in rural areas; a municipal center or populated centers and whose income is seasonal, may make contributions for up to 12 (twelve) months into the future in the same calendar year through a single payment, contributing based on the base income used to calculate contributions for the year during which the contribution is made. The National Government shall regulate operating conditions.

Contributions for periods of less than one month, per days or per weeks: this will make affiliation to the Comprehensive Social Protection System for Retirement more flexible for contractors or dependent workers who are employed for periods of less than one month or on a per day basis, as a result of part-time work, or for self-employed workers who receive a monthly income of less than one (1) CLMMW. This contribution will be made in accordance with existing regulations on the matter, or those issued by the national government.

The gender approach has been comprehensively considered in the pension reform, moreover, the decision of the Constitutional Court in Judgment C-197 of 2023, to reduce the number of weeks required for women to retire, has been accepted, and has already been incorporated into its articles. Thus, it has been established within the requirements for access to the Comprehensive Retirement Pension, that as of the age of 57 if you are a woman, or 62 years of age if you are a man, if you have contributed a minimum of 1,300 weeks at any given time, the minimum weeks of contributions that are required of women to obtain the old age pension from January 1, 2026 will be reduced to 1000 and will also be reduced by 50 weeks starting on January 1, 2026 and 25 weeks each year as of January 1, 2027. This ruling declaring the requirement of 1300 weeks of contributions for women to obtain the retirement pension in Colombia unconstitutional, has a significant two-fold impact on the Pension System, namely:

- An increase in Liabilities of approximately 3.26%.
- Increases the likelihood of women having access to a pension by 8.8%

With regard to the early retirement pension for disability: in the case of missing weeks, persons suffering from a physical, mental or sensory impairment of 50 per cent or more, who reach the age of 50 in the case of women and 55 years of age in the case of men, and have contributed continuously or discontinuously over a period of 1000 weeks or more to the Comprehensive Social Protection System for Old-Age shall be entitled to an early retirement pension.

Transitional Regime: Persons who, upon the entry into force of this Comprehensive Social Protection System for Old Age, have a total of 750 weeks of contributions in the case of women and 900 weeks of contributions in the case of men, will continue to be fully covered by Law 100 of 1993.

Opportunity to Transfer: persons who are beneficiaries of the transition scheme, i.e., persons who have reached 750 weeks of contributions, in the case of women, and 900 weeks of contributions, in the case of men, and who are less than ten years away from reaching retirement age, will have two (2) years to transfer from one of the schemes stipulated in Law 100 of 1993 to the other, prior to the two-part advice referred to in Law 1748 of 2014, starting from the date on which the pension reform law is enacted.

4. The Voluntary Savings Pillar: This pillar is made up of people who voluntarily put away savings through the mechanisms that exist in the financial system, according to the scheme established by law, in a bid to supplement their comprehensive retirement pension.

As mentioned above, the principles and provisions of the pension reform will not apply to this pillar.

The Social Protection Program for the Elderly – "Colombia Mayor" seeks to increase the protection of the elderly through the delivery of a financial subsidy to those who are homeless, do not have a pension, or live in extreme poverty.

To register, adults must meet the following requirements:

- Colombian nationality.
- They must have resided in the country over the last ten (10) years.
- Be at least three years younger than the age required for a retirement pension (currently 54 years for women and 59 for men).
- Lack sufficient income or revenue to survive. According to SISBÉN IV (System for the identification of potential beneficiaries of social programs), all levels in groups A and B and C, including subgroup C1, are included.

The National Government consolidated the value of the monthly subsidy of the Colombia Mayor Program, at eighty thousand pesos (\$80,000) for all beneficiaries nationwide.

In the case of Bogotá D.C., the beneficiaries of the Colombia Mayor Program receive, an additional sum co-financed by the District, in addition to the value of the subsidy mentioned above.

The following table refers to information held by the Ministry of Labour on the Colombia Mayor Program from its inception until 2020, in view of the fact that via the issuance of Legislative Decree 812 of June 4, 2020, the execution of said program was assigned to the Administrative Social Prosperity Department (DPS in Spanish).

Therefore, the data in the Ministry of Labour’s Pension Solidarity Fund Information System is as follows:

Year	# of Beneficiaries
2011	612.307
2012	713.660
2013	1.250.224
2014	1.456.409
2015	1.471.471
2016	1.497.214
2017	1.501.138
2018	1.514.033
2019	1.676.514
2020	1.724.027

Similarly, in the Investment Project Monitoring System (SPI) of the National Planning Department (DNP), it can be evidenced that the budget for the Colombia Mayor Program for the years 2011, 2012 and 2013, was as follows:

COLOMBIA MAYOR PROGRAM	
YEAR	Current Appropriation
2011	\$ 591.272.788.835
2012	\$ 511.909.052.110
2013	\$ 821.410.315.729

Source: SIIF NACION Budget Execution Report

In addition, the following table refers to the report provided by SIIF NACIÓN for the years 2014 to 2020:

COLOMBIA MAYOR PROGRAM	
YEAR	Current Appropriation

2014	\$ 1.039.384.251.700
2015	\$ 1.224.733.781.656
2016	\$ 1.228.079.302.915
2017	\$ 1.232.715.000.000
2018	\$ 1.241.736.695.806
2019	\$ 1.331.422.840.332
2020	\$ 1.693.747.568.969

Source: SIIF NACION Budget Execution Report

On the other hand, the Directorate of Cash Transfers of the Administrative Social Prosperity Department shares the following information on the number of beneficiaries and the annual cost of the Colombia Mayor Program thus far, broken down as follows:

	COLOMBIA MAYOR PROGRAM			
	2020	2021	2022	2023
Beneficiaries	1.702.991	1.715.920	1.701.552	1.688.229
Investment	\$ 2.917.185.650.000	\$ 2.597.336.075.000	\$ 1.753.135.640.000	\$ 1.573.646.125.000

Source: DPS Cash Transfer Directorate

Main changes of the Colombia Mayor Program: the main change can be found in its execution, since since June 4, 2020, it is no longer performed by the Ministry of Labour, but was assigned to the Administrative Department for Social Prosperity – DPS.

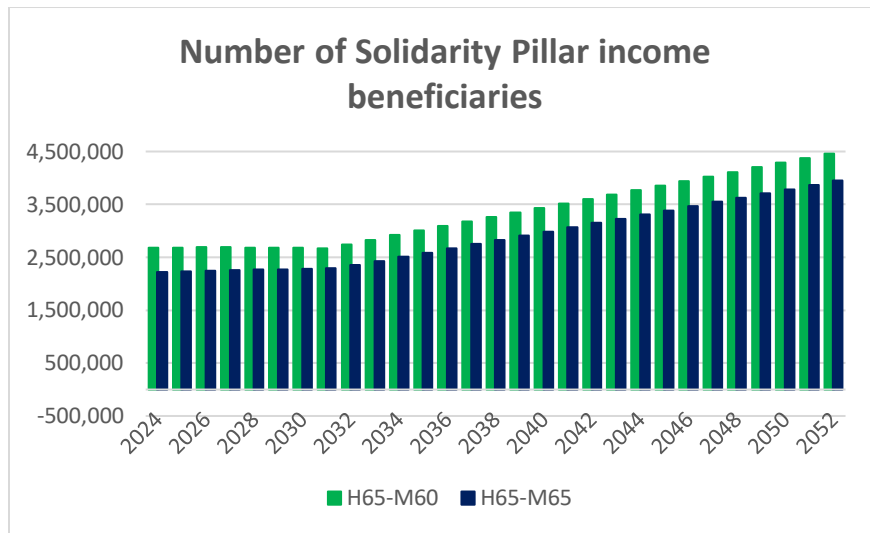
In the case of the pension reform, the **Solidarity Pillar** will cover Colombians who are men of at least sixty-five (65) years of age or women over sixty (60) years old, which is a vulnerable population that can be evidenced in the following table:

Vulnerable Population: Men over 65 years old and Women over 60 years old				
YEAR	Vulnerable population	Potential Pensioners	Vulnerable population minus pensioners	National Expenditure on Vulnerable Populations
2024	3.026.010	342.389	\$ 2.683.622	\$ 7.155.061
2030	3.019.978	343.349	\$ 2.676.628	\$ 9.522.932
2035	3.388.197	385.512	\$ 3.002.686	\$ 13.272.188
2040	3.870.817	440.425	\$ 3.430.392	\$ 18.837.643
2045	4.353.437	495.337	\$ 3.858.099	\$ 26.321.232
2050	4.836.056	550.250	\$ 4.285.806	\$ 36.325.818

Values as of 2023.

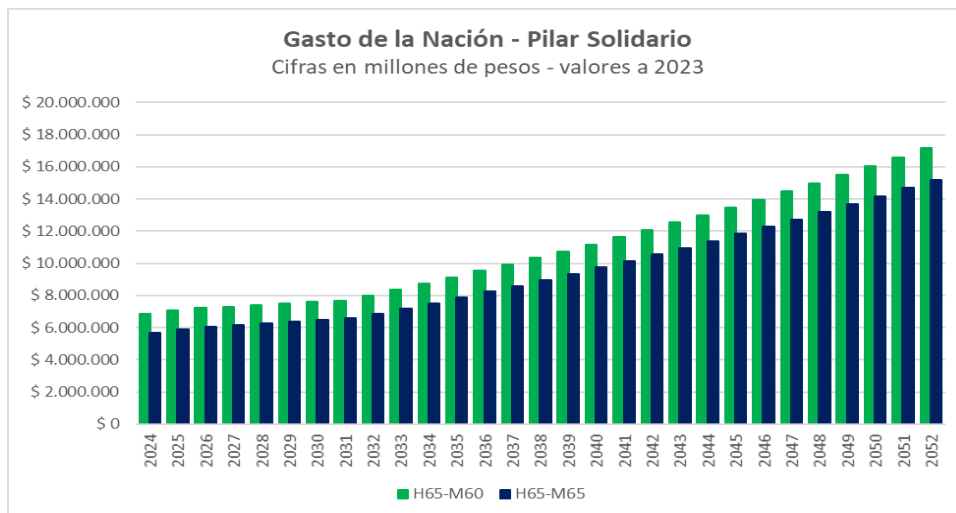
Source: Master's Degree in Actuarial Science and Finance. National University of Colombia. Ministry of Labour Agreement.

The number of beneficiaries of income from the Solidarity Pillar projected from 2024 to 2052 is displayed in the following graph:



Source: Master's Degree in Actuarial Science and Finance. National University of Colombia. Agreement Ministry of Labour.

Consequently, the Solidarity Pillar generates the following expenditure for the Nation:



Source: Master's Degree in Actuarial Science and Finance. National University of Colombia. Agreement Ministry of Labour.

Other Developments

In a world characterized by its increasing economic and labour-related complexities, it is essential that the member-states of the Organisation for Economic Co-operation and Development (OECD) continue to address crucial issues such as labour informality and outsourcing in an effective and committed manner. The Ministry of Labour is pleased to submit this Annual Report, which provides an overview of the regulations and legislation adopted over the past year, with a particular focus on combating extreme forms of poverty in the workplace.

Over the past year, regulations and legislation that seek to comprehensively address labour informality and subcontracting have been implemented, taking into account the recommendations and best practices proposed by the OECD. More specifically, policies and strategies have been put in place to protect the most vulnerable workers and ensure that all citizens have access to decent and sustainable employment opportunities.

The plan for the formalization of public employment, will contribute towards public administration bodies, agencies and entities providing all the positions for plant personnel; the creation of new modalities for access to public employment and the rational use of contracting for the provision of services. The Administrative Civil Service Department will propose the necessary regulatory adjustments to enable the institutional transformation of the State.

The strengthening of the national ICT industry as an engine for growth, employment and development in the country, through the strengthening of services such as telecommunications, television, sound broadcasting, and postal services; content, software development, applications, entrepreneurship and innovation for productivity, generating new jobs and income in the regions and promoting the use of free software, open source and emerging digital technologies.

- The National Youth for Peace Program (Jóvenes en Paz), which includes conditional cash transfers for social work in their municipalities, access to technical assistance mechanisms, financing and marketing of individual and/or collective entrepreneurship initiatives, free access to education and work training programs.
- Incentives, for companies that formulate, develop and implement green and blue employment policies and programs, as well as training programs linked to production processes and skills for new green and blue jobs, or jobs linked to greening and process automation.
- The design of a protection scheme against unemployment through the redefinition of the Unemployment Protection Mechanism (MPC), which will respond to the needs of the unemployed and redundant population, including formal and informal workers. The scheme considers the gaps that exist among the different populations, contemplating the coverage of income and services for the unemployed, the productive labour insertion of those who do not have a formal job, or work in informal activities, and the implementation of active

and passive labour market policies that support reintegration, job placement and entrepreneurship.

- The Economic Incentive for the Generation of Formal Employment was extended to employers who hire workers with disabilities and may be extended until August 2026.

1.4. Launch a public awareness program, especially in rural areas, on the importance of formal employment, social security benefits, and workers' rights.

The most important law approved by Congress in 2023, was the National Development Plan (Law 2294 of May 19, 2023), which was an initiative of the National Government that includes several provisions that are aimed at reducing labour informality, in conjunction;

- The adoption of the Public Policy on Dignified and Decent Work for a Just Transition and Green and Blue Employment, with a differential approach, which will contain the following aspects: the promotion of employment and decent income, the extension of social protection, guarantee of basic labour rights, and the exercise of social dialogue and tripartism, which will include specific plans, programs and projects for workers in rural areas and will be coordinated with the implementation of the Public Policy on Informal Vendors.
- Activities to promote the participatory formulation and implementation of public policies for decent dignified work at the departmental and municipal levels, as well as at the regional level and any others deemed relevant. They will contain an evaluation component, including legal, technical and technological assistance, as well as a specific focus on decent work in rural areas that contributes to the implementation of the Peace Accords and closing gender gaps.
- The reinforcement of the Public Employment Service at the territorial level, prioritizing medium and small municipalities and rural areas - an approach aimed at closing gaps.
- Encouraging the practice of agroecology based on traditional knowledge and in coordination with the Public Agricultural Extension Service; as well as fishing and aquaculture, as a source of development and decent employment.
- The consolidation of the National Qualifications System (SNC) and its components within the context of the country's strategy for training and professional reconversion. It will enable access to qualification pathways, with quality education and training on offer and access to decent employment, prioritizing the population affected by unemployment and informality the most (women, young people and people from the EPC). It will promote training in

work environments; work placements; apprenticeship contracts and dual training.

- The strengthening of instruments to support the production initiatives of women living in urban and rural areas, promoting economic empowerment and closing gender gaps. It will give continuity to the Mujer Emprende Fund.
- The strengthening of the Progressive Plan for Social Protection and Guaranteeing Rural Sector Workers' Rights and the National Plan for the Promotion of the Rural Cooperative and Solidarity Economy through characterization or self-recognition mechanisms and differential, comprehensive and inclusive care for rural dwellers. Their knowledge will be recognized and certified; apprenticeships, skills and abilities will be acquired throughout their lives as rural dwellers; and relevant, flexible training will be offered to them. Productive enterprises will be stimulated and a series of on-going, specialized training sessions will be adopted for the promotion of the rural economy and the organizations that it is made up of.

1.5. Strengthen the legal framework, as appropriate, to prohibit all forms of abusive subcontracting, including subcontracting via by way of cooperatives, union contracts and simplified Joint-Stock Companies

As previously reported, the legal framework that the Ministry of Labour in Colombia takes into consideration in all its actions related to subcontracting is primarily Law 1429 of 2010 "whereby the Law on Formalization and Generation of Employment is issued" which establishes in article 63 therein that:

Personnel required in any public and/or private institution and/or company for the development of permanent mission-related activities may not be connected via Associated Work Service Cooperatives that carry out labour intermediation or under any other relationship modality that may affect the constitutional, legal and benefits-related rights enshrined in the labour regulations in force. Without prejudice to the minimum inalienable rights stipulated in article three of Law 1233 of 2008, whenever the Pre-Cooperatives and Associated Work Cooperatives have employees, in exceptional cases provided for by law, they shall remunerate these employees and any associated workers for the work performed, pursuant to the provisions of the Substantive Labour Code.

Nevertheless, it is important to point out that in Colombia a draft bill on labour reform is currently going through the Congress of the Republic, stating the following on intermediation and trade union contracts:

CHAPTER V. MEASURES FOR THE ADEQUATE USE OF OUTSOURCING AND LABOUR INTERMEDIATION

Article 45: Contractors and Subcontractors

Article 34 of the Substantive Labour Code shall be amended to read as follows:

ARTICLE 34. CONTRACTORS & SUBCONTRACTORS

Contractors and subcontractors refers to anyone who contracts the execution of works, labour or the provision of services for the benefit of third parties, regardless of the act giving rise to it, in exchange for a specific price, assuming all the risks, to be covered using their own resources, with technical and managerial freedom and autonomy. Consequently, in order to be considered true employers rather than mere intermediaries, contractors and subcontractors, considered on an individual basis, must have their own business specializing in the service or product contracted, which must be sufficiently accredited if so required by judicial and administrative authorities.

Employers who contract or subcontract others to carry out works or services shall be jointly and severally liable for the salary, benefits and compensation obligations acquired by contractors and subcontractors for their workers, including any included in the social security system, even if the contractors are not authorized to contract the services of subcontractors.

Paragraph. If the beneficiary company is found to be in violation of the provisions of this article by way of the natural or legal persons in the contracting process, any dismissals performed by the latter will not take any effect and, consequently, the workers will have the right to be reinstated in the main or beneficiary company, and receive any work payments that they stopped receiving, as well as contributions to social security, to which the payment of three hundred and sixty-five (365) days' worth of salary shall be added as a penalty.

Article 46: Temporary Work Agencies

Four paragraphs shall be added to article 77 of Law 50 of 1990, as follows:

Paragraph 1. *User undertakings may not enter into contracts with temporary Work Agencies for circumstances other than those set out in this Article. If, after the expiry of the period stipulated by law, the original cause of the service that is the subject of the contract persists in the user company, the latter may not extend the commercial contract or enter into a new one with the same or with a different Temporary Work Agency.*

Paragraph 2. *In the event that the user undertaking enters into contracts with temporary work agencies or for purposes other than those set forth in this article, or once the deadlines established in paragraphs 1, 2 and 3 of this article*

have be exceeded, the user company will be considered to be the true employer of the temporary workers and the temporary work agency will be considered a simple intermediary, in accordance with the foregoing and only in such events. If the employment contract has been terminated by the temporary work agency, it will be considered ineffective and consequently the worker will have the right to be reinstated to the user undertaking, as its true employer, without interruptions.

Paragraph 3. *In the event that the temporary services company violates this rule, thereby seriously affecting the rights of the workers, it may be sanctioned by means of the suspension of its operating license as referred to in article 82 of Law 50 of 1990.*

Paragraph 4. *Whenever temporary service companies enter into a contract with the worker, by virtue of the provisions of numerals 1, 2 and 3, it will be necessary to include the specific case for which it is signed within the clauses of the contract between the user company and the temporary services company.*

Article 47: Limits on the use of Contracts for the Provision of Services

Contracts for the provision of services or any other type of civil or commercial contract may not be entered into with natural persons for them to carry out subordinate activities at private companies. Any relationship that ignores this prohibition will be ineffective, understanding for all legal purposes that from the beginning there has been an employment relationship with the right to wage payments, benefits and other legal or extra-legal benefits, as well as contributions to the social security system under the terms established by law for all subordinate workers.

In the event that the precedence of the working relationship is declared in the courts, the compensation in arrears established in article 65 of this statute must be paid.

ARTICLE 78. Prohibition of collective bargaining agreements with trade unions for the provision of services or execution of works.

Article 482 of the Substantive Labour Code shall be amended to read as follows:

Article 482. PROHIBITION OF COLLECTIVE BARGAINING AGREEMENTS WITH TRADE UNIONS FOR THE PROVISION OF SERVICES OR EXECUTION OF WORKS. *It is forbidden to conclude collective bargaining contracts or any type of civil or commercial agreement whose purpose or effect is to entrust workers' organizations with the execution of construction works, labour or the provision of services for the benefit of third parties in exchange for a price.*

Provisional paragraph: *The collective bargaining contracts in force at the time of the publication of this law will be maintained until the participating affiliates become beneficiaries of the work formalization agreements under the terms of Law 1610 of 2013, to which the trade union of the contracting company or the most important one in the sector must also be a party.*

1.6. Guarantee investigations into all forms of abusive subcontracting, especially in rural areas, and continuously publish notifications about complaints, investigations, and results

The Ministry of Labour conducts all relevant investigations through its Territorial Directorates in order to protect the rights of workers, and Labour inspectors have been trained to carry out such investigations in an adequate manner.

The Ministry of Labour issued Resolution 2021 of 2018, which sets forth guidelines on Inspection, Surveillance and Control in labour intermediation processes in view of Article 63 of Law 1429 of 2010 and other associated regulations. Since it was issued, this resolution has allowed Colombia to reach consensus on the subject matter with regards to the concept of labour intermediation among all tripartite actors and has enabled the effective development of Labour Inspection processes in the field of Labour Intermediation both in the case of Associated Work Cooperatives, collective bargaining Contracts and other models such as Simplified Corporations.

The importance of this guideline resolution lies in the clarity that it allows the Labour and Social Security Inspector to obtain, with respect to the matter to be investigated, since it indicates whether we are facing situations linked to authorized labour intermediation, or whether illegal labour intermediation (abusive subcontracting) is taking place. It also establishes how subcontracting or "outsourcing" is conceived in Colombia, and points out the difference between the aforementioned models, determining that "outsourcing and labour intermediation are totally different models, but the benefits-related, constitutional and legal rights enshrined in current labour regulations for workers must always be guaranteed in the execution of both. Outsourcing provides goods and services to a third party, but never personnel. In Labour Intermediation, personnel are supplied through companies authorized for this purpose and under specific circumstances that the Law has established."

Additionally, the Sub-Directorate of Inspection issues annual guidelines for the execution of inspections or inspection measures, with the aim of promoting prevention and protection, given that, due to the preventive modality, social dialogue and the protective principle, it will be possible to detect potential violations of labour standards such as abusive subcontracting and adopt corrective measures in a more timely manner, to defend workers' rights and labour law. Thus, by means of memorandum No. 08SI202333100000002954 of February 15, 2023, the 2023 Annual Inspection Plan guidelines were issued to direct the various inspection measures, by way of an

analysis aimed at establishing the economic sectors and geographical locations - including urban and rural areas - with the highest risk of non-compliance with labour standards and the occupational health and safety system, In a way that allows the territorial directorates to better direct their efforts towards the field of inspection.

With regard to the strategies associated with the Labour Inspection Office's approach to rural areas, the Internal Working Group for the Protection of the Labour Rights of Rural Workers was constituted through Resolution 1854 of 2018, in order to guarantee the rapprochement between the central sector of the administration and distant or remote regions and territories and achieve the structuring of plans, programs and projects for the effective protection of rural worker's labour rights.

Thus, the Ministry of Labour is implementing a special program for the provision of the Mobile Labour Inspection service. Its objective is to bring the Labour Inspection System closer to each of the regions in the country where labour relations exist, *with a special emphasis on the rural sector.*

The priority of the Mobile Inspection system is *to develop the preventive role of labour in the rural sector*, enabling the generation of optimal conditions for decent work in remote regions across the country, to benefit those who live in rural sectors or those who were involved in the conflict as victims or were reinserted into civilian life after belonging to an armed group. Despite the foregoing, if the labour authority observes conduct among the employers that entails the violation of labor regulations or occupational risks during the execution of Mobile Inspection activities, all applicable administrative actions will be initiated.

The creation of the mobile system seeks to implement a dynamic and scheduled mechanism through which the Ministry of Labour takes the services on offer linked to Inspection, Surveillance and Control to the regions where it is difficult to approach the community, with an emphasis on the rural sector, for which a number of different strategies have been designed and executed to impact rural municipalities. This includes the Inspection Brigades, Inspection service fairs, Surveillance and Control Services linked to the World of Work and comprehensive intervention in the municipality, which encompasses workshops aimed at raising awareness and training the community, and prolonging institutional presence.

The Ministry of Labour set up intervention plans under two operating models, which allow for constant rapprochement between - employers, workers and the community in general - and the Ministry of Labour:

- a. Operating Model - Comprehensive Intervention Cycle:** The municipalities characterized as priority municipalities for peace have been selected. This model is developed via the following stages:
- Awareness raising and training for high school students in grades 10 and 11 – Community Action Boards, Workers and Employers: This is performed by way of a territorial and community-based approach, in areas related to

the guaranteeing the right to dignified and decent labour. *These communities are identified as labour rights watchers.*

- Inspection, Surveillance and Control Services Fairs with the job Sector. By means of this activity, the comprehensive services on offer in the Job Sector are made known to the citizens of the municipality receiving the intervention.
- Mobile Inspection Office Services Once the service provision is deployed it will deliver its services over a two-day period, providing career advice services and inspection procedures.

b. Operating Model - Inspection Brigade: Each of the municipalities are selected taking the following criteria into account:

- No Municipal Inspection in place.
- Not included among the municipalities characterized as high priority by the Office of the President of the Republic.
- Municipalities with rural characteristics that potentially display high levels of job-related conflict.

The following components should be developed at the workshop:

- Promotion and information day on the different step-by-step processes for Inspection, Surveillance and Control
- Working groups with employers and/or communities and/or local authorities to address work-related issues.

The foregoing is included in each of the actions that have been carried out in the development of the Mobile Inspection, within each of the PDET (peace) municipalities and rural municipalities intervened, among the various economic sectors of each region.

It has been considered that, as a result to the action taken by the Ministry of Labour, the problem linked to the misuse of these concepts has decreased in the country, which does not imply that it has been effectively eradicated in its entirety or that complaints are no longer received concerning this matter. But evidently over the last four years, the number of complaints received has decreased significantly, as can be observed in the following statistical graph:

Number of complaints filed (upon the request of a party) for improper or illegal Labour Intermediation Years (2019, 2020, 2021, 2022 and 2023 on the cut-off date December 5)

Year Filed	Complaints filed
2019	73
2020	56
2021	47
2022	41
2023	18

Year Filed	Complaints filed
TOTAL	235

Source: OneDrive visits Sub-Directorate of Territorial Management

Even so, it is important that any complaints received in relation to these concepts are not necessarily the only ones pursued, because the analysis performed on the same may result in an administrative sanctioning process or they may be filed or, failing that, the authority may informally order such procedures to be undertaken. As can be seen in the statistical information below:

**Number of complaints filed (at the request of a party and ex officio) due to improper or illegal labour intermediation
Years (2019, 2020, 2021, 2022 and 2023 by cut-off date December 5)**

Year Filed	Complaints filed
2019	108
2020	83
2021	84
2022	89
2023	42
TOTAL	406

Source: OneDrive visits Sub-Directorate of Territorial Management

With regard to specific results regarding investigations into the improper or illegal use of labour intermediation, the following results have been obtained:

Number of fines levied and enforced for labour intermediation and abusive subcontracting: Years (2019, 2020, 2021, 2022 and 2023 by cut-off date December 5)

Year	Unenforceable sanctions		Enforceable sanctions	
	Number	Value	Number	Value
2019	9	\$ 6.148.761.300	7	\$ 728.986.946
2020	3	\$ 1.051.905.022	0	0
2021	1	\$ 18.170.520	6	\$ 359.727.552
2022	3	\$ 430.000.000	1	\$ 3.634.104
2023	12	\$ 1.132.027.696	4	\$ 1.014.920.000

Source: Sub-Directorate of Territorial Management - Grounds for Sanctions

In relation to the dissemination of the advances achieved in the investigations launched at the national level, the Ministry of Labour, through the Ministry of Labour, has been issuing a quarterly bulletin in which statistical figures related to its management can be evidenced by way of the Territorial Directorates, Special Offices

and at the central level. It also displays data broken down into sectors and outlines the measures and results of the investigations carried out by the Ministry of Labour due to the improper or illegal use of Labour Intermediation.

All statistical bulletins issued to date have been available on the Entity's website at the following link <https://www.mintrabajo.gov.co/web/guest/relaciones-laborales/inspeccion-vigilancia-y-control/boletin-virtual-ivc>

Similarly, the information system of the Directorate of Inspection, Surveillance, Control and Territorial Management (SISINFO) contains an online consultation service where users with profiles on SISINFO can consult all the supporting documents for the complaint notifications. The publication of complaint notifications are posted on the website, whenever the subpoenas and notifications via notice of administrative appeals have been rendered null and void.

1.7. Resolve existing investigations into abusive subcontracting in a timely manner, imposing fines where appropriate, and publishing the results on an ongoing basis

The administrative actions carried out by, are carried out following the regulated procedure provided for in the Code of Administrative Procedure and Contentious Administrative Matters – Law 1437 of 2011 – and Law 1610 of 2013, Law on Labour Inspections.

The administrative sanctioning procedure is a regulated procedure, which comprises a set of stages and preclusive terms, from the moment it begins until the administrative ruling is issued, it includes the processes of formulating charges, acquittals, the evidence period, concluding arguments and issuance of the final administrative act, including the resolution of any appeals that are filed. It is aimed at verifying whether the violation of labour regulations in force can be evidenced. If a violation of the rule by the employer has been proven, the applicable sanction shall be imposed. Moreover, the Ministry carries out actions under the principles of: due process, efficiency, economy, speed, impartiality, transparency and equality, that govern administrative measures.

On the other hand, Article 52 of Law 1437 of 2011 establishes the time constraints on the administration for the imposition of a sanction, using its sanctioning power and Law 1610 of 2013 sets forth the preclusive procedural terms for the different stages of the administrative sanctioning procedure, highlighting that technical inspection tools have been designed to promote the standardization of investigation and sanction procedures.

The Ministry of Labour has issued guidelines for compliance with the terms set out in Colombian regulations on the subject of its administrative procedures:

- 2015 Memorandum on Procedural Stages - Preliminary Inquiry.
- 2015 Memorandum on Procedural Stages - Notifications.
- 2015 Memorandum on Procedural Stages - Administrative Sanctioning Procedure.
- 2016 Memorandum on Notification.

Similarly, internal procedures have been developed and updated, indicating the terms for carrying out all the different activities related to preliminary inquiries, administrative sanctioning procedures and appeals.

The Directorate of Inspection, Surveillance, Control and Territorial Management has conducted follow-up on the progress of existing investigations in all areas, monitoring reports that are periodically shared with the territorial directors and the various coordinators of internal groups.

With regards to sanctions, the behavior of the fines levied across the board is presented below, followed by the results related to improper labour intermediation.

**Number of fines levied and enforced in general terms
Years (2019, 2020, 2021, 2022 and 2023 by cut-off date December 5)**

Year	Non-enforceable		Enforceable	
	Number	Value	Number	Value
2019	434	\$ 25.967.968.936	1806	\$ 31.711.474.125
2020	193	\$ 7.256.050.496	937	\$ 15.438.518.323
2021	214	\$ 7.471.070.795	1661	\$ 20.664.724.637
2022	361	\$ 21.385.917.430	1586	\$ 24.622.129.460
2023	851	\$ 58.913.579.317	1210	\$ 20.973.535.327

Source: Sub-Directorate of Territorial Management - Grounds for Sanctions

The following results have been obtained in relation to specific results in the area of investigations into improper labour intermediation;

**Number of fines levied and enforced for labour intermediation and abusive subcontracting:
Years (2019, 2020, 2021, 2022 and 2023 by cut-off date December 5)**

Year	Unenforceable sanctions		Enforceable sanctions	
	Number	Value	Number	Value
2019	9	\$ 6.148.761.300	7	\$ 728.986.946
2020	3	\$ 1.051.905.022	0	0
2021	1	\$ 18.170.520	6	\$ 359.727.552
2022	3	\$ 430.000.000	1	\$ 3.634.104
2023	12	\$ 1.132.027.696	4	\$ 1.014.920.000

Source: Sub-Directorate of Territorial Management - Grounds for Sanctions

Finally, as mentioned in the previous point, the dissemination of sanctions in this specific area has been carried out through a quarterly bulletin in which labour statistics are evidenced and data broken down by sector is displayed. It also specifies the actions and results of the investigations carried out into the improper or illegal use of Labour Intermediation.

1.8. Collect all outstanding fines for subcontracting violations within the legally established timeframes

The Fund for the Strengthening of the Inspection, Surveillance and Control of Labour and Social Security (FIVICOT), is a special account belonging to the Nation, that does not have a legal identity, it is attached to the Ministry of Labour. Its resources will be used to strengthen Labour and Social Security Inspections, Surveillance and Control.

Thus, as of January 1, 2020, the fines imposed are specifically destined towards the Fund for the Strengthening of Labour and Social Security Inspection, Surveillance and Control - FIVICOT.

The Ministry of Labour issued Decree 120 of January 28, 2020, which appends Chapter 2 to Title 3 of Part 2 of Book 2 of Decree 1072 of 2015, the Single Regulatory Decree for the Job Sector, in all matters related to the general regulation of the Fund for the Strengthening of Labour and Social Security Inspection, Surveillance and Control (FIVICOT).

With regard to the Portfolio Collection and Collection Management process, it is important to bear in mind that the administrative procedure for coercive collection is a special procedure, contained in Articles 823 et seq. of the Tax Statute, which empowers certain entities to directly cash in the balances it is owed, without the need to resort to the normal jurisdiction. Its purpose is to obtain the forced payment of any obligations that it is due to receive, in the event that the debtor has been reluctant to pay his obligations voluntarily.

Law 1066 of 2006 establishes that any public entities that are permanently in charge of exercising administrative activities and functions or the provision of State services that implicitly require the collection of revenues or public funds at the national or territorial level, must: *"1. Establish the Internal Regulations for the Collection of Portfolios, by means of general regulations, issued by the highest authority or legal representative of the public entity, subject to the provisions of this law, which shall include the conditions relating to the execution of payment agreements."*

In view of the above, the functions of the Internal Working Group for Coercive Collection of the Legal Advisory Office of the Ministry of Labour (Resolution No. 02530 of June 20, 2014) consist of *"Executing the procedures of persuasive collection, coercive collection and other procedures established by law and regulations to*

manage the collection of obligations whose collection is assigned to the Ministry of Labour".

On the other hand, the Ministry of Labour, by way of Resolution 2628 of December 2, 2020, adopted the internal regulations for portfolio collection, which includes the entire process and timelines required for the persuasive and coercive collection of fines, payable to various Ministry funds, including the FIVICOT.

The Coercive Collection Group of the Ministry of Labour is the area in charge of collecting penalties for the FIVICOT Fund, meaning that sums collected from any sanctions that have been cashed in can be rendered per year, as follows:

**Fines levied and enforced for FIVICOT
Years (2020, 2021, 2022 and 2023 cut off December 5)**

Year	Non-enforceable		Enforceable	
	Number	Value	Number	Value
2020	99	\$ 3.802.535.772	515	\$ 6.891.813.533
2021	77	\$ 1.689.397.101	1080	\$ 13.023.389.396
2022	185	\$ 13.292.095.214	876	\$ 14.417.343.463
2023	489	\$ 32.113.658.090	628	\$ 9.561.785.775

Source: Sub-Directorate of Territorial Management - Grounds for Sanctions

**Collected fines levied for the FIVICOT
Years (2020, 2021, 2022 and 2023)**

Verified payments of fines to the FIVICOT	
Year	Verified
2020	\$ 618.727.508,00
2021	\$2.265.852.240,00
2022	\$2.932.347.572,46
2023	\$3.305.165.671,30
TOTAL	\$9.122.092.991,00

Source: Sanctions base - SGT

1.9. Require companies to formalize employees working under abusive subcontracting through regular employment contracts that provide access to all basic labour rights

Labour formalization in different scenarios is among the government’s policies, including labour formalization agreements in the context of inspection, surveillance and control carried out by the Ministry of Labour.

After the analysis of Resolution 321 of 2013 issued by the Ministry of Labour to regulate labour formalization agreements in article 2, on the conditions and requirements for its implementation, under numeral seven 7, it is understood that its signature will be viable "during the processing of an administrative sanction or before or after the same". This means that this modality is not exclusive within administrative processes and, as has been the case, both employers under investigation, as well as others who take the initiative and are managed by territorial directors, use this modality to formalize their workers.

In 2023, 48 labour formalization agreements were signed, benefiting 1,214 workers. To verify compliance with the terms of the formalization agreements signed, 153 follow-up and verification visits have been conducted

Labour Formalization Agreements Year 2023 (cut-off date December 5)

No. Signed Agreements	No. Workers Formalized	No. Visits for follow-up on agreements
48	1.214	153

Source: Sub-directorate of Inspection

INDICATORS OF INFORMALITY AND SUBCONTRACTING

1. Overview of recently adopted regulations and legislation, including the fight against extreme forms of poverty

During 2023, the following resolutions were issued:

- Resolution 3405 of 2023 regulating the Teleworking labour modality.

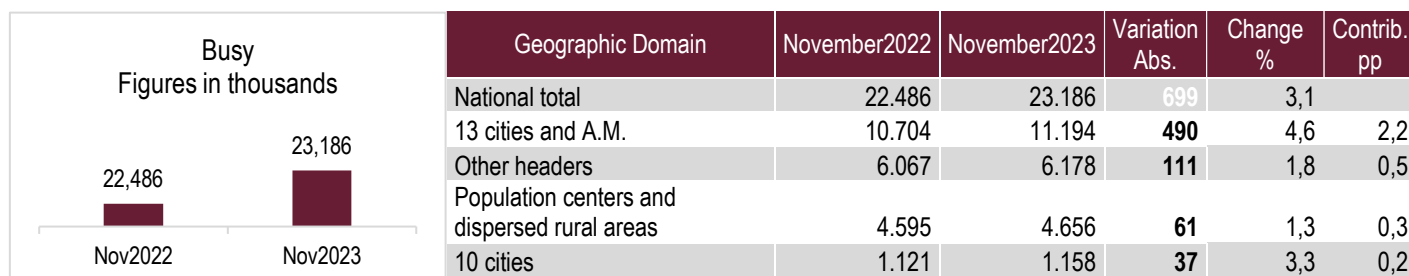
- Through Resolution 4222 of 2023 the rules were defined for the Certification and Training Program aimed at the National and Migrant Population - Saber Hacer Vale.
- By means of Resolution 4251 of 2023 the processes and conditions that the entities involved must abide by in connection with the incentive granted for the creation and continuity of new formal jobs. The rules and the application procedure were defined.
- Resolutions 2215, 3076, 3558 and 4850 of 2023 provided authorization for the payment of monthly internship allowances to students who met the requirements stipulated in the standards of the program: Estado Joven 11.
- Resolutions 1106, 1933, 2447, 3025, 4139 and 5035 of 2023 mandate the payment and transfer of the Incentive for the generation of new jobs.
- By means of Resolution 5041 of 2023, the payment of resources to the beneficiaries of the incentives under the Certification and Training Program for the National and Migrant Population Saber Hacer Vale was acknowledged and mandated.

2. Informality

Labour Market Outlook on November 2023

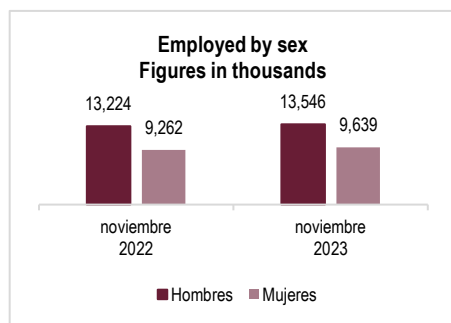
Behaviour of the employed in November 2023

In November 2023, the number of employed persons reached 23 million 186 thousand people, displaying an increase of 699 thousand compared to the same month in 2022 (a 3.1% increase). The 13 Metropolitan Areas make up the geographical domain that contributed the most to the increase in employed persons with 490 thousand (contributing 4.6 pp), followed by the other capital cities which contributed an additional 111 thousand. Populated centers and disperse rural areas contributed 61 thousand employed persons, and an additional 10 cities contributed 37 thousand more.



Source: DANE-GEIH

Of a total increase of 699,000 employed persons, 322,000 (1.4 pp) made up of men 377,000 made up of women.



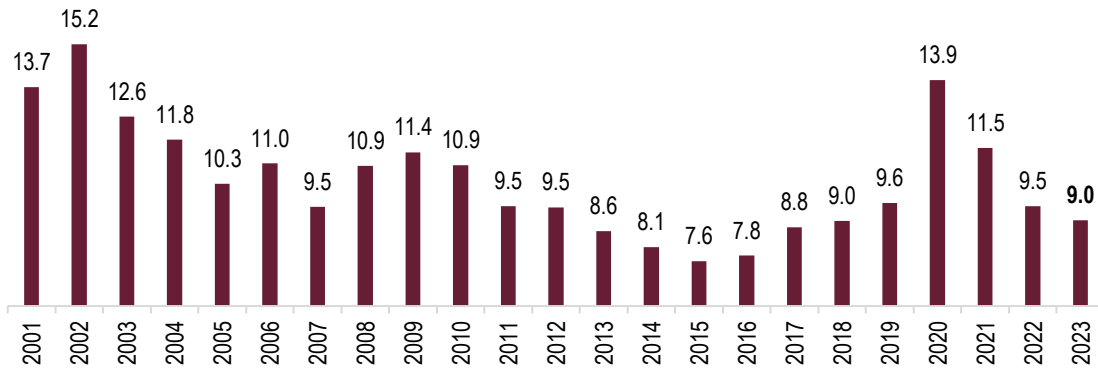
Source: DANE-GEIH

Sex	November2022	November2023	Variation Abs.	Change %	Contrib. pp
National total	22.486	23.186	699	3,1	
Men	13.224	13.546	322	2,4	1,4
Women	9.262	9.639	377	4,1	1,7

Country total

Along with the increase in the number of employed persons, the employment rate stood at 58.3%, increasing by 0.9 p.p. compared to 57.4% a year ago. The unemployment rate fell by 66 thousand people compared to November 2022, thus registering 2 million 295 thousand unemployed persons compared to 2 million 361 thousand in November 2022. The unemployment rate fell by 0.5 p.p. compared to November 2022 (9.5%) to 9%. The population that is not part of the labour force decreased by 72 thousand people compared to November 2022. The general rate of participation increased by 0.7pp from 63.4% to 64.1%, the labour force increased by 634 thousand people.

Graph: Unemployment rate for the months of November 2001 to 2023

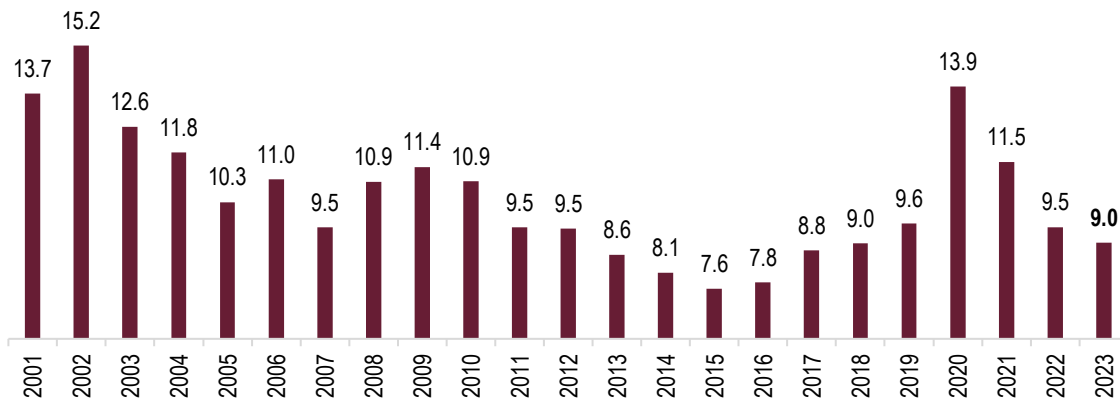


Source: DANE-GEIH

The unemployment rate achieved in November 2023 is one of the lowest since 2018 when it was also at 9%, the downward trend and single digit figure are maintained.

The unemployment rate has been reaching single digits for 6 months since June 2023.

Graph x: Monthly unemployment rate from January 2022 to November 2023



Source: DANE-GEIH

The unemployment rate for women was 11.1%, showing a reduction of 1.0 pp compared to November 2022, while among men it displayed a reduction of 0.2 pp, reaching an unemployment rate of 7.4%. The gap between men and women continues to show a reduction in the unemployment rate, down from 4.5 pp in November 2022 to 3.7 pp in November 2023.

13 Metropolitan Areas - 13 AM

The unemployment rate decreased by 0.5 p.p. compared to the same month in 2022 (9.1%) and stopped at 8.7%. This reduction in the unemployment rate is accompanied by a reduction of 12,000 unemployed persons within the 13 main cities and metropolitan areas. In total the 13 MAs recorded 1,061,000 people as unemployed.

The occupancy rate increased by 1.9 pp compared to 59.5% in November 2022, standing at 61.4%. It is a good sign of recovery that is reflected via a significant increase in the number of employed persons by 490 thousand people, reaching 11,194,000 employed persons in the 13 MAs.

In the meantime, the population that is not part of the labour force fell by 237 thousand people compared to November 2022. Meanwhile, of the total national increase in the number of employed persons by 699,000, 490,000 work in the 13 MAs and make up up 70.1% of the increase in employment.

Graph: The main indicators of the total national labour market and 13 MAs - November 2023

Concept	Country total			Total 13 MAs*
	Nov-22	Nov-23	Var. 2023-2022	Nov-22
Global Participation Rate %	63,4	64,1	0,7	65,5
Occupancy Rate %	57,4	58,3	0,9	59,5
Unemployment Rate%	9,5	9	-0,5	9,1
Underemployment Rate	8	8,1	0	7,5
<i>Figures in thousands</i>				
Working-age population	39,200	39,762	562	17,980
Workforce	24,847	25,481	634	11,776
Employed population	22,486	23,186	699	10,704
Unemployed population	2,361	2,295	-66	1,073
Population that is not part of the Labour Force	14,353	14,281	-72	6,204
Underemployed	1,999	2,062	63	885

*These 13 cities and metropolitan areas include Bogotá D.C., MA of Medellín., MA of Cali, MA of Barranquilla, MA of Bucaramanga, MA of Manizales, MA of Pereira, MA of Cúcuta, Pasto, Ibagué, Montería, Cartagena and Villavicencio.

Source: DANE-GEIH

Overview by gender

With regards to the employment rate, the gap between men and women narrowed by 0.4pp, showing an improvement for women. With regard to unemployment, of the reduction in the number of unemployed persons of 66,000, the number of unemployed women reduced by 66,000, whilst the number of unemployed men stayed almost the same at 1,87 million. The unemployment rate for women fell by 1 pp, from 12.1% to 11.1%, whilst the unemployment rate among women reduced by 0.2 pp, from 7.6% to 7.4%. The unemployment gap shows a reduction from 4.5 pp in 2022 to 3.7 pp in 2023.

Main indicators in the Labour Market: Women, Men and the Gap

Concept	Nov2022	Nov2023	Variations		Nov2022	Nov2023	Variations		Nov2022	Nov2023	Variations	
			2023-2022				2023-2022				2023-2022	
Global Participation Rate %	51,7	52,5	0,8		76,0	76,7	0,6		24,3	24,2	-0,1	
Occupancy Rate %	45,4	46,6	1,2		70,3	71,0	0,7		24,8	24,4	-0,4	
Unemployment Rate %	12,1	11,1	-1,0		7,6	7,4	-0,2		-4,5	-3,7	0,8	
<i>Figures in thousands</i>												
Working-age population	20.381	20.681	299		18.819	19.081	262		-1.563	-1.600	-37	
Workforce	10.537	10.847	311		14.310	14.633	323		3.773	3.786	13	
Employed population	9.262	9.639	377		13.224	13.546	322		3.961	3.907	-55	
Unemployed population	1.274	1.208	-66		1.086	1.087	1		-188	-121	67	
Population Outside the Labor Force	9.844	9.833	-11		4.509	4.448	-61		-5.336	-5.386	-50	

Source: DANE-GEIH

a. Proportion of informal workers in employment (measured by social security affiliation)

It is clear that the last year has revealed significant progress in the fight against labour informality and improvements in the regulations and legislation that govern the labour market in our country.

We have worked tirelessly to strengthen the protection of workers' rights, promote the formalization of employment and eradicate extreme forms of in-work poverty. In this process, we have adopted a number of regulations and laws that reflect our strong commitment to creating a more equitable and just working environment.

We recognize that the challenge of labour informality is persistent and requires an ongoing commitment. Collaboration with the OECD and the adoption of best practices from our international counterparts continue to prove essential in addressing this complex problem in an effective manner.

We are determined to continue working closely with the OECD to achieve a future in which labour informality is the exception rather than the rule, and where every worker can enjoy a decent and stable working environment.

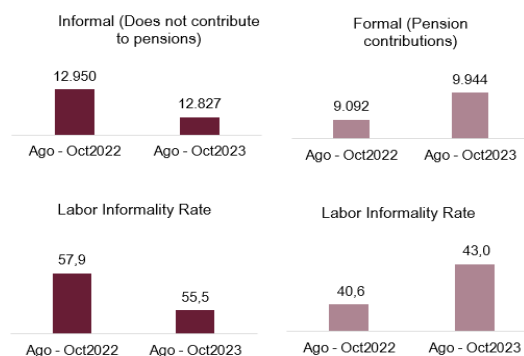
COUNTRY TOTAL:² For the quarter Aug-Oct 2023, the labour informality rate was 55.5%, showing a 2.4pp decrease compared to the same period one year ago (57.9%). The number of informal workers decreased by 123,000, reaching 12,827,000 people, of whom 5,130,000 are women and 7,697,000 are men.

The labour formality rate reached 43%, increasing by 2.4pp compared to Aug-Oct 2022. The number of formal workers increased by 852,000 people, reaching 9,944,000 people, of whom 4,371,000 are women and 5,573,000 are men.

The number of employed pensioners increased from 343,000 to 345,000, of which 149,000 are women and 196 are men.

Table x. Person in formal and informal employment and Formality and Informality Rates

Busy figures in the thousands	Ago - Oct2022	Ago - Oct2023	Aware. Abs.	Were. %
Formal (Pension contributions)	9.092	9.944	852	9,4
Informal (Does not contribute to pensions)	12.950	12.827	-123	-0,9
He is already a pensioner	343	345	2	0,5
Total	22.385	23.116	731	3,3
Rates %	pp			
Labor Formality Rate	40,6	43,0	2,4	
Labor informality rate	57,9	55,5	-2,4	
% Pensioners	1,5	1,5	0,0	



Source: DANE-GEIH

MUNICIPAL CAPITALS³ AND POPULATED CENTERS:⁴ Regarding the behavior by geographical domain, in the municipal capitals for the Aug-Oct 2023 quarter there is

² The country total (excludes from coverage the departments of Amazonia and Orinoquia the municipal capitals that are not capitals of departments, as well as populated centers and dispersed rural areas. The population of Providencia, the dispersed rural population and the populated center of San Andrés). The country total is broken down into: Municipal capitals (32 cities and metropolitan areas and other capital cities) as well as Populated centers and dispersed rural areas.

³ This geographical area is defined by an urban perimeter, whose boundaries are established via the agreements of the Municipal Council. It refers to the place where the administrative headquarters of a municipality are located.

⁴ This concept was created by the National Statistics Office (DANE) for statistical purposes, used to identify populated centers. It is defined as a concentration of at least twenty (20), neighboring or semi-detached homes, located in the rural parts of a municipality or a Departmental Township. This concentration contains urban characteristics such as the delimitation of vehicle and pedestrian routes. In the tables referring to the codification of the political and administrative division of Colombia, they are identified under the "Category" column containing the expression or label "CP", indicating that, although it is a populated center, the municipal authority has not provided details, which would allow us to affirm whether it is a hamlet, a police inspectorate, or a municipal township. This concept considers: Hamlets (Caserío - CAS): A site that contains a cluster of dwellings, commonly located next to a main road. They do not have any civil authorities. Census boundaries are defined by the same dwellings that make up the cluster. Police Inspectorate (IP): is a judicial authority in an area that may or may not be blocked, that exercises jurisdiction over a certain municipal, urban or rural territory, and is dependent on the department (IPD) or the municipality (IPM). It is used for electoral purposes in the majority of cases. The highest authority is the Police Inspector. Municipal district (C): is a division of rural areas in a municipality that includes a populational

evidence of a decrease in the labor informality rate, from 50.8% to 48.2%, the number of informal workers decreased by 148 thousand, reaching 8 million 849 thousand people (3 million 919 thousand women and 4 million 930 thousand men).

The labour formality rate reached 50.1%, increasing by 2.6pp compared to the quarter Aug-Oct 2022. The number of formal workers increased by 784,000 people, reaching a total of 9,181,000 people (4,145,000 women and 5,036,000 men), during this period there was a greater increase in formal labour and a decrease in informal labour. The number of pensioners on the other hand, did not show any variations with a total of 312,000 jobs.

Meanwhile, the informality rate during the stated period in populated centers and dispersed rural areas decreased from 84.5% to 83.3%, and the number of informal workers increased by 26 thousand, reaching 3 million 979 thousand people (1 million 211 thousand women and 2 million 767 thousand men), whilst formal workers increased by 68,000, reaching 763,000 people (226,000 women and 537,000 men) and finally the number of pensioners increased from 32,000 to 33,000.

Table. Labor Formality and Informality Indicators by Area

Busy <i>figures in the thousands</i>	Headers				Populated Centers and Disperse		
	Ago - Oct2022	Ago - Oct2023	Aware. Abs	Was %	Ago - Oct2022	Ago - Oct2023	Aware. Abs
Formal (<i>Pension contributions</i>)	8.397	9.181	784	9,3	695	763	68
Informal (<i>Does not contribute to pensions</i>)	8.997	8.849	-148	-1,6	3.953	3.979	26
He is already a pensioner	312	312	1	0,3	32	33	1
Total	17.706	18.342	636	3,6	4.679	4.774	95
Rates %				pp			pp
Labor Formality Rate	47,4	50,1	2,6		14,8	16,0	1,1
Labor informality rate	50,8	48,2	-2,6		84,5	83,3	-1,1
% Pensioners	1,8	1,7	-0,1		0,7	0,7	0,0

Source: DANE-GEIH. SAMPL MinTrabajo Calculations

FORMALITY AND INFORMALITY BY SEX: For the Aug-Oct 2023 quarter, the labor informality rate among women reached 53.2% with a 2.4pp decrease, whilst the labor informality rate for men was 57.2% showing a decrease of 2.3pp compared to the same period in 2022.

The formality rate for women reached 45.3%, including an increase of 402,000 women in formal labor, whilst the formality rate for men reached 41.4% with an increase of 450,000 formal workers.

core, which is considered in Territorial Land-use Plans (Plan de Ordenamiento Territorial - P.O.T.) Article 117 of Law 136 of 1994 empowers the municipal council to establish this division by means of agreements, with the purpose of improving the provision of services and guaranteeing the participation of citizens in local public affairs.

Table: Labor Formality and Informality Indicators by Sex

Busy <i>figures in the thousands</i>	Women				Men			
	Ago - Oct2022	Ago - Oct2023	Aware. Abs	Was %	Ago - Oct2022	Ago - Oct2023	Aware. Abs	Was %
Formal (<i>Pension contributions</i>)	3.970	4.371	402	10,1	5.122	5.573	450	8,8
Informal (<i>Does not contribute to pensions</i>)	5.127	5.130	3	0,1	7.823	7.697	-126	-1,6
He is already a pensioner	127	149	22	17,3	216	196	-20	-9,3
Total	9.224	9.651	427	4,6	13.161	13.465	304	2,3
Rates %			pp				pp	
Labor Formality Rate	43,0	45,3	2,3		38,9	41,4	2,5	
Labor informality rate	55,6	53,2	-2,4		59,4	57,2	-2,3	
% Pensioners	1,4	1,5	0,2		1,6	1,5	-0,2	

Source: DANE-GEIH. SAMPL MinTrabajo Calculations

LABOR INFORMALITY BY CITY: During the Aug-Oct 2023 quarter, the highest labor informality rate at the city level was identified in: Other municipal capitals with a total of 70.2%, Riohacha with 68.5%, Sincelejo with 67.7%, the MA of Cúcuta with 65.1% and Valledupar with 64.4%, while the cities with the lowest informality rate were: the MA of Pereira with 42.9%, Tunja with 41.8%, the MA of Medellín with 35.3%, Bogotá with 31.2% and the MA of Manizales with 30.9%. See Tables 4 and 5.

Table. Highest Informality Rate by City

CITY	Ago - Oct2022	Ago - Oct2023	Var pp
Otras cabeceras	72,8	70,2	-2,6
Riohacha	68,6	68,5	-0,1
Sincelejo	66,9	67,7	0,8
Cúcuta AM	67,6	65,1	-2,5
Valledupar	67,1	64,4	-2,7

Source: DANE-GEIH. SAMPL MinTrabajo Calculations

Table. Lowest Informality Rate by City

CITY	Ago - Oct2022	Ago - Oct2023	Var pp
Pereira AM	40,1	40,7	0,6
Tunja	41,0	39,8	-1,3
Medellín AM	36,5	36,1	-0,4
Bogotá	33,7	31,6	-2,1
Manizales AM	33,6	30,0	-3,6

Source: DANE-GEIH. SAMPL MinTrabajo Calculations

The cities with the largest decreases in informality were: Cartagena (54.6%) decreased by 7.1pp, Ibagué (43.9%) decreased by 5.7pp, MA of Barranquilla (55.5) decreased by 4.7pp, Montería (58.2%) decreased by 3.8pp and MA of Manizales (30%) decreased by 3.6 pp.

Table. Informality Rate per City per Quarter

City	Aug - Oct 2022	Aug - Oct 2023	pp var.
Cartagena	61,6	54,6	-7,1
Ibagué	49,6	43,9	-5,7
MA of Barranquilla	60,2	55,5	-4,7
Monteria	62	58,2	-3,8
MA of Manizales	33,6	30	-3,6
Florencia	59,3	56,1	-3,2
Valledupar	67,1	64,4	-2,7
Other municipal capitals	72,8	70,2	-2,6
MA of Cúcuta	67,6	65,1	-2,5
Bogotá	33,7	31,6	-2,1
MA of Bucaramanga	49,9	48,4	-1,5
Santa Marta	64	62,6	-1,4
Pasto	54,4	53	-1,3
Tunja	41	39,8	-1,3
MA of Cali	45,8	44,8	-1
Quibdó	56,5	56	-0,5
MA of Medellín	36,5	36,1	-0,4
Villavicencio	55,4	55,1	-0,3
Riohacha	68,6	68,5	-0,1
MA of Pereira	40,1	40,7	0,6
Sincelejo	66,9	67,7	0,8
Popayán	55,6	56,4	0,8
Neiva	49,2	50,1	1
Armenia	41	44,7	3,7

Source: DANE-GEIH. SAMPL MinTrabajo Calculations

In this vein, the Ministry raises the challenge of increasing the labor formality rate by at least 0.475 pp over the 2022 to 2026 four-year period, this would mean increasing the labor formality rate from 41.1% to 43%. This goal is aimed at increasing the

number of formally employed workers by 1,155,000, with a commitment to generating 1,700,000 jobs over the four-year period. This goal is ambitious, but can be achieved if the necessary measures are implemented to promote formalization.

3. Subcontracting

a. Total number of worker cooperatives and workers covered

MONTH	Number of Cooperatives reporting	Number of Employees
June 2023	279	722
July 2023	1	0
August 2023	1	0
September 2023	39	79

Source: Superintendency of the Solidarity Economy

2017	2018	2019	2020	2021	2022	2023
Cooperatives: 430	Cooperatives: 305	Cooperatives: 281	Cooperatives: 204	Cooperatives: 295	Cooperatives: 246	Cooperatives: 320
Associates: 35,768	Associates: 30,626	Associates: 21,044	Associates: 11,112	Associates: 11,921	Associates: 10,122	Associates: 801

b. Total number of collective bargaining agreements for the provision of services and covered workers

2017	2018	2019	2020	2021	2022	2023
Contracts: 942	Contracts: 1,103	Contracts: 1,945	Contracts: 1.121	Contracts: 2,779	Contracts: 2,332	Contracts: 2,688
Workers: N/A	Workers: N/A	Workers: N/A	Workers: N/A	Workers: 331,510	Workers: N/A	Workers: N/A

For the year 2023, 2,688 collective bargaining agreements have been registered **with December 5 as the cut-off date**. Source: Directorate of Inspection, Surveillance and Control.

c. Total number of temporary work agencies and workers covered

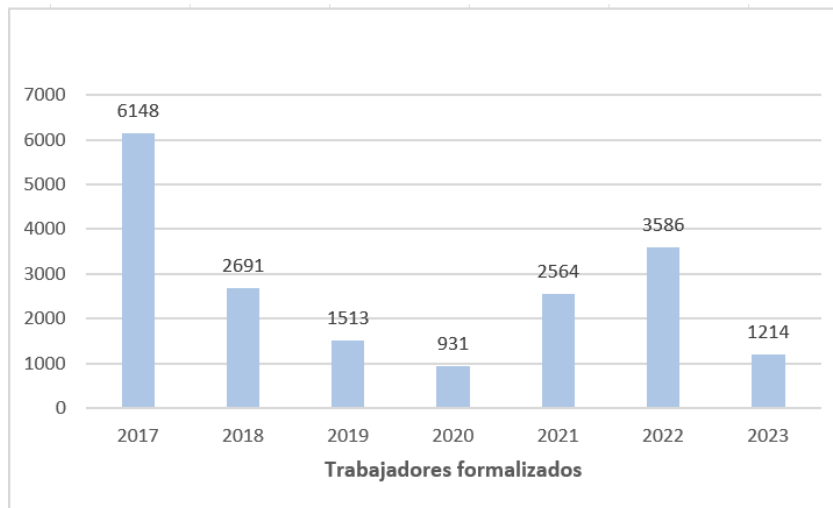
2017	2018	2019	2020	2021	2022	2023
Temporary work agencies (TWA): N/A	TWA: 538	TWA: 581	TWA: 615	TWA: 697	TWA: 473	This number is not currently available given that the personnel that collects data records from beneficiary
Workers: 463,880	Workers: 457,524	Workers: 415,059	Workers: 416,269	Workers: 501,403	Workers: 415,635	

						workers is being restructured.
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Source: Directorate of Inspection, Surveillance and Control.

4. Formalization Agreements

a. Number of formalization agreements and workers covered



During the year 2023, by the cut-off date December 5, 48 labor formalization agreements were signed, **which have benefited 1,214** workers. Source: Directorate of Inspection, Surveillance and Control.

b. Number of verification visits for formalization agreements

Year	Signed Agreements	Follow-Up Visits
2017	49	220
2018	40	121
2019	35	69
2020	30	148
2021	53	279
2022	N/A	157
2023	48	153

Source: Directorate of Inspection, Surveillance and Control.

To verify compliance with the terms of the signed formalization agreements, 153 follow-up and verification visits were conducted in **the year 2023 with December 5 as the cut-off date**. Source: Directorate of Inspection, Surveillance and Control.

5. Poverty and income inequality

The measurement of poverty in Colombia is carried out by the National Statistics office (DANE) based on two concepts: monetary poverty and multidimensional poverty. Information on both definitions can be found below with the most recent results available from the DANE.

Due to the update of the statistical framework of the DANE's Great Integrated Household Survey, the most current poverty figures available are those for the years 2021 and 2022⁵, so only the data for these two years has been presented below in accordance with the DANE's⁶ publication:

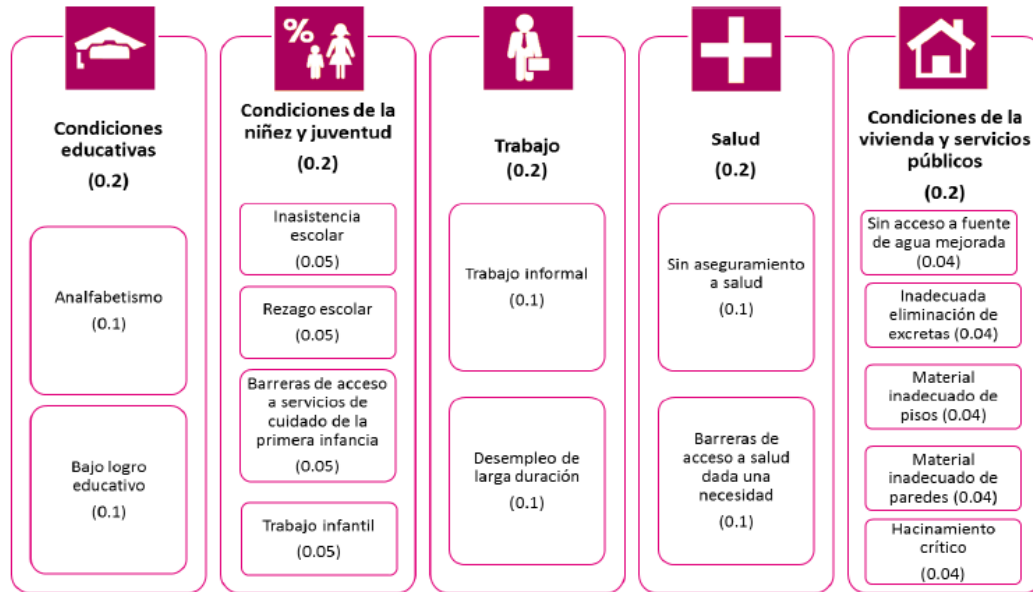
Multidimensional poverty in 2022

The Multidimensional Poverty Index (MPI) is composed of 5 dimensions and 15 indicators, as follows:

1. Educational conditions (illiteracy, and low educational attainment).
2. Conditions of children and youth (school non-attendance, school backwardness, barriers to access to early childhood care services, and child labour).
3. Work (informal work, and long-term unemployment).
4. Health (no health insurance, and barriers to access to health services despite the need).
5. Housing and public service conditions (no access to improved water source, inadequate excreta disposal, inadequate flooring, inadequate wall materials, and critical overcrowding).

⁵ Specific note from the DANE: "This is the official monetary poverty data, which refers to an update of the sampling frame carried out based on the CNPV 2018, meaning it cannot be compared with the data from the 2005 framework series. The entity is currently carrying out studies to create the series that connects these frames together."

⁶ <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria>



A household is considered to be in a situation of multidimensional poverty when it simultaneously faces deprivation in 33% of the characteristics described above.

In 2022, the percentage of people living in multidimensional poverty was 12.9% of the national total, with 8.7% of multidimensional poverty concentrated in capital cities and 27.3% in populated centers and dispersed rural areas.

Compared to 2021, the rate of multidimensional poverty displayed a reduction of -3.1 p.p for the national total, while for the capitals and populated centers and dispersed rural areas the decrease was -2.8 p.p and -3.8 p.p, respectively.

Rate of multidimensional poverty by domains - Status of Multidimensional poverty by component

Based on the main indicators of multidimensional poverty, it can be observed that 72.7% of households experience deprivation as a result of informal labor according to the country total (a variation of -0.8 p.p compared to 2021), 67.7% in the capital and 90.9% in populated centers and dispersed rural areas. Likewise, of the country total, 40.9% of households experience deprivation resulting from low educational attainment; 32.4% in the capital cities and 71.8% in populated centers and dispersed rural areas.

Graph: Percentage of households experiencing deprivation by variable

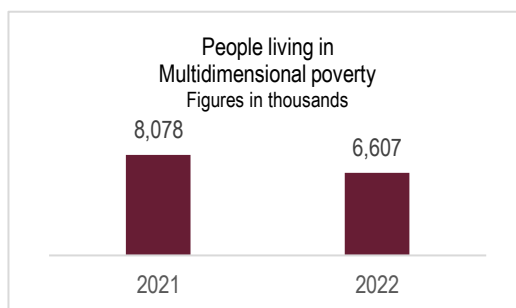
Variable	2021	2022	Var pp
Illiteracy	8,4	7,7	-0,7
Low Educational Attainment	40,8	40,9	0,1
Barriers to Early Childhood Care Services	8	6,9	-1,1
Barriers to access to health services	2,2	2	-0,2
Long-term unemployment	14,1	13,3	-0,8
Critical overcrowding	7,9	7,4	-0,5
Inadequate excreta disposal	10,4	9,7	-0,7
School Absence	5,5	2,3	-3,2
Improper exterior wall material	2,4	2,3	-0,1
Improper flooring material	5,9	5,6	-0,3
School Prayer	24,9	24,3	-0,6
No access to improved water source	10,9	9,8	-1,1
No health insurance	10,1	8,4	-1,7
Child labour	1,3	1,2	-0,1
Informal work	73,5	72,7	-0,8

Source: DANE-GEIH. SAMPL Ministry of Labor Calculations

Behaviour of people living in multidimensional poverty

By 2022, the number of people in multidimensional poverty reached 6,607,000, down by 1,471,000 people compared to 2021 (-18.2% in percentage terms). The capitals constitute the geographical domain with the greatest variation of people living in multidimensional poverty with a decrease of one million 49 thousand, likewise, the capitals were the geographical domain that contributed the highest percentage, with 52.1%.

Graph: Multidimensional poverty per region



Source: DANE-GEIH. SAMPL Ministry of Labor Calculations

Graph x: Multidimensional poverty per region

Regions	2021	2022	Var pp
Caribbean	26,8	21,4	-5,4
Oriental	13,7	10,7	-3,0
Central	14,7	11,7	-3,0
Pacífica (not including Valle)	22,7	20,7	-2,0
Bogota	5,7	3,8	-1,9
Antioquia	14,3	10,7	-3,6
Valle del Cauca	8,6	9,7	1,1

Source: DANE-GEIH. SAMPL Ministry of Labor Calculations

In 2022, the highest incidence rates of multidimensional poverty were detected in the Caribbean and Pacific regions (not including Valle) with 21.4% and 20.7% respectively. On the other hand, Bogotá showed the lowest incidence of multidimensional poverty of the year with 3.8%, which is five times lower than the multidimensional poverty rate in the Caribbean region. Nevertheless, the Caribbean region presented a shift of -5.4% p.p compared to 2021, improving the multidimensional poverty incidence rate. On the other hand, Valle del Cauca increased its multidimensional poverty incidence rate by 1.1 p.p in comparison to 2021.

Graph: Multidimensional poverty per region

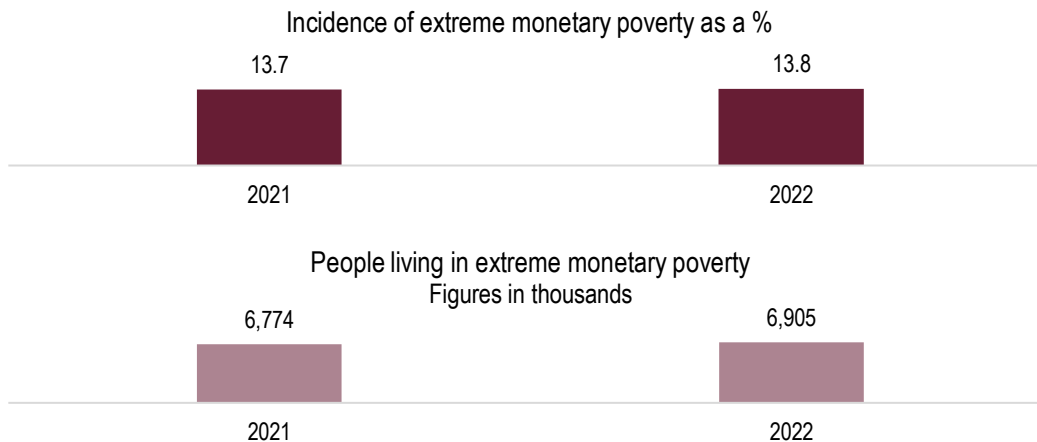
Domain	2021	2022	Var pp	Was %
National	8.078	6.607	-1471	-18,2
Headboard	4.494	3.445	-1049	-23,3
Population centers and dispersed rural areas	3.584	3.162	-422	-11,8

Source: DANE-GEIH. SAMPL Ministry of Labor Calculations

Incidence of Extreme Monetary Poverty

In 2022, the percentage of people classified as living in extreme poverty among the country total was 13.8%, increasing by 0.1pp compared to 2021 when it was 13.7%. The number of people living in extreme monetary poverty in 2022 was 6,905,000 and in 2021 it was 6,774,000. This means that **131 thousand people entered the extreme** monetary poverty category between 2021 and 2022.

Graph. Incidence of Extreme Monetary Poverty (%) and people living in Extreme Monetary Poverty at the National Level (in thousands) 2021 to 2022



Source: DANE-GEIH

By geographical area, it has been found that the incidence of extreme monetary poverty for 2022 in municipal capitals was 11.0% in populated centers and 23.3% in dispersed rural centers, thus the incidence of poverty in populated centers and dispersed rural areas is 12.3 pp higher compared to capital cities.

Gini Coefficient trends per city

Board: Gini coefficient per city 2022

Domain	2022
Nationwide	0.556
Bogotá	0.549
Ibagué	0.542
Cartagena	0,536
MA of Cali	0.512
MA of Medellín	0.512
Pasto	0.505
MA of Barranquilla	0.496
MA of Cúcuta	0.490
Montería	0.488
MA of Bucaramanga	0.482
Villavicencio	0.481
MA of Pereira	0.471
MA of Manizales	0.470

Source: DANE-GEIH

The Gini coefficient has been recognized as an essential index for estimating the behavior of inequality among the population, this tool makes it possible to obtain scales in which values closest to 1 signal greater income inequality and those closest to 0 allow us to interpret that conditions linked to the distribution of income are better.

From the Gini coefficients of the thirteen metropolitan cities and areas in 2022, it is possible to determine that the cities of Bogotá and Ibagué display the highest levels of inequality in income distribution (slightly below the National Gini), on the other hand, the MA of Manizales and the MA of Pereira have the lowest coefficients with 0.471 and 0.470 respectively. These cities display the best income distribution of all 13 cities and metropolitan areas.

a. Relative poverty indicator for income (using the OECD definition of 50% or less of median household income)

According to the figures of the DANE’s GEIH survey, this indicator is available for the years 2021 and 2022. Taking the median income into account, it has been identified that for the year 2022, 45.8% of the population fell below 50% of the median family income, compared to the year immediately prior this fell by 0.6pp when it stood at 46.4%. The graph below is displayed alongside previous years.

Year	a. Incidence of monetary poverty in households
2017	35.2
2018	34.7
2019	35.7
2020	42.5
2021	46.4
2022	45,8
2023	N/A

Source: National Statistics Office – DANE. Entity responsible for the planning, collection, processing, analysis and dissemination of official statistics in Colombia.

b. Extreme Income Poverty Indicator

Year	Extreme Income Poverty Indicator
2017	8.4
2018	8.2
2019	9.6
2020	15.1
2021	13.7
2022	13.8
2023	N/A



2

Labor law compliance

Further strengthen the labour inspection system by:

2.1. Guaranteeing adequate resources and enabling policy initiatives for labour inspections:

2.1.1. Allowing labour inspectors to adequately carry out their duties

In accordance with Article 3 of Law 1610 of 2013, the main functions of the Labour and Social Security Inspection offices are: the preventive, coercive or administrative policing function, the conciliation function, the improvement of labor regulations, the function of accompanying and acting as guarantor of compliance with the labor regulations of the general system of occupational risk and pensions.

The Ministry of Labour has gradually been developing a set of mechanisms aimed at strengthening labour inspection offices. It is mainly aimed at enabling labour and social security inspectors to carry out effective inspections for the verification of compliance with labour standards in the country.

The Directorate of Inspection, Surveillance, Control, and Territorial Management has implemented and actively participated in the identification of standards related to the Inspection, Surveillance and Control process, in order to provide the actors of the ISC System with due security, and unify criteria in the application of work-related and work sector standards.

The budget allocated to the Directorate of Inspection, Surveillance, Control and Territorial Management is as follows:

Board: Budget for Inspection, Surveillance and Control Years (2022, 2023 and 2024)

Budget for Inspection, Surveillance, Control		
Year	Investment Project	Value
2022	Increase in the Effectiveness of Inspection, Surveillance and Control	\$6,000,000,000
2022	Strengthening of the System for the Prevention, Inspection, Surveillance and Control of Labour and National Social Security	\$2,920,000,000
2023	Increased Effectiveness of Inspection, Surveillance and Control	\$8,476,623,578
2023	Strengthening of the System for the Prevention, Inspection, Surveillance and Control of Labour and National Social Security	\$3,120,000,000

2024	Modernization of the Inspection, Surveillance and Control of Labor and Social Security at the National Level	\$8,000,000,000
2024	Creation of mechanisms and instruments that will enable the FIVICOT fund to finance initiatives aimed at strengthening the Inspection, Surveillance and Control of Labour and Social Security at the national level	\$3,262,219,455

Source: Directorate of Inspection, Surveillance, Control and Territorial Management

2.1.2. Continue to offer regular training programs to all labor inspectors (regardless of the type of contract)

Training sessions were carried out and attended by officials from the Territorial Directorates, Special Offices and at the Central Level, as well as on specific topics requested by the ministry's officials by way of their Territorial Directorates.

Within the guidelines issued by the General Secretariat of the Ministry of Labor and in accordance with the provisions of numeral 42 of Article 38 of Law 1952 of January 28, 2019, by means of which the general disciplinary code is issued and Law 734 of 2002 is repealed, alongside a number of provisions in Law 1474 of 2011, on the subject of disciplinary law, it is the duty of public servants to be trained and stay up to date in the area of the function they perform. This is why by way of the Training, Social Labor Welfare and Incentives Group and the Group for the Management of Training and Analysis of the Labor Inspection office, training programs are continuously conducted for Labor and Social Security Inspectors, with the aim of strengthening the individual and collective competencies of the public servants of the Ministry of Labor through training activities, to contribute to the fulfillment of the institution's mission, improving the quality of the provision of citizen services and the effective performance of their position's functions.

The number of officials trained in 2023 was 3,852. They strengthened their knowledge of the following topics, which are inherent to the inspection process in the virtual campus of the Ministry of Labour:

Board: Consolidated participation of civil servants in the Virtual campus courses of the Ministry of Labour - Year 2023

Course	No. of persons trained
Overview of the Ministry of Labour and Introduction to the Labour Inspection System	70
Fundamental labour rights	38
Basic Elements of Constitutional and Administrative Law	56
Basic Elements of Individual and Collective Labor Law.	56
Introduction to Social Security	44
Situations that may or may not constitute workplace harassment	90
About Sex Work for an Effective Inspection	170
Work Practice Regulations	95
Administrative Sanctioning Procedure	341
ISC Protocol for Palm Oil Cultivation	37
ISC Protocol for Sugarcane Cultivation	17
ISC Protocol for Flower Cultivation	23
ISC Protocol for Port Activities	56
ISC Protocol for Open Pit Mining	53
Synchronous session on Freedom of Association and the Collective Bargaining Guide	94
Synchronous Session on Conflict Resolution and Social Dialogue	89
Guide to Freedom of Association and Collective Bargaining	158
In-depth study of Individual and Collective Labor Law	244
Diploma in Conflict Resolution for Labour and Social Security Inspectors	384
Law on Transparency and the Right of Access to Information	43
Fundamentals of Digital Government Policies	68
Guide to Detecting Cases of Trafficking in Persons for the Purpose of Forced Labor	108
Discussion on the RUTEC system, Consultation Module for Labor Inspectors (Sanctioning Protocol in compliance with resolution 4386 of 2018). Territorial Directorate of Bogota, Prevención, Inspection and Surveillance Group	19
Discussion on the RUTEC system, Consultation Module for Labor Inspectors (Sanctioning Protocol in compliance with resolution 4386 of 2018). Territorial Directorate of Cundinamarca	19
Law on Transparency and the Right of Access to Information	60
Conference on Labor Formalization for Self-Employed Workers	279

Course	No. of persons trained
Promotion, Prevention and Intervention for Psychosocial Factors	1,141

Source: Labour Inspection Office Training and Analysis Group - Virtual Campus Platform

2.1.3. Securing research in rural areas

With regard to the strategies associated with the approach to rural areas by the Labour Inspection office, the Internal Working Group for the Protection of the Labour Rights of Rural Workers was incorporated by means of Resolution 1854 of 2018, to guarantee the rapprochement between the central government sector with distant and remote regions and territories as well as to achieve the structuring of plans, programmes and projects in a bid to effectively protect the labour rights of rural workers.

Thus, the Ministry of Labour is carrying out a special program for the provision of the Mobile Labour Inspection service, the aim of which is to bring the Labour Inspection System closer to all regions of the country where labour *relations exist, with special emphasis on the rural sector.*

The priority of the Mobile Inspection system is to develop the preventive role of work in the rural sector, enabling the generation of optimal conditions for decent work in remote regions of the country, to benefit those who live in rural sectors especially those who were part of the conflict as victims, or were reinserted into civilian life from armed groups. Despite the foregoing, if the labour authority observes conduct among the employers that entails the violation of labor regulations or occupational risks during the execution of Mobile Inspection activities, all applicable administrative actions will be initiated.

The creation of the mobile system is aimed at implementing a dynamic and scheduled mechanism through which the Ministry of Labor can take inspection, Surveillance and Control service offerings to the regions where it is difficult to engage the community. Emphasis will be placed on the rural sector, for which different strategies have been designed and executed to impact rural municipalities, including: Inspection Brigades, Inspection Fairs, Surveillance and Control Services linked to the Job Sector and comprehensive intervention in the municipality. This includes workshops aimed at raising awareness and training the community, and prolonging institutional presence.

The Directorate of Inspection, Surveillance, Control and Territorial Management set up intervention plans under two operating models, which allow for constant rapprochement between; employers, workers and the community in general, with the Ministry of Labour:

Operating Model - Comprehensive Intervention Cycle: This model is developed through intervention cycles that last approximately 5 weeks and contains territorial

management teams that - together with the Territorial Directorate and/or Special Office - will lead the process of presence in the territory.

The municipalities characterized as priority municipalities for peace have been selected. This model is developed via the following stages:

- Awareness raising and training for high school students in grades 10 and 11 – Community Action Boards, Workers and Employers: This is performed by way of a territorial and community-based approach, in areas related to the guaranteeing the right to dignified and decent labour. *These communities are identified as labour rights watchers.*

The Labor Rights Watchers are trained in general labor rights issues and respond to the implementation of the training of trainers model that allows any training topics of interest to be replicated at the territorial level in an appropriate and agile manner.

The awareness of communities is raised and they receive training, especially among 10th and 11th grade students, members of the Community Action Boards, workers and employers in general, based on a special training process (training of trainers model). They receive training in general themes that allow for replication at the territorial level in an appropriate and agile way. This allows for the immersion of the communities and the appropriation of issues related to Labor Rights and the ways that citizens can interact with the Ministry of Labor for these rights to be protected. This disclosure process is included in the framework of the Mobile Inspection.

This process is applied by way of a group of professionals (Territorial Coordinator and Community Manager), who will be accompanied by Labour Inspectors that can make the processes citizen adoption more dynamic. The communities directly intervened by the program to be developed will be recognized as Labor Rights Watchers. In cases where the roles of Territorial Coordinator and Community Manager are not available, these training sessions will be conducted by the Group for the Management of Training and Analysis of the Labor Inspection of the Directorate of Inspection, Surveillance, Control and Territorial Management.

The implementation of this strategy is contemplated under the concept of highly participatory learning and knowledge dialogue, which allows for knowledge management strengthening and the institutional and territorial development of all the different labor and work-related actors, as well as those in occupational health and safety, which is under the Ministry's jurisdiction.

For the execution of program development, the territorial coordinators and community managers focus on the population that will be subject to the intervention in the territories. They will receive training based on a guideline designed by the Directorate of Inspection, Surveillance, Control and Territorial Management, which addresses the main labor rights of workers in a general, simple and comprehensive way, both at the individual and collective levels. This is conducted using a train-the-trainer approach, i.e., using simple language that allows it to be relayed to others.

The dissemination of these labour rights to this target population will be carried out by way of workshops coordinated by the Territorial Directorates and the Coordinators and Managers, in a way that will allow them to learn about the topics selected and contained in the booklet in appropriate dissemination environments.

Once the dissemination process has been completed, participating citizens are recognized as labor rights watchers within the context of the labor fair that takes place in their community, where the rest of the citizens are also informed about the support that said watchers can provide regarding knowledge of their Labor Rights.

- Inspection, Surveillance and Control Services Fairs with the job Sector. By means of this activity, the comprehensive services on offer in the Job Sector are made known to the citizens of the municipality receiving the intervention. The mobile inspection office is installed during this stage. Planning for the fair may last one week and the fair lasts one day. During the fair, forms are filled out that capture citizen participation, and the reasons behind their consultations.

The fair will be attended by the territorial management team, officials from the central body, officials and Labor Inspectors from the Territorial Directorate, who are available throughout the day to provide labor-related guidance and preventive assistance. The purpose of holding job fairs is the strategic coordination of the Job sector to establish models for protocols, agreements, routes and/or strategies aimed at promotion and prevention within the framework of decent work.

The strategy can be applied again in both urban and rural areas and may include the development of general components for the dissemination of labour rights or it may contain a specific focus on an issue of special concern for labour rights that needs to be disseminated with greater emphasis in the area where it is carried out.

- Mobile Inspection Office Services Once the service provision is deployed it will deliver its services over a two-day period, providing career advice services and inspection procedures.

Operating Model - Inspection Brigade: The Inspection Brigade model consists of a day for the promotion of, and information on Inspection, Surveillance and Control service routes provided by the Ministry of Labour; setting up working groups with employers and/or communities and/or local authorities to address issues related to labour.

In addition to this, lead the call for proposals of the job sector bodies and other entities at the national, departmental and municipal level to guarantee state presence in the municipalities. To this end, it is necessary for the municipalities to be intervened, to be chosen according to the following criteria:

- No Municipal Inspection in place.
- Not included among the municipalities characterized as high priority by the Office of the President of the Republic.
- Municipalities with rural characteristics that potentially display high levels of job-related conflict.

The following components should be developed at the workshop:

- Promotion and information day on the different step-by-step processes for Inspection, Surveillance and Control
- Working groups with employers and/or communities and/or local authorities to address work-related issues.

The foregoing is included in each of the actions that have been carried out in the development of the Mobile Inspection, within each of the PDET (peace) municipalities and rural municipalities intervened, among the various economic sectors of each region. The statistical summary of the successful intervention can be found below:

**Board: Mobile Inspection, Operating Model - Comprehensive Intervention
Years (2018, 2019, 2020, 2021, 2022 and 2023 cut-off date December 12)**

Mobile Inspection			
Operating Model	Year	No. Municipalities Intervened	No. People assisted
Comprehensive Intervention	2018*	21	0
	2019*	33	0
	2020*	18	0
	2021	17	659
	2022	18	1,126
	2023*	18	1,000
TOTAL		125	2,785

Source: Working Group for the Protection of the Labour Rights of Rural Workers

* The final information is being structured by the territorial directorates. The following municipalities are still pending: Cumbitara, Buenaventura, Policarpa, Leiva, Rosario.

**Board: Mobile Inspection, Operating Model - Inspection Brigade
Years (2020, 2021, 2022 and 2023 cut off date December 12)**

Mobile Inspection			
Operating Model	Year	No. Municipalities Intervened	No. People assisted
Comprehensive Intervention	2018*	35	0
	2019*	51	0
	2020	25	1,069
	2021	28	1,393
	2022	38	1,855
	2023*	38	2,119
TOTAL		215	6,436

Source: Working Group for the Protection of the Labour Rights of Rural Workers

* The final information is being structured by the territorial directorates. Municipalities pending: Moñitos, Gutiérrez, Pacora.

It is important to specify that the activities of the Mobile Labour Inspection office were affected by the COVID-19 pandemic in 2020, given that the intervention scheme is conducted in-person in the territories. Given the mandatory isolation measures it was not possible to travel to the country's rural municipalities, nevertheless, We opted for the development of a basic intervention model via virtual methods.

2.1.4. Finalize the permanent recruitment of work inspectors who passed the career exam and keep the number of labour inspectors required according to international standards.

Labour and Social Security Inspection staff has been increasing and reached a total of 1,259 in 2023 according to **the standards through which these positions were created**. The position of Labour and Social Security Inspector is structured as a general service role, but they are geographically distributed throughout the national territory.

2.2. Using the new electronic case management system nationwide and connecting it to the electronic fine collection system

Regarding the new electronic case management system for cases across the country and the process of connecting it to the electronic fine collection system, through Circular Letter 0029 of May 13, 2021, officials in the Ministry of Labour and participants in the process of collecting the fines levied by the Ministry of Labour for the Occupational Risks Fund are obliged to do so through the technological tool called BOTÓN, based on the provisions of Article 91 of Decree 1295 of 1994, Article 13 of Law 1562 of 2012, Article 4 of Decree 472 of 2015, Article 2124.8.3 of Decree 1072 of 2015, and Resolution 2628 of 2020 by means of which the Internal Regulations for Portfolio Collections of the Ministry of Labour are issued. The Joint Memorandum of the Directorate of Inspection, Surveillance and Control and the Directorate of Occupational Risk dated February 6, 2019, Numeral 5. Paragraphs 1 and 2 and No. 6, which establishes the procedure for the collection of fines for the Occupational Risk Fund. These procedures are mandatory for the officials of this Ministry and all other participants in the process.

The territorial directors, directors from the Special Offices and the director of Occupational Risk will be in charge of signing administrative acts, in accordance with the powers established via the generalities of the process and those in the administrative sanctioning procedure.

The Trustee in charge of administering the resources of the Occupational Risks Fund has access to a technological tool called BOTON. This application can be found on the

website of the Ministry of Labour’s Occupational Risk Fund <http://www.fondoriesgoslaborales.gov.co> to which relevant information will be uploaded by each Territorial Directorate and Special Office.

In order to guarantee the continuity of the processes and procedures for fines issued due to occupational risk violations, which are destined towards the Occupational Risk Fund, the territorial directors and the directors from the Special Offices must assign two officials, who will receive training, as well as a manual for the Trustee on how to use BOTON.

The following documents will be uploaded to the BOTON on a monthly basis:

- Enforceable fine resolutions.
- NON-ENFORCEABLE RESOLUTIONS Form.
- Resolutions that REVOKE administrative sanctions. (whenever they present themselves).

2.3. Strengthen the deterring effect of labour inspections by:

2.3.1. Increasing the number of inspections and investigations per year and making this information available to the public on a yearly basis

The following list contains the inspections and administrative action carried out by the Directorate of Inspection, Surveillance, Control and Territorial Management and its Territorial Directorates and Special Offices, broken down according to the Preliminary Inquiries and Administrative Investigations initiating in 2023, as follows:

Board: Number of inspections Year 2023 (November 2023 cut-off date)

Indicator	2023
Preventive inspections	3,733

Source: Subdirectorate of Territorial Management – TD visits -Sharepoint

Board: Number of administrative actions Year 2023 (cut-off date December 5, 2023)

Indicator	2023
Preliminary Inquiries	7,241
Investigations initiated	433

Source: Sub-Directorate of Territorial Management

2.3.2. Complete labour inspections within the established deadlines

In accordance with the Labour and Social Security Inspector Manual, paragraph 2.3.1 on the time limit for carrying out preliminary investigations - a time limit is not established for conducting a labour inspection, but in accordance with the systematic regulations, the existence of evidence that is in compliance with the content required in article 47 of the CPACA, is required to decree the ordinance for the formulation of an indictment. Therefore, if evidence other than that provided with the application is required, it will be provided pursuant to Article 10 of Law 1610 of 2013, i.e., within a term of no more than ten business days. Consequently, if deemed appropriate, the Labour Inspector must carry out the inspection within that time period, in a bid to establish whether the administrative labour investigation is being carried out or, in the absence thereof, whether the proceedings are archived.

2.3.3. Improve fine collection

Decree 120 of January 28, 2020, which appends Chapter 2 to Title 3 of Part 2 of Book 2 of Decree 1072 of 2015; Single Regulatory Decree for the Job Sector, regulates the Fund for the Strengthening of the Inspection, Surveillance and Control of Labour and Social Security (FIVICOT), A special national account, without legal identity, which is attached to the Ministry of Labour, the resources of which will be used to strengthen the Inspection, Surveillance and Control of Labour and Social Security.

As of January 1, 2020, all sanctions imposed by officials of the Ministry of Labour for the violation of labour standards and working conditions, as well as the protection of workers in the exercise of their profession and the freedom of association to join trade unions, will be specifically destined towards the FIVICAT fund.

With respect to Portfolio Collection and the Collections Management process, it is important to bear in mind that the administrative procedure for coercive collection is a special procedure contained in Articles 823 et seq. of the Tax Code, which empowers certain entities to directly cash in any balances they are owed, without having to resort to the normal jurisdiction. Its purpose is to obtain the forced payment of any obligations that it is due to receive, in the event that the debtor has been reluctant to pay his obligations voluntarily.

The collection of FIVICOT resources will be carried out by the Ministry of Labour, through the coercive collections group of the Legal Advisory Office. The Ministry of Labour, through Resolution 2628 of December 2, 2020, adopted the internal regulations for portfolio collection, which includes all the process and timeframes required for the persuasive and coercive collection of fines destined towards the different funds of the Ministry, including the FIVICOT.

The figures for the collection of fines for FIVICOT are listed below:

**Board: Collected fines levied for the FIVICOT
Years (2020, 2021, 2022 and 2023)**

Verified Fine Payments Destined towards the Fivicot	
Year	Verified
2020	\$618,727,508.00
2021	\$2,265,852,240.00
2022	\$2,932,347,572.46
2023	\$3,305,165,671.30
TOTAL	\$9,122,092,991.00

Source: Sanctions base - SGT

2.3.4. Develop and implement a national inspection strategy

The Ministry of Labour is working to strengthen labour inspections through the Directorate of Inspection, Surveillance, Control and Territorial Management, to promote compliance with labour standards throughout Colombia. This strengthening process seeks to reinforce the competencies of the labour inspection office in Colombia, to promote compliance with fundamental rights, including occupational health and safety.

The process seeks to ensure that labour inspectors uphold respect for and compliance with labour standards, to promote decent work spaces that also contribute to promoting social justice in the country.

Thus, the following objectives have been established:

- Strengthen the labour inspection competencies in Colombia.
- Generate a harmonious culture of formalization and respect for labour rights.
- Promote the fulfilment of fundamental rights in the workplace, including occupational health and safety.

Thus, by means of memorandum No. 08SI2023331000000002954 of February 15, 2023, the 2023 guidelines for the Annual Inspection Plan were issued to focus on each of the inspection measures and by way of memorandum No. 08SI2023331000000002956 of February 15, 2023, the 2023 Guidelines for the Annual Preventive Assistance Plan were issued.

With regard to rural areas, work has been carried out to strengthen the technical capabilities of the labour inspection office. For this reason, the ILO is carrying out the project "Strengthening Labour Inspections to Promote Compliance with Labour Standards in Rural Sectors in Colombia" with the support of the European Union.

Thus, the validity of the commitment of the Labour Inspection office and transformation in the world of work require the development of new strategies and a new scope for the Labour Inspection office, in a way that responds to new work

relation modalities to thereby achieve development goals in an equitable manner that contributes to social peace and justice.

LABOUR LAW COMPLIANCE INDICATORS

1. Overview of recently adopted regulations and legislation.

Board: Regulations and Legislation in 2022 and 2023. Years 2022 and 2023

Legislation	Provision
<u>Law 2208 of 2022</u>	By means of which economic incentives are established to strengthen access and opportunities in employment and training for post-conviction probation and other provisions are issued – Second Opportunity Law".
Law 2191 of 2022	"By means of which disconnection from work is regulated - work disconnection law."
Decrece 1427 of August 5, 2022	Decrece "By which Title 3 of Part 2 of Book 2 of <u>Decrece 780 of 2016</u> , is replaced; the economic benefits of the General Social Security System in Health are regulated and other provisions are issued.
<u>Decrece 1499 of August 3, 2022</u>	Decrece "By which articles <u>2.2.1.4.3</u> and <u>2.2.1.4.4</u> of <u>Decrece 1083 of 2015</u> , Single Regulatory Decrece on the Public Service Sector, are modified, in relation to the purpose and composition of the roundtable "For public employment, the update/expansion of employment plants, the reduction of contracts for the provision of services and guaranteeing decent and dignified labour".
<u>Decrece 1227 of 18 July 2022</u>	Decrece "By which articles 2.2.1.5.3, 2.2.1.5.5, 2.2.1.5.8 and 2.2.1.5.9 are modified, and articles 2.2.1.5.15 to 2.2.1.5.25 are added to <u>Decrece 1072 of 2015</u> , Single Regulation for the Job Sector, related to Telework".
<u>Decrece 1040</u>	Decrece "By which a paragraph is added to <u>article 2.2.5.1.16</u> of Chapter 1 of Title 5 of part 2 of Book 2 of <u>Decrece 1072 of 2015</u> , Single Regulatory Decrece on the Job Sector, to regulate

<u>of June 21, 2022</u>	the value of the fees for qualifying for loss of work capacity among those who aspire towards the Periodic Humanitarian Benefit for Victims of the Armed Conflict".
<u>Decre e 944 of June 01, 2022</u>	Decree "By which Decree 1886 of 2015 is modified" by which the Safety Regulations for Underground Mining Work are established.
<u>Decre e 801 of May 16, 2022</u>	Decree "By which Chapter 6 is added to Title 9 of Part 2 of Book 2 of the Single Regulatory Decree on the Job Sector 1072 of 2015, and the Public Policy on Informal Vendors is adopted".
<u>Decre e 649 of April 27, 2022</u>	Decree "By which Section 7 is added to Chapter 6 of Title 1 of Part 2 of Book 2 of <u>Decree 1072 of 2015</u> , Single Regulatory decree on the Job Sector, regarding the circumstances and conditions for authorizing working from home".
<u>Decre e 555 of 09 April 2022</u>	Decree "By which Section 6 is added to Chapter 6 of Title 1, Part 2, Book 2 of <u>Decree 1072 of 2015</u> , Single Regulation on the Job Sector, and Article 17 of Law 2069 of 2020, and Law 2121 of 2021 are regulated and remote work is regulated. https://go.vlex.com/vid/873943767?fbt=webapp_preview&addon_version=6.0 https://go.vlex.com/vid/878568244?fbt=webapp_preview&addon_version=6.0 .

2. Labour Inspection

a. Number of inspectors and the type of contract.

Board: Number of inspectors and type of contract 2017-2023.

2017	2018	2019	2020	2021	2022	2023
68 Career 22 Assignment 766 Provisional	68 Career 22 Assignment 6 Trial Period 751 Provisional	206 Career 20 Assignment 404 Trial Period 239 Provisional	600 Career 8 Assignment 19 Trial Period 205 Provisional	581 Career 9 Assignment 36 Trial Period 256 Provisional 22 Vacancies	583 Career 13 Assignment 31 Trial Period 544 Provisional	581 Career 17 Assignment 0 Trial Period 561 Provisionals
Total: 856	Total: 847	Total: 869	Total: 832	Total: 904	Total: 1172	Total: 1159

Source: Personnel Administration and Administrative Career Group - Human Talent Management Sub-Directorate

b. Number of inspectors participating in training.

Board: Number of training programs 2017-2023.

2017	2018	2019	2020	2021	2022	2023
869 In-person quota	1,395 In-person quota	1,164 In-person quota 6,726 Virtual quota	254 In-person quota 2,261 Virtual quota	1,376 Virtual quota	1,911 Quotas	3,782 Quotas

Source: Ministry of Labour, Directorate of Inspection, Surveillance and Control (ISS)

c. Number of inspections and investigations (in total and individually for abusive subcontracting and the collective use of collective agreements).

Board: Number of preliminary inquiries and sanctioning proceedings 2017-2023.

2017	2018	2019	2020	2021	2022	2023
Preliminary inquiries: 19,052 Sanctioning Procedures: 3,177	Preliminary inquiries: 14,592 Sanctioning Procedures: 3,056	Preliminary inquiries: 13,999 Sanctioning Procedures: 2,584	Preliminary inquiries: 10,146 Sanctioning Procedures: 1,376	Preliminary inquiries: 13,390 Sanctioning Procedures: 2,006	Preliminary inquiries: 9,353 Sanctioning Procedures: 356	Preliminary inquiries: 7,241 Sanctioning Procedures: 433

Source: Ministry of Labour, Directorate of Inspection, Surveillance and Control (ISS)

Board: Number of inspections 2023. 2023 (cut-off: November 2023)

Indicator	2023
Preventive inspections	3,733

Source: Subdirectorate of Territorial Management – TD visits -Sharepoint

Board: Number of administrative measures, abusive subcontracting, improper use of collective agreements Year 2023 (cut-off date December 5, 2023)

Indicator	2023
Abusive Subcontracting And Improper/ Illegal Labor Intermediation	42
Misuse of collective agreements	6

Source: Sub-Directorate of Territorial Management

d. Average Time Required to Conclude Investigations

The following table illustrates the number of years it takes for a trial to be established and completed.

Board: Consolidated Data for Territorial Directorates, duration of the Investigation Process - Year 2023

Territorial Directorate	Number of Years	Territorial Directorate	Number of Years	Time Years	Time Years
Amazonas	2.47	Meta	1.47	Norte de Santander	1.16
Special Units	2.39	Antioquia	1.46	Caquetá	1.16
César	1.92	Huila	1.43	Barrancabermeja Special Office	1.11
Guaviare	1.86	Magdalena	1.41	Arauca	1.11
Santander	1.82	Buenaventura Special Office	1.36	Risaralda	1.08
Atlántico	1.78	Valle del Cauca	1.36	Caldas	1.03
Boyacá	1.76	Nariño	1.33	San Andrés Archipelago	0.89
Cauca	1.71	Tolima	1.23	Sucre	0.87
Casanare	1.61	Quindío	1.22	Bolívar	0.84
Cundinamarca	1.58	La Guajira	1.20	Bogotá	0.73
Chocó	1.48	Putumayo	1.20	Guainía	0.58
Córdoba	1.48	Urabá Special Office - Remote	1.19	Vaupés	0.00
				Vichada	0.00
Average Time: 1.32					

Source: Subdirectorate of Territorial Management - SISINFO

*The TDs of Vaupés and Vichada have not finalized files in ISINFO that were opened during the last 4 years.

3. Collection of fines

a. Number and amount of fines levied (in total and individually for abusive subcontracting and the misuse of collective agreements)

Board: Consolidated data of fines levied 2017-2023

2017	2018	2019	2020	2021	2022	2023
Number: 3,507 Amount Executed: \$27,869,262,803*	Number: 3,334 Amount executed: \$52,827,176,592*	Number: 3,341 Amount Executed: \$28,044,732,496*	Number: 1,639 Amount Executed: \$14,523,595,570*	Number: 3,432 Amount Executed: \$25,374,054,248 Non-Enforceable Amount: \$41,696,970,689	Number: 1,472 Amount Executed: \$24,621,220,934 Non-Executed Amount: \$56,510,566,727	Number: 1,103 Amount Executed: \$21,025,254,887 Non-Executed Amount: \$72,308,211,833
Non-Executed Amount: \$174,389,749,410*	Non-Executed Amount: \$71,631,781,945*	Non-Executed Amount: \$55,487,972,435*	Non-executed amount: \$18,251,686,493*	Labour Intermediation Amount: \$2,985,978,104 Labour Intermediation amount executed: \$741,710,912	Labour Intermediation Amount: \$4,454,624,418 Labour Intermediation amount executed: \$313,624,418	Labour Intermediation Amount: \$4,262,400,062 Labour Intermediation amount executed: \$1,519,919,861
Labour Intermediation Amount: \$113,804,518,789	Labour Intermediation Amount: \$23,944,781,697*	Labour Intermediation Amount: \$10,264,348,414*	Labour Intermediation Amount: \$2,406,185,110*	Collective Agreement Amount: \$187,292,090	Misuse of Collective Bargaining Agreements Number of non-enforceable cases: 2 Amount NOT Executed: \$12,000,000 Number of enforceable actions: 1 Amount Executed: \$90,852,600	Misuse of collective agreements Number of non-enforceable cases: 1 Amount NOT Executed: \$8,694,460 Amount executed: :0 Amount Executed: 0
Labour Intermediation amount executed: N/A Collective Agreement Amount: N/A	Labour Intermediation amount executed: \$15,709,041,638* Collective Agreement Amount: N/A	Labour Intermediation amount executed: \$1,622,723,454* Collective Agreement Amount: N/A	Labour Intermediation amount executed: \$146.422.070* Collective Agreement Amount: N/A			

Board: Fines levied Year 2022

Indicator	Number	Value
Abusive subcontracting	21	\$4,141,000,000.00
Misuse of collective agreements	2	\$12,000,000.00

Source: Subdirectorate of Territorial Management -DASH BOARD -Statistical Application

Board: Consolidated Fines levied Year 2023 (cut-off date November 30)

Indicator	Number	Value
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Abusive subcontracting	16	\$2,742,480,201.00
Misuse of collective agreements	1	\$8,694,690.00

Source: Subdirectorate of Territorial Management -DASH BOARD -Statistical Application

b. Number and amount of fines collected (in full and separately for abusive subcontracting and misuse of collective agreements)

It has been specified that the information that will be listed below regarding the collection of fines, is provided in accordance with the reconciliations performed by the accountants with regards to the collection of the sanctions enforced, destined towards the FIVICOT, which is the responsibility of the Ministry of Labour as of January 1, 2020, which is why years prior to the effective date 2020 the collection of fines was carried out as a labour standard in nature, by the National Learning Service (SENA), lacking details on the cause of the sanction.

Board: Fines collected for FIVICOT Years 2020, 2021, 2022 and 2023 (cut-off date November 30)

Reason	2020		2021		2022		2023		Total Qty.	Total
	Quantity	Sum	Quantity	Sum	Quantity	Sum	Quantity	Sum		
Subcontracting Abusive	1	\$ 41,405,800			2	\$10,778,030	9	\$1,143,267,519	12	\$ 1,195,451,349
Misuse of collective agreements			2	\$99,373,920	2	\$22,000,000			4	\$ 121,373,920
Grand Total	1	\$41,405,800	2	\$99,373,920	4	\$32,778,030	9	\$1,143,267,519	16	\$1,316,825,269

Source: Sub-Directorate of Territorial Management

c. Average Ticket Collection Time

The law establishes a maximum time of 5 years for notification of the payment order, from the time the resolution imposing the penalty has been duly executed, and an additional 5 years from that moment for the money to be collected. This means that the process of coercive collection can legally last a maximum of 10 years.



3

Collective Bargaining

3.1. Build a constructive framework for social dialogue by:

3.1.1. Promoting a two-tier system of sectoral and enterprise-level bargaining and drafting the regulations on sectoral bargaining in the Labour Code.

MULTI-LEVEL COLLECTIVE BARGAINING

First and foremost, collective bargaining is a right enshrined in Article 55 of the Colombian Constitution and ILO Conventions 98 and 151, which have been duly ratified.

The collective bargaining process is provided for in Articles 432 et seq. of the Substantive Labour Code, which regulate all matters related to the presentation of the list of demands, the terms and extension of the bargaining, the decision of the trade union organization to go on strike or not, the arbitration, and other elements of bargaining.

It should be noted that collective bargaining becomes complex when there are multiple trade union organizations within a company, which is why Decree 089 was issued. This decree regulates Parts 2 and 3 of Article 374 of the Substantive Labour Code and adopts some of the rules of collective bargaining in the public sector, as follows:

"Article 1. *When there are several trade unions within the same company, they may, in accordance with the principle of trade union autonomy, decide to present a single list of demands for collective bargaining and to form the trade union bargaining committee together.*

If there is no agreement, the trade union bargaining committee shall be deemed to be composed, objectively, in proportion to the number of its members, and the various lists shall be negotiated at a single bargaining table for the settlement of the dispute, with all trade unions represented during the bargaining procedure and at the signing of the collective agreement.

Unions with a lower degree of representation in proportion to the number of their members will be represented and will be part of the negotiating committee."

This decree therefore makes collective bargaining in the private sector, when there are multiple trade union organizations within a company, less complex, since it provides for the possibility of a single list of demands and a single negotiating committee for the negotiation process.

It is important to mention that the Government of Change (Gobierno del Cambio) is currently promoting a Labour Reform Bill (Bill 166 of 2023), which provides for collective bargaining for each branch as follows:

"Article 76. Bargaining unit.

Collective bargaining at any level must be carried out with a single list of demands, bargaining committee, and bargaining table, and must conclude in the signing of a single collective bargaining agreement.

1. List of demands. The list of demands must be the result of coordination activities for the integration of workers' aspirations. The submission of a single, unified list of demands will be essential for the initiation of collective bargaining.

2. Representation of the parties:

(a) Trade union party. The trade union or unions, should there be more than one, may agree on the composition of the bargaining committee, but in no case may it exceed ten (10) bargainers in the case of bargaining at the enterprise level and fifteen (15) at higher levels. If no agreement is reached for representation, the composition of the committee must be defined by the trade union organizations, objectively and in proportion to the number of entitled members paying union dues, and in no case may it exceed the limit indicated. If one of the trade union organizations chooses not to be part of the unified list of demands and does not submit its own list concurrently to be part of the single collective labour dispute, it may not submit a list of demands subsequently until a new collective dispute is called.

(b) Employer. Collective bargaining shall be legitimized by the enterprise or groups of enterprises when bargaining takes place at this level. In the case of collective bargaining in a sector, branch or industry, representation shall be the responsibility of the organizations that the employers freely designate by consensus or, failing that, of the most representational employers' organization or organizations at the level concerned.

Paragraph: Within two years of this law coming into force, trade unions and employers shall determine the various collective agreements in the enterprise, in a single document and within a single period. In the event that there is no agreement, it will be understood that the collective agreement in force in the enterprise is the one that is expected to be in force the longest and the provisions of the others will be incorporated into it."

It should be mentioned that with the purpose of promoting social dialogue and consensus, on October 24, 2022, the Government of Change, headed by the Ministry of Labour, convened the plenary session of the Permanent Concertation Commission, which resulted in the decision to create the Labour Reform Subcommittee.

Since its creation, the Labour Reform Subcommittee has held weekly meetings based on tripartism where, as well as trade unions and trade union centers, labour experts, together with national and international entities and organizations, were invited to provide input and recommendations for the collaborative construction of the labour reform proposal document, which was presented to the the Permanent Concertation Commission.

The sessions held by the Labour Reform Subcommittee saw participation from the 2020 Employment Mission, the Alternative Employment Mission, the Supreme Court of Justice, ILO supervisory bodies, the OECD-ESLAC, and representatives of the governments of Mexico, Spain, Chile and Argentina, who shared comparative experiences regarding the labour and legal reforms carried out in those countries, the regulation of work on digital platforms in Chile and the branch-based bargaining model in Argentina.

Likewise, recommendations for the construction of the labour reform were received from the Inter-American Commission on Human Rights (IACHR) and from delegates and members of the Committee of Experts of the International Labour Organization (ILO).

Furthermore, the Ministry of Labour issued Circular 003 on January 4, 2023, by means of which the Departmental Subcommittees for the Concertation of Wage and Labour Policies (SDCPSL) are called upon to hold tripartite spaces for social dialogue so that they might receive joint proposals related to the Labour Reform-Labour Statute, and to submit a consolidated report to the Sub-Directorate for the Promotion of Social Organization so that it can be systematized and subsequently submitted to the Labour Reform Subcommittee of the Permanent Concertation Commission for the Harmonization of Wage and Labour Policies.

In accordance with the aforementioned circular, 92 meetings were held within the framework of the 30 SDCPSLs between January 15 and February 3 of 2023, which were led by each of the Territorial Directors in their capacity as presidents of the respective subcommittees and had participation from central-level managers belonging to the directorates of Fundamental Labour Rights, Inspection, Surveillance and Control, and Territorial Management and Occupational Risks, as well as tripartite members (government, employers, and workers) who are part of these tripartite spaces at the territorial level, and guests from different social organizations, academia and other domains.

In these spaces, information was gathered through a methodology based on guiding questions and systematization matrices. A representative from each sector involved in tripartism (government, employers, and workers) was appointed and made responsible for disseminating the request for proposals for the labour reform within their respective sector, in accordance with the issues prioritized, to be in charge of their subsequent consolidation. For this purpose, various meetings were held and working groups were organized by sector and/or topic to be addressed. Once the proposals consolidated by each tripartite constituent (government, employers, and workers) were available, new SDCPSL meetings were held in which the proposals of each sector were presented, discussed and consolidated into a single proposal by the SDCPSL. Finally, the consolidated proposals were forwarded to the Sub-Directorate for the Promotion of Social Organization.

Thematic and Sectoral Meetings also took place from January 10 to February 10, 2023, with 24 dialogue spaces held in the main cities of the country (Bogotá, Cali, Pasto, Medellín, Neiva, Cúcuta, Cartagena, Tunja, and Buenaventura). These had participation from 1,320 people, including various delegates from representative organizations of the sector, so that their needs, concerns and proposals regarding the labour reform project in relation to the prioritized axes and issues could be listened to. Priority was given to issues and sectors that do not directly participate in the Commission on Coordination of Wage and Labour Policies, and emphasis was placed on listening to populations such as young people, women, LGBTI+, and people with disabilities, among others.

A total of 538 proposals were received in these spaces and systematized. Of the total 24 spaces, six were carried out in partnership with the ILO and three with the UAEOS. Of all the proposals received in these spaces, issues such as job stability and employment, particularly for vulnerable populations; guarantees for rural and agricultural work; informality; working hours; limits on outsourcing; and regulation of work on digital platforms are of particular note, which is further evidence that the information collected in these spaces served as input for the analysis of the Labour Reform Subcommittee.

Similarly, a link was enabled on the official website of the Ministry of Labour for 20 days, as well as the email reformalaboral@mintrabajo.gov.co, so that proposals could be received as part of the Labour Reform - Labour Statute project. This was in addition to the channels already established for the filing of PQRSDs. Nearly 1,300 proposals were received through these channels.

The Labour Reform Bill "Trabajo por el Campo" was filed in the Congress of the Republic on March 16, 2023, with no debates, which is why it was once again presented on August 24, 2023 (PL166 of 2023 - Chamber). The aforementioned document includes the Observations made by the International Labour Organization and the contributions made by the employer and worker sectors prior to and following the presentation of the first bill that was filed.

3.1.2. Eliminating the option to negotiate collective agreements.

The Colombian Government has presented to the Congress of the Republic of Colombia, the Bill “*By means of which a labour reform for dignified and decent work in Colombia is adopted*”, filed on August 24, 2023 by the Minister of Labour, Dr. Gloria Inés Ramírez Ríos.

Chapter 2 of Title III, Freedom of Association and Compliance with International Standards, contains provisions on collective labour disputes and collective bargaining procedures, which apply to private and official workers in accordance with the proposal to amend Article 352A of the Substantive Labour Code (SLC). Article 75 amends article 467 of the SLC on the guarantee of the fundamental right to collective bargaining; Article 76 provides for the bargaining unit; Article 77 amends Article 481 of the SLC, prohibiting collective agreements where trade union organizations are present at any level; and Article 78 amends Article 482 of the SLC, also prohibiting trade union contracts with trade union organizations for the provision of services or the execution of works.

Article 77 of the labour reform proposes the modification of Article 481 of the current SLC, referring to the trade union agreement, stating:

"ARTICLE 481. PROHIBITION OF COLLECTIVE AGREEMENTS. It is forbidden to conclude plural or group agreements, regardless of their name, aimed at establishing working and employment conditions between employers and their associations and non-unionized workers, when trade union organizations are present at any level.

The individual rights and prerogatives contained in collective agreements, and any type of agreement that has a similar effect, will remain in force and once their term has expired may not be extended. Their benefits are understood to be incorporated into the individual employment contracts."

Although not applicable until it is approved by the Congress of the Republic, this demonstrates the government’s willingness to strengthen national and international commitments regarding collective rights and to move towards the construction of a fair, equitable working environment that respects workers’ trade union guarantees and rights.

3.1.3. Automatically extending collective bargaining agreements to all employees of a company, not just union members (*erga omnes*).

In accordance with the provisions of Article 470 of the Substantive Labour Code, subrogated by Article 37 of Decree 2351 of 1965, the scope of the collective agreement is defined for the members of the trade union who have concluded the agreement and for those who adhere to it, whenever the trade union is in the minority, as follows:

"ARTICLE 470. SCOPE OF APPLICATION. 1. Where a trade union whose members exceed one third of the total number of workers in the enterprise is a party to the collective agreement, the rules of the agreement extend to all workers in the enterprise, whether or not they are members of a union. 2. The provisions of this article also apply when the number of members of the trade union comes to exceed the limit indicated once the agreement has been signed..."

Regarding the application of the agreement by extension, its exclusions and its extension to all workers, the Supreme Court of Justice ruled that: *"2. The law establishes the mandatory scope of application of a collective agreement. In principle, it is only applicable to the contracting parties themselves, to members of the trade union that concluded it, to adherents to the agreement and to those who join it after it has been signed; but it must also be extended to all workers in the company whenever the covenanting union consists of more than a third of its staff, and in the event that a governmental act so provides, subject to compliance with the requirements indicated in Article 472 of the Substantive Labour Code. In exceptional cases, for special reasons, common law has allowed, upon agreement between the parties, the exclusion from the scope of application of certain workers, generally managers of the company, given their status as representatives of the employer, or even without the need for express agreement, in the case of legal representatives or negotiators of the employer. The regulation of events in which the application of the collective agreement is mandatory by law does not in any way prevent the employer from undertaking to apply the benefits derived from it to workers who are not included in the scope of application established by the law, unless the law expressly prohibits it for overriding reasons, as is the case, for example, with the management staff of certain public entities. (Law 4 of 1992, which states: "By means of which the standards, objectives and criteria to be observed by the National Government for the establishment of the salary and benefit system for public employees, members of the National Congress and the state security forces, and for the establishment of the social benefits of official workers, are stated, along with other provisions, in accordance with that set forth in Article 150, Paragraph 19, Letters e) and f) of the Political Constitution".*

3.1.4. Requiring multiple unions in the same company to form a bargaining team in order to secure a single collective agreement.

The common points in the lists of demands presented could be dealt with in a single session with the trade union organizations that have included them and, regarding the different or non-common points, different sessions could be held within the single bargaining table, in turn applying the provisions of Article 2.2.2.4.8 of Decree 1072 of 2015, which sets forth the procedure to be followed when several trade union organizations participate in the negotiations.

Should there be multiple unions in the entity, this procedure must be aligned with the existence of a unified list of demands, i.e., a single bargaining table where the members of the Bargaining Committee and their advisors will meet to hold conversations, discussions and debates on the points on the list so that agreements may be reached during the direct settlement stage, from which a single Collective Agreement must result.

However, in the event that such coordination activities have been carried out and it has not been possible to unify the lists of demands, collective bargaining must take place, taking into account that there is a single negotiating table, for greater practicality and efficiency.

Article 2.2.2.4.5 of Decree 1072 of 2015 contemplates one or more trade union organizations as parties to the negotiations. This means that the beginning of the collective bargaining process does not require the presence of all trade union organizations, due to the principle of or right to trade union autonomy, which gives trade unions self-determination and allows them to decide on the presentation of a list of demands.

3.1.5. Giving the right to strike to the highest level of trade unions.

A strike is defined in Article 429 of the Substantive Labour Code (SLC).

"Article 429. A strike is understood to be the temporary and peaceful collective suspension of work carried out by the workers of an establishment or enterprise to make economic and professional demands to their employers, following the procedures established in this title."

In Colombia, the right to strike is not absolute, but relative, since it can be restricted by general interest or the rights of others or whenever it results in a disturbance of public order. However, the restrictions imposed by the legislature on the right to strike cannot be arbitrary. The Constitutional Court, in more recent jurisprudence, has indicated that the restrictions regarding the exercise of the right to strike must be necessary, indispensable, reasonable and proportional to the intended purpose, to

avoid rendering it null and void or impracticable. Failure to do so would be an infringement of the freedom of association.

With regard to the prohibition of federations and confederations from striking, Article 417 of the Substantive Labour Code states that "*S(...)* All trade unions have, without limitation, the right to unite or form coalitions as local, regional, national, professional, or industrial federations, in the form of confederations. Federations and confederations are entitled to {recognition of} their own legal identity and the same powers as trade unions, **except for the declaration of a strike**, which is the exclusive competence, when authorized by law, of the respective trade unions or groups of workers directly or indirectly concerned." It is considered important to note that associations of trade union organizations, such as workers' federations and confederations, are the result of the expression of the will of various trade union organizations to organize and constitute a unified representative body as a spokesperson for the interests of workers at the collective level. This is an express, concrete and real manifestation of the right to trade union association and deliberation of all persons, including workers, and is also aligned with the principles of participation and representation, as well as the right to access spaces for deliberation.

The main functions of trade unions, referred to in Articles 373 and 374 of the SLC, do not include the obligation to be part of a trade union association organization, since it is the exercise and autonomous decision of the organization to consider and evaluate the reasons for forming or not forming an organization of trade unions. On the other hand, the functions of trade unions are aimed at protecting the interests of workers in relation to their employer, in order to create what constitutes the legitimate possibility of a collective labour dispute so that workers' conditions are optimized, with the sustainability and continuity - to the extent possible - of the economic activity.

Trade unions' right to collective bargaining and to strike does not extend to workers' federations and confederations, since the declaration of a strike is a decision that could directly and substantially affect the interests of affiliated workers. This decision may therefore only be made directly by trade union organizations, as they represent the will of the group of associated workers who came together for the particular purpose of ensuring that their interests are guaranteed, whether a company union (within the same workplace), industry union (the same economic activity), trade union (the same economic sector) or a union for various trades (different activities), in accordance with the provisions of Article 356 of the SLC. To this extent, it is the first-tier organizations that can directly bring a collective dispute before a specific employer, and not the second- and third-tier organizations.

However, with regard to the need to adopt measures to amend the legislation in relation to the prohibition of strikes by federations and confederations (Article 417, Paragraph i), the Colombian Government submitted to the Congress of the Republic of Colombia the draft bill "Through which a labour reform for dignified and decent work in Colombia is adopted", filed on August 24, 2023.

Article 73 of the labour reform proposes the modification of Article 417 of the current SLC, which refers to federations and confederations, so that the recommendations of the International Labour Organization are accepted and they can enjoy the same powers as first-tier trade unions, as follows:

"ARTICLE 73. Freedom of Assembly Article 417 of the Substantive Labour Code shall be amended to read as follows:

ARTICLE 417. FREEDOM OF ASSEMBLY *All trade unions have, without limitation, the right to unite or form coalitions as local, regional, national, professional or industrial federations, and these may form confederations. Federations and confederations have the right to their own **legal personality and the same powers as trade unions**" (bold added).*

3.1.6. Ensuring that all workers, regardless of the legal status under which they work, can join unions in practice.

The right to trade union assembly in Colombia is a fundamental right and constitutes a form of the right to free assembly, since it is based on the free will or the willingness of workers to formally establish permanent organizations that identify them and unite them to defend the common interests of their profession or trade, without prior administrative authorization or the interference or intervention of the State or employers, as enshrined in Articles 39 and 55 of the Constitution.

Article 39 of the Constitution excluded only members of the state security forces in order to preserve their absolute impartiality, since their primary function is to defend sovereignty, independence, the integrity of the territory and constitutional order.

Given their right to freedom of association, workers may come together to defend their common interests and enforce their employment guarantees, thereby obtaining the improvement of their working conditions, the recognition of new benefits and the demand of prerogatives derived from the Constitution, international agreements, the law and agreements entered into with employers.

Equally, this right is reinforced domestically through the so-called "constitutional block", by virtue of which different instruments of international law that directly or indirectly enshrine this prerogative are integrated, such as (i) the Universal Declaration of Human Rights of 1948; (ii) the International Covenant on Economic, Social and Cultural Rights; (iii) the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights; and (iv) Conventions 87 and 98 of the International Labour Organization (ILO), approved by Colombia through Laws 26 and 27 of 1976.

This constitutional right is developed in Articles 353 et seq. of the Substantive Labour Code (SLC), which enshrines the protection of the right to trade union association, freedom of association and classification, among others.

Article 356 of the SLC establishes the classification of unions as follows:

- a) A company, if they are made up of individuals from several professions, trades or specialties, who provide their services within the same company, establishment or institution.
- b) Industry or branch of economic activity, if they are made up of individuals who provide their services in different companies within the same industry or branch of economic activity.
- c) Guilds, if they are made up of individuals who share the same profession, trade or specialty.
- d) Of various trades, if they are made up of workers of different professions that are dissimilar or unrelated. The latter can only be formed in places where the number of workers who share the same activity, profession or trade does not reach the minimum required to form a trade union, and only as long as these circumstances subsist.

In view of the above, all workers in Colombia, without prejudice, given their right to freedom of association, are entitled to form permanent trade union organizations to defend their common interests. In accordance with legislation, contractors, unemployed persons, those who provide a service or have other contractual relationships have the right to decide whether or not to join an industry or trade union to defend their professional and trade union-related interests.

It is worth noting that through the writ for the protection of rights (tutela) Ruling 7928 of 2020, the Supreme Court of Justice states that company unions can be made up of individuals who are linked by means of civil or commercial contracts and who provide services to the same company.

On this different approach, in accordance with Convention 87, the High Corporation concludes that: "in view of the foregoing, the term 'workers' provided for in both standards must be understood in a broad sense and not limited to the category of 'salaried employees' or 'subordinates', so that, on this basis, independent workers cannot be excluded from company unions, under penalty of violating the right to freedom of association and equality. This interpretation is aligned with the provision in ILO Convention 87, 66, an international instrument that has binding force and is part of the constitutional block, within the domestic legal system."

Furthermore, with regard to the "legal status under which they work", it should be noted that the Constitutional Court, in its Ruling C-1188/05, declared Article 383 of the Substantive Labour Code enforceable, thereby protecting their right to unionize, on the understanding that it also applies to workers over 12 years of age and under 14 years of age, as long as they work exceptionally under special protection conditions.

Therefore: "The Court will declare the constitutionality of the regulation, on the understanding that this provision also applies to workers over 12 years of age and under 14 years of age, as long as they work exceptionally under

special protection conditions. Therefore, there is no reasonable criterion allowing for a legal classification that discriminates against a group of workers to be defined, especially if applies to children whose rights are guaranteed as a priority. The essential requirement of a welfare right, as seen above, is the need to participate in the protection of their rights, which refers to none other than those that can only be guaranteed collectively..."

Finally, we have ratified the guarantee that workers who have an assignment-based relationship, through legalized labour intermediary companies such as so-called 'temporary work' companies, do have the right to join a union. In addition, temporary employment companies are obliged to negotiate the lists of demands submitted by workers who have been sent on assignments to the companies that hired their services and who are part of an industry union.

3.1.7. Systematic collection of data on collective bargaining to track developments.

Collective bargaining in the public sector is provided for in Decree 1072 of 2015, which is compiled with Decree 160 of 2014. This regulation applies to the entire bargaining procedure, the negotiable aspects, the presentation of the unified list of demands, the establishment of the negotiating table, the creation of the unified bargaining committee by public servant organizations, the bargaining terms, collective agreements, mediation for dispute settlement, and other aspects. It should be noted that, in accordance with this Decree, bargaining in the public sector takes place both on a larger scale, where the National Government negotiates with public-sector Confederations and Federations, and on a smaller scale, where each entity negotiates with its union or unions. It is also of note that this negotiation took place in 2013, 2015, 2017, 2019, 2021 and 2023.

Regarding the latter, it is important to bear in mind that the National Government received 19 lists of demands that were not unified and were not presented by an established bargaining committee. Despite this, the National Government summoned the trade union organizations on March 9, 2023, for the establishment of the negotiating table and found that the aforementioned had not been complied with. Therefore, it suspended the bargaining terms until the provisions of Decree 160 of 2014, compiled in Decree 1072 of 2015, were complied with in relation to the requirements for the initiation of bargaining.

The 2023 bargaining process involves a total of 37 negotiating trade union organizations, including central unions, confederations and federations that represent public, sector workers. These organizations are listed below:

Board:

NAME OF TRADE UNION ORGANIZATION	ACRONYM	TIER	AFFILIATE
Central Workers' Union -	CUT	3	NA
Colombian Alternative Confederation of Labour -	C.A.T FEM	3	NA
Colombian Confederation of Public Servants -	SER NACIÓN	3	NA
Confederation of Public Servants and Public Services of Colombia	CSPC	3	NA
Confederation of Workers of Colombia	CTC	3	NA
General Confederation of Workers	CGT	3	NA
National Confederation of Workers	CNT	3	NA
Afro-descendant Raizal and Palequera Federation of the Colombian Labour Union	FEDEUSCTRAB AFRO-DESCENDANT, RAIZAL AND PALENQUERA	2	CTU USCTRAB
Colombian Federation of Educators	FECODE	2	Independent
Colombian Federation of Workers in the Penitentiary and Prison System	FECOSPEC	2	UTC
Colombian Federation of Workers and Public Servants	FECOTRASERVIPÚBLICOS	2	CTC
Federation of National Ethno-Educators and Workers	FEDETRAN	2	C.A.T FEM
Federation of National Ethno-Educators and Workers	FEDETRAN	2	C.A.T FEM
Transport Federation of the Colombian Labour Trade Union	FEDEUSCTRAB TRANSPORT	2	CTU USCTRAB
Sport, Welfare and Recreation Federation of the Colombian Labour Trade Union	FEDEUSCTRAB SPORT, WELLNESS AND RECREATION	2	CTU USCTRAB
State Federation	ÚNETE	2	Independent
State Federation of the Colombian Labour Trade Union	STATE FEDEUSCTRAB	2	CTU USCTRAB
National State and Public Services Federation	FEN	2	Independent
National Federation of Teaching Directors of Colombia	FENDIDOC	2	Independent

National Federation of the Colombian Labour Union	FEDEUSCTRAB NACIONAL	2	CTU USCTRAB
National Federation of Public Servants	FENASER	2	CSPC
National Federation of Public Servant Liaisers of Colombia	FENEC	2	Independent

Source: List of demands

With regard to the demands, the National Government received a total of 1813 demands on 19 sheets, which it then combined in a matrix in order to have a single source of information to facilitate the analysis of the demands. The list of demands received is shown below:

Board: Consolidated Demands

Trade Union Organization	Number of Consolidated Demands
Central Unions and Confederations CUT, CGT and CTC and Trade Union Federations: FECODE, FENALTRASE, UTRADEC, FECOTRASERVIPUBLICOS and UNETE	295
CNT	54
SER NACIÓN	69
FENEC	39
PROPAÍS	118
FENALTRAESP	78
FECOSPEC	20
UTC	243
FENASER	66
UTRAMMICOL	24
CSPC	65
FENASCOL	18
CTU USCTRAB - FEDEUSCTRAB SPORT, WELLNESS AND RECREATION - FEDEUSCTRAB SOCIAL	60
FEDUSCTRAB STATE - FEDEUSCTRAB INDIGENOUS AND TRIBAL PEOPLES	84

FEDEUSCTRAB NACIONAL - FEDEUSCTRAB AFRODESCENDIENTE, RAIZAL Y PALENQUERA - FEDEUSCTRAB TRANSPORT	110
FEDEUSCTRAB ENVIRONMENTAL - FEDEUSCTRAB HUMAN RIGHTS, PEACE AND TERRITORY - FEDEUSCTRAB EDUCATION, CULTURE, SCIENCE AND TECHNOLOGY	74
FEN	238
COLOMBIAN ALTERNATIVE LABOUR CONFEDERATION (C.A.T.FEM) - TRADE UNION FEDERATION OF WORKERS OF COLOMBIA (FEM) -	
FEDEASONAL - FEDETRAN - URPP	133
FENDIDOC	25
Total	1813

The National Government, after the installation, convened again on March 17, 2023, with the aim of starting negotiations; however, the trade union organizations express that there is no agreement on their side regarding the unification of the list of demands and bargaining committee. Therefore, the Government, respectful of union autonomy, has suspended the terms of negotiation until there is an agreement on the side of the unions.

The National Government convened on March 21, 2023, and the disagreement among the unions continued; however, it was agreed during the session that the bargaining would work with a central table and 12 sectoral tables:

Board:

No.	Sectoral roundtables
1	Justice
2	Health
3	Education
4	Government and Ethnic Affairs
5	Gender Equity
6	Mining and Energy
7	Agriculture and Livestock
8	Environment
9	Transport
10	Defense
11	External Relations, Social Dialogue, Peace and Territory
12	Follow-up on Previous Agreements
13	Central

After the National Government created spaces for the union bench to autonomously agree on a unified list of demands, in the session held on March 23, 2023, the union bench communicated the unification of the list to the Government, with 900 demands to start the negotiation. However, the Government kept the negotiation suspended because the bargaining committee had failed to comply with the provisions set forth in Decree 1072 of 2015 in relation to the degree of representation.

In a session held on March 28, 2023, the bargaining committee for the sectoral tables was agreed upon. It consisted of maintaining the same representation as in 2021, with the new trade union organizations being entitled to two (2) primary negotiators, in the case of a confederation or central union, and one (1) primary negotiator, in the case of a federation. Thus, considering the significant increase in federations for the current negotiation, the distribution of negotiators for the sectoral tables is presented below. It is important to clarify that the main negotiator and one (1) advisor have the right to be seated at the table, and the other negotiators will be present remotely, guaranteeing their participation in the statenegotiation:

Board:

Sectoral Roundtable	Main	Substitute	Adviser	Technical Secretaries	Total
Agriculture and Livestock	35	13	20		68
Environment	38	16	17		71
Central	72	37	48	7	164
Defense	30	17	25		72
Education	52	24	26		102

Gender Equality	34	24	19		77
Energy	30	18	13		61
Health	46	17	22		85
Transport	39	18	18		75
Justice and Supervisory Bodies	104	48	45		197
Relations External Affairs, Social Dialogue, Peace and Territory	43	14	21		78
Government and Ethnic Affairs	55	18	20		93
Follow-up on Previous Agreements	15	2	2		19

Likewise, on March 28, 2023, with the presence of the Government representatives of each sectoral roundtable, the 13 sectoral roundtables were formally established. Though each sectoral roundtable is part of a single negotiation and must follow the guidelines of the central roundtable, it will function autonomously in terms of the place of negotiation, schedules and the order of the issues to be negotiated.

The applicable 2023 National State Agreement was finally signed on June 22, 2023.

The register for collective bargaining in enterprises is being development with the support of the Government of Canada to make sure its evolution is monitored.

Accordingly, the Ministry of Labour has been developing the Trade Union Archive Information System (SIAS), which contains the following main features:

- Development and implementation of the SIAS to guarantee the protection of trade union rights provided for in the Colombian Constitution and laws.
- Coverage: National coverage for Trade Unions.
- Contracted Organization: National Agency for Digital Government – Ministry of ICT (MINTIC) of Colombia and the International Labour Organization.
- Project Status: Final tests, training of Ministry of Labour (MINTRABAJO) users, and implementation.

Benefits of the SIAS:

- It enables the creation of Trade Union Organizations.
- It maintains reliable information on its statutes, pacts, conventions, agreements, contracts and other actions.
- It issues all certifications required by the Trade Union Organizations.
- It generates reports and statistics on the subject.

3.2. Colombia should reflect on alternatives to a total ban on strikes in essential services (e.g. strikes restricted to a minimum level of service) and consider reintroducing mediation into the collective dispute resolution process

The Government of Colombia has guaranteed the right to strike as one of its rights, and this is enshrined in Article 56 of the Constitution. This right is closely related to the constitutional principles of solidarity, dignity and participation (Article 1 of the Constitution) and to the attainment of just social order (Article 2 of the Constitution), which is why it fulfils fundamental objectives for the social rule of law, such as balancing relations between employers and workers, resolving collective economic conflicts peacefully and materializing respect for human dignity and workers' rights.

Thus, the strike proves fundamental to the creation of a democratic, participatory and pluralist State, since it arises from the need to conduct labour disputes through democratic channels. It has also been pointed out that the right to strike responds to "the public interest and the general interest of a State that conceives itself as a social, constitutional and democratic State governed by the rule of law, insofar as it is aimed at giving effect to the rights of the vast majority of salaried workers and seeking greater balance, justice and equity in the labour relations typical of a capitalist economic model based on the labour-capital dynamic.

With regard to strikes in essential public services, Article 56 of the Political Constitution of Colombia excludes workers from public service companies considered essential by the law, and also establishes a legal reserve on strikes and the regulation of their exceptions. It specifically states that only the Legislator, i.e., Congress, may define which public services strikes are not guaranteed for, meaning that it is up to Congress to establish the specific regulatory framework for the strike in essential public services, without the Legislator being able to refer or delegate this power to other authorities in this matter.

In this regard, it should be borne in mind that given the adoption of the Social Rule of Law in the Colombian constitutional system, where collective interests must be reconciled with private interests; liberal and individual rights with general interests; collective rights with social projects; and economic freedoms with fundamental social purposes under the planned economy scheme. There can be no absolute rights or rights that cannot be deliberated when principles that are considered to hold greater social value exist.

The right to strike, although a fundamental right of trade union organizations, is not absolute; therefore, it may be subject to limitations, as is the case for areas where essential public services are provided. It is a matter of collective interest, through which many basic existential needs are met in order to guarantee the population's basic sustenance and maintenance. This is the case for public utilities, which, as services that exist to meet the basic needs of the population, such as the supply of

water, sewerage and basic sanitation, are considered essential public services, under the terms set forth in Law 142 of 1994.

Hence, the Constitutional Court has justified on several occasions and, therefore, deemed to be aligned with the purposes of the Social State, cases in which the right to strike by trade union organizations whose workers provide their services in public service companies, considered essential, are limited, as can be seen in the following constitutional extract.

Regarding the legislative amendment, the Colombian government presented the draft bill "By means of which a labour reform for dignified and decent work in Colombia is adopted", filed on August 24, 2023, before the Congress of the Republic of Colombia,.

Article 80 of the labour reform proposes the modification of Article 430 of the current SLC with respect to the definition of minimum service. The bill aims to limit strikes in essential public services in the strict sense of the term.

3.3. With better social dialogue and strengthened collective bargaining, Colombia should consider a gradual adjustment in the very high minimum wage to return it to its original role as a wage floor rather than a wage standard.

MINIMUM WAGE IN COLOMBIA

The Permanent Concertation Commission for the Harmonization of Wage and Labour Policies - a tripartite body created via Article 56 of the Political Charter - is responsible for establishing the current legal minimum wage. This Commission was regulated by Law 278 of 1996, of which Paragraph d) of Article 2 established the concerted determination of the minimum wage as one of its main tasks.

In turn, Article 8 defines the steps to be followed for the establishment of the Minimum Wage as follows:

"ARTICLE 8. The decisions of the Commission shall be taken via a consensus. The vote of each representational sector shall be that of the majority of its members.

PARAGRAPH. The Commission's decision regarding the setting of the minimum wage shall be taken no later than the fifteenth (15th) of December. If it is not possible to reach an agreement, the party or parties who do not agree must explain in writing the reasons for their reservations within forty-eight (48) hours. The parties are obliged to study these reservations and establish their position on them within forty-eight (48) hours. Again, the Commission must

meet to seek consensus based on the elements of the trial that have been gathered before December 30.

When consensus is definitely not reached on the minimum wage for the following year by December 30 at the latest, the government shall determine the same, considering the inflation target for the following year, as established by the Board of the Bank of the Republic and the productivity agreed upon by the tripartite productivity committee coordinated by the Ministry of Labour and Social Security, including, the contribution of wages to national revenue; the increase in gross domestic product (GDP) and the consumer price index (CPI)."

Thus, the aforementioned regulation clearly indicates the steps that must be followed to establish the Minimum Legal Wage for each year in a coordinated fashion. Nevertheless, a ruling was issued, stating that if there is no agreement on the issue by December 30 of each year, the National Government shall establish it based on parameters such as the inflation target for the following year, productivity, the contribution of wages to national revenue, the GDP increase and the CPI for the year that is about to end.

Such legislation was the subject of a constitutionality review in Ruling C-815 of 1999, in which the Honorable Constitutional Court reviewed the criteria contemplated in the law and concluded that they must all be taken into account together so that the minimum wage can be determined without losing its purchasing power. On that occasion, the Corporation stated:

(...)

"At this point, a legal provision that obliges the government to make periodic increases in the minimum wage based solely on the inflation calculated, predicted or scheduled for the following year, disregarding the real level of inflation that has taken place over the previous year, that has actually affected the income of workers, would violate the Constitution.

Moreover, the Court agrees with the statement issued by the Inspector General of the Nation, in the sense that the Government, in the hypothesis of the law, must assess the factors contained therein, but that, in any case, the salary adjustment it decrees may never be lower than the CPI percentage for the year that is ending. This is because, as the Public Prosecution Office says, the Government is obliged to ensure that wages maintain their purchasing power so as to guarantee minimum standards of living and mobility for workers and those who are dependent on them. Otherwise, it violates Article 53 of the Constitution.

It so happens that the provision that is the subject of the proceeding is not limited exclusively to the expressions being challenged, but contains other elements no less essential for its understanding and purposes, which are incorporated into the challenged to form a set of parameters and factors that the Executive must consider when setting the minimum wage, and that this Corporation must also consider to establish its constitutionality.

Accordingly, the contested legal passage cannot be read in isolation, in segmented form or removed from the context of the article, which must be understood and applied in a way that provides a comprehensive meaning. In other words, the inflation expected for the following year cannot be the only factor on which the Government's motivation for setting the new minimum wage is based. This must progress in order to maintain and increase the purchasing power of the currency in the hands of the workers, taking into account, with the same importance and impact, any other parameters that the article in question contemplates: the real inflation of the period ending, measured through the Consumer Price Index (CPI), which indicates the minimum increase, as stated above; the productivity agreed upon by the Tripartite Productivity Committee coordinated by the Ministry of Labour; the contribution of wages to national income; and the increase in gross domestic product (GDP). All of this must be included in the express reasons, on the basis of which the Government's decree is issued and must be oriented in light of the constitutional principles that have already been recalled."

(...)

It is evident, then, that the establishment of the minimum wage at one stage or another follows the regulations and the Jurisprudence of the Constitutional Court mentioned above, which clearly conclude that all the aforementioned factors must be taken into account for the annual increase of the legal monthly minimum wage and must be given equal weighting.

COLLECTIVE BARGAINING INDICATORS

1. Overview of Regulations and Newly Adopted Legislation

- Law 2208 of 2022. By means of which economic incentives are established to strengthen access and opportunities in employment and training for post-conviction probation and other provisions are issued – Second Opportunity Law".
- Law 2191 of 2022. "By means of which disconnection from work is regulated - work disconnection law."
- Decree 1427 of August 5, 2022. Decree "by means of which Title 3 of Part 2 of Book 2 of Decree 780 of 2016 is replaced, the economic benefits of the General Social Security Health System are regulated and other provisions are issued.
- Decree 1499 of August 3, 2022. Decree "by means of which Articles 2.2.1.4.3 and 2.2.1.4.4 of Decree 1083 of 2015, Sole Regulatory Decree of the Public Service Sector, are modified, in relation to the purpose and composition of the Roundtable "For public employment, the updating/expansion of the workforce,

the reduction of contracts for the provision of services and the guarantee of decent and dignified work".

- Decree 1227 of July 18, 2022. Decree "By which articles 2.2.1.5.3, 2.2.1.5.5, 2.2.1.5.8 and 2.2.1.5.9 are modified, and articles 2.2.1.5.15 to 2.2.1.5.25 are added to Decree 1072 of 2015, Single Regulation for the Job Sector, related to Telework".
- Decree 1040 of June 21, 2022. Decree "by means of which a paragraph is added to Article 2.2.5.1.16 of Chapter 1 of Title 5 of Part 2 of Book 2 of Decree 1072 of 2015, Sole Regulatory Decree of the Labour Sector, in order to regulate the value of the fees for the qualification of loss of working capacity of those who aspire towards the Periodic Humanitarian Benefit for Victims of the Armed Conflict".
- Decree 944 of June 1, 2022. Decree "by means of which Decree 1886 of 2015 is modified" and the Safety Regulations for Underground Mining Work are established.
- Decree 801 of May 16, 2022. Decree "By which Chapter 6 is added to Title 9 of Part 2 of Book 2 of the Single Regulatory Decree on the Job Sector 1072 of 2015, and the Public Policy on Informal Vendors is adopted".
- Decree 649 of April 27, 2022. Decree "by means of which Section 7 is added to Chapter 6 of Title 1 of Part 2 of Book 2 of Decree 1072 of 2015, Sole Regulatory Decree of the Labour Sector, related to the circumstances and conditions for the authorization of home-based work".
- Decree 555 of April 9, 2022. Decree "by means of which Section 6 is added to Chapter 6 of Title 1, Part 2, Book 2 of Decree 1072 of 2015, Sole Regulatory Decree of the Labour Sector, Article 17 of Law 2069 of 2020 and Law 2121 of 2021 are regulated, and remote work is regulated.

It should be noted that these are the standards as of December 2023, and there are no labour-related laws from 2023 because there are no records of their issuance.

2. Number of collective agreements in the private and public sectors (total and recently signed)

Table: List of Collective Bargaining Agreements from 2023

Type of Deposits	Public	Private	Mixed	SIN	Total
Union Contracts	2,599	83	3	3	2,688
Private sector collective bargaining agreements	26*	340	54	15	435
Public sector collective bargaining agreements	243	-	3	-	246

Source: Trade Union Archive Group. Ministry of Labour

Board: List of Collective Bargaining Agreements from 2017-2023

Collective bargaining agreements							
	2017	2018	2019	2020	2021	2022	2023
Private sector	380	490	572	194	273	372	340
Public sector	431	314	314	314	311	40	246
Total	811	804	886	508	584	412	586

*It is important to note that Collective Bargaining Agreements have different regulations under the public and private sectors.

3. Number of workers protected by collective agreements in the private and public sectors

With regard to the number of workers protected by collective agreements in the private and public sectors, the Trade Union Archive Group reports that it does not keep any statistics on the subject, since trade union organizations, in accordance with their trade union autonomy, are not obliged to report on this matter.

4. Number of collective agreements for non-unionized workers in the private and public sectors (total and recently signed)

Board: List of Collective Agreements for Non-Unionized Workers for 2023

Type of Deposits	Public	Private	Mixed	SIN*	Total
Collective agreements for non-unionized workers	-	136	1	-	137

Source: Trade Union Archive Group, Ministry of Labour

Board: List of Collective Agreements for Non-Unionized Workers for 2017-2023

Collective agreements for non-unionized workers							
	2017	2018	2019	2020	2021	2022	2023
Private sector*	141	192	203	90	114	192	137

*It is important to clarify that only in the private sector is this type of collective bargaining agreement signed and that it is governed by the same rules as ordinary private sector collective bargaining agreements, but the difference lies in the fact that these are aimed at non-unionized workers.

5. Number of workers protected by non-unionized collective bargaining agreements in the private and public sectors

With regard to the number of workers protected by collective bargaining agreements in the private and public sectors, the Trade Union Archive Group reports that it does not keep any statistics on the subject, since trade union organizations, in accordance with their trade union autonomy, are not obliged to report on this matter.

6. Number of arbitration tribunals convened and adjudicated

Board: Consolidated Arbitration Tribunals 2023

Year	Demands received	Tribunals convened	Arbitration awards (resolved)
2023	177	77	51

Source: Internal Labour Relations Working Group

Board: Consolidated Arbitration Tribunals 2017-2023

Number of arbitration tribunals convened and adjudicated						
2017	2018	2019	2020	2021	2022	2023
38	89	87	64	126	142	128

7. Number and duration of strikes

With regard to the number and duration of strikes in Colombia, the Ministry does not keep a record of the strikes carried out by the trade union organizations, nor the duration of such strikes.

8. CETCOIT: Number and stages of active cases, and number and outcomes of closed cases

The Special Committee for the Handling of Disputes before the ILO, known as CETCOIT, is a tripartite space where the different cases between the employers' organizations, the workers and the conciliating body are dealt with, and they join their continued conciliation agreement efforts for the resolution of such cases.

The focal points to be addressed within the spaces for dialogue are framed within ILO Conventions 87, 98, 151 and 154, ratified by Colombia within the framework of

collective bargaining, the right to freedom of association. This is a prerequisite for the creation of a space for dialogue in the Subcommittee.

In this consolidated statement, the current consolidated list of cases can be seen below:

Board: CETCOIT 2023

TOTAL CASES - INVENTORY 2023 (Court as of November 30, 2023)	50
2022 Cases	23
New Cases - Government of Change 2022-2023	27
New Cases Approved - Subcommittee Case Analysis 2023	10
Settlement and Closure of Cases 2023	4
Cases of Failed Agreement due to Lack of Facilitator	1
New Cases Pending Discussion for Next Session - Sub-Analysis	5
Cases Analyzed and Still Awaiting Approval	14

Source: Ministry of Labour of Colombia

Board: CETCOIT Consolidated Year 2017-2023

CASES PER YEAR	AGREEMENT	NO AGREEMENT REACHED	PENDING	TOTAL NO. OF CASES
2017	11	8	0	19
2018	12	4	0	16
2019	19	1	0	20
2020	12	1	7	20
2021	14	0	10	24
2022	1	2	23	26
2023	4	1	45*	50
TOTAL	73	17	85	175

*It is important to note that no facilitator has been appointed, which is why so many cases are pending.

Analysis 2012-2022

The review of the database indicates that from 2012 to 2022, CETCOIT analyzed 293 cases, with agreement reached in 191; in ninety-four (94) cases, no agreement was reached, and eight (8) cases are pending resolution.

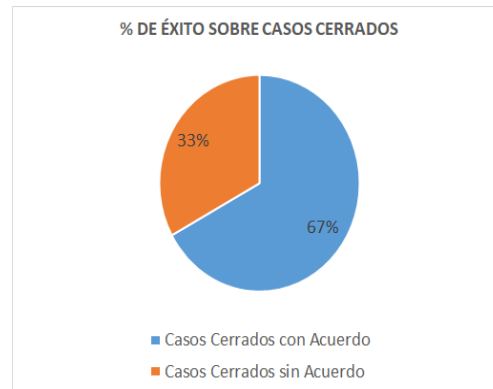
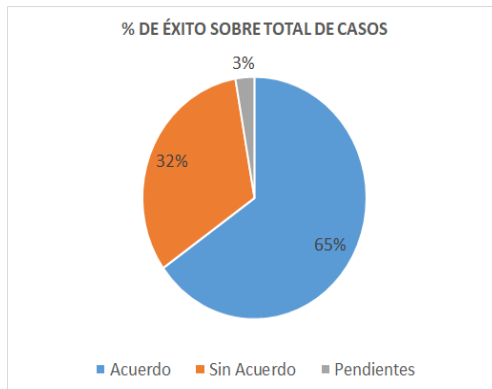
This indicates that the percentage of cases that were closed with an agreement, of the total number of cases analyzed, is 65%. Nevertheless, if the effectiveness of CETCOIT in closed cases is considered, of 285 closed cases, agreement was reached in 191 cases, providing an effectiveness percentage of 67%.

The following tables and graphs illustrate these statements:

TOTAL CASOS CERRADOS		
EN RESUMEN	NUMERO	PORCENTAJE
Casos Cerrados con Acuerdos	191	67%
Casos Cerrados sin Acuerdos	94	33%
TOTAL CASOS CERRADOS	285	

TOTAL CASES ANALYSED		
SUMMARY	NUMBER	PERCENTAGE
Agreement	191	65%
No Agreement	94	32%
Earnings	8	3%
TOTAL CASES ANALYSED	293	

Source: Success rate: authors' own creation using data from the Ministry of Labour of Colombia



Source: Success rate: authors' own creation using data from the Ministry of Labour of Colombia

CETCOIT's work goes beyond helping to reach an agreement. In 60% of the cases in which agreement was reached, CETCOIT has followed up on the fulfilment of the commitments made by the parties.

4

Violence against trade unionists

4.1. Develop a vision of zero tolerance for acts of violence and homicide against trade unionists through a suitable plan for the advancement of reforms and measures in line with the conventions ratified through the ILO.

In accordance with constitutional duties, the Office of the Attorney General of the Nation is responsible for prosecuting and investigating acts that constitute criminal offences and bringing charges against alleged offenders before competent courts and tribunals. In compliance with the institutional commitment to prioritize attention to the damages suffered by specific populations such as human rights defenders and trade union members, the Office of the Attorney General continues to implement the strategies described in the first three (3) follow-up reports submitted to the OECD in previous years. As stated in the progress reports, addressing victimization against these populations is an institutional objective defined in the 2020-2024 Strategic Direction Plan, "Results on the Streets and in the Territories" (Resultados en la Calle y en los Territorios).

As reported, in order to achieve these objectives, the Office of the Attorney General has defined institutional mechanisms for dealing with each crime in accordance with its specific characteristics. Thus, the Entity has a Strategy for the Investigation and Prosecution of Homicides against Trade Union Members and another for Homicides against Human Rights Defenders, including trade union leaders⁷. It also contains a team responsible for monitoring the behavior of the crime of violating the rights of assembly and association. Finally, it has been strengthening its institutional capacity to respond to threats against human rights defenders and trade union members.

4.2. Further strengthen the protection program for union members and leaders:

4.2.1. Maintaining adequate financial resources for the National Protection Unit.

To respond to this point, it is important to mention that the budget allocated to the National Protection Unit for the implementation of protective measures for trade unionists is a global pool of resources that are used in accordance with the demand for protection requests filed at the NPU, which are subjected to a risk analysis study

⁷ Under certain circumstances, unionized persons may have a dual status. On the one hand, they have access to constitutional protection as they are members of trade unions, and this condition can only be met by being a member of any trade union. On the other hand, in addition to being members of the trade union, they may carry out work to promote and defend human rights; in this case, they will not only be considered a trade unionist, but also a human rights defender, in accordance with the provisions of the United Nations Resolution on Human Rights Defenders. It is important to clarify that not all unionized persons enjoy this dual status, which only applies to those who carry out activities in defense of human rights. This is why some homicide cases are reported by organizations that follow the behavior of homicides against union members – regardless of leadership – while others are reported by those that follow the behavior of homicides against human rights defenders; sometimes, several victims are reported from both perspectives, as trade unionists and as defenders.

and may increase or decrease depending on the result of the study. These protective measures are granted to the beneficiaries and implemented in accordance with the recommendations of the Committee for Risk Assessment and Recommendation of Measures (CERREM) by means of an administrative act.

4.2.2. Implementing, in close collaboration with trade unions, the newly developed collective protection mechanism for trade unionists at risk

To respond to this point, it is important to mention that the budget allocated to the National Protection Unit for the implementation of protective measures for trade unionists is a global pool of resources that are used in accordance with the demand for protection requests filed at the NPU, which are subjected to a risk analysis study and may increase or decrease depending on the result of the study. These protective measures are granted to the beneficiaries and implemented in accordance with the recommendations of the Committee for Risk Assessment and Recommendation of Measures (CERREM) by means of an administrative act.

Furthermore, the Collective Protection Route is the set of actions adopted by the Colombian State, in a comprehensive and coordinated manner, to prevent risk, counter threats and minimize the vulnerabilities of the groups and communities that are part of the Protection Program. The requirements are as follows:

1. The Registration Form for the Prevention and Collective Protection Program must be filled out with the details of the group or community. This can be downloaded from the website: <https://www.unp.gov.co/atencion-y-servicios-a-la-ciudadania/formulario-de-solicitud-de-proteccion-colectiva/>
2. The duly completed form must be submitted to the nearest PNU service point or to any State institution (Municipal Legal Representative Office, Ombudsman's Office, Attorney General's Office, mayors' offices, etc.) or to the e-mail address correspondencia@unp.gov.co, along with the following documents:
 - Photocopy of both sides of the identity document of the applicant or legal representative (where applicable).
 - Certification of the existence and representation of the group by the competent authority. In the absence of this document, the social recognition will be verified by the Committee for Risk Assessment and Recommendations for Collective Measures (CERREM). Some of the following characteristics will be considered, without limitation to the same:
 1. Having clearly defined common goals.
 2. Meeting temporarily or permanently in order to achieve their goals.
 3. Sharing cultural, social and/or political traits.
 4. Being geographically located in a specific part of the national territory.

5. Being organized and duly cohesive.
 6. Having an identified or identifiable spokesperson or leader(s) representing the community or group.
3. A copy of the certification of the complaint submitted by the applicant or representative to the Attorney General's Office or any other entity, if possible only.
 4. Annexes, at the discretion of the applicant, that are related to the victimizing events.

“(…)

a. Budget for trade unionists (total and per person).

b. Number of trade unions receiving protection (individual protection versus collective protection).

(…)”

4.3. Demonstrate progress in reducing impunity rates for both violence and threats against trade unionists and crimes against the right to freedom of assembly and collective bargaining via the following:

Since the beginning of 2023, the Attorney General's Office has been made aware of eight victims of homicide against unionized individuals. These are being under investigation in the ordinary courts and, to date, investigative progress has been made towards clarification⁸ in 50% of these cases.

Finally, the Office of the Attorney General of the Nation continues to follow up on the crime of violation of the rights of assembly and association, implementing actions for the advancement of the prosecution and the qualification of prosecutors' knowledge.

⁸ The indicator of progress in obtaining answers includes only the cases in which the Attorney General's Office has been able to determine the conditions of time, manner and place in which the events occurred, has identified the alleged perpetrator and, at the very least, has managed to get an arrest warrant authorized by a judge of the Republic. This indicator includes cases that are currently in the investigation stage, include an effective arrest warrant, an indictment and trial and for which a judgement of conviction has been issued, as well as those that have been precluded due to the death of the suspect.

4.3.1. Ensuring that investigations of crimes against trade unionists are a priority for the government and holding the Elite Group (Grupo Élite) responsible for investigations into crimes against trade unionists at the Attorney General's Office.

The Attorney General's Office continues to strengthen and implement the different strategies that described in the reports that provide an account of the results achieved in 2020, 2021 and 2022 regarding the strategy for investigating and prosecuting crimes against human rights defenders and following-up on homicides committed against unionized individuals, they continue to be a priority issue for the Entity.

During 2023, the Special Investigation Unit provided support in addressing a number of homicide cases against trade union leaders, within the framework of the implementation of the strategy for the investigation and prosecution of crimes against human rights defenders. The Delegate for Territorial Security continued with cases of homicide in which the person belonged to a trade union, but did not exercise any type of leadership work. The Specialized Directorate against Human Rights Violations continued its work with a number of cases related to the events that occurred during this reporting period (2017-2023).

The procedural results for the crime of homicides against trade unionists will provide a detailed explanation on its cumulative behavior from January 1, 2017, to December 7, 2023, in accordance with the time frame requested by the OECD.

4.3.2. Demonstrating tangible progress in the resolution of all crimes against trade unionists, securing convictions where appropriate.

I. Murder of trade unionists

- On this topic, the actions that continued during 2023 have been described below.
- Coordination, within the Attorney General's Office, of the strategies for investigating murders of trade union members and human rights defenders and voluntary manslaughter.
- A prosecutor from the national level was appointed to advance the legal proceedings for the cases of trade unionists and follow up on them to find answers..
- Follow-up at the Office of the Deputy Attorney General of the Nation.
- Implementation of the Protocol for Victimological profiling due to Serious Human Rights Violations, issued in 2022.
- Within the framework of the implementation of the Institutional Education and Training Plan, the course "Litigation Skills for the Investigation and Prosecution of Crimes against Human Rights Defenders" was conducted.

II. Article 200 - violation of the rights of assembly and association:

a. Nature of the offence

It is important to recall that Article 200 of the Penal Code criminalizes the violation of the rights of assembly and association. This offence was created⁹ in order to protect the right to freedom of association in the context of labour relations, especially with regard to unionized workers.

This offence penalizes the following conduct:

(i) preventing lawful assembly, (ii) disrupting lawful assembly, (iii) impeding the exercise of rights granted by labour laws, (iv) disrupting the exercise of rights granted by labour laws, and, finally, (v) retaliating against a legitimate strike, assembly or association. Hence, the offence is constituted not only by obstructing the legitimate meetings of workers or their demonstrations, but also by grossly violating the rights granted to them by law or by making decisions against them on the basis of their trade union¹⁰status and activity.

A complaint for the offence of violation of the rights of assembly and association must be lodged by a unionized or non-unionized worker or by a trade union organization (complainant)¹¹ that considers that it is facing the occurrence of this offence, within a period of no more than 6 months as of the date it took place. It must indicate against whom the complaint is filed; in this case, against an employer, managers or even employees who have participated in the act (defendants).

Conciliation is mandatory and must be carried out before the appropriate prosecutor at a conciliation center or before a conciliator. The unjustified non-attendance of the complainant will be understood as the withdrawal of the claim. If the conciliation results in an agreement, the case will be closed and the conciliation settlement has the effect of *res judicata* once the parties reach agreements on their claims.

Actions carried out during 2023

- **Training**

With the support of the Directorate of Higher Studies, a specific training course continues to be provided for prosecutors, assistants and case investigators to develop tools that will enable them to understand aspects related to the crime of violation of

⁹ By law, this offence is prosecutable, with conciliation as a procedural requirement. Since 2017, since the enactment of Law 1826, the crime of violation of the rights of assembly and association has had an abbreviated special criminal procedure that allows the process to move forward within a shorter period of time, as it modifies and suppresses some of the measures in the traditional procedure. Likewise, this offence is subject to prosecution and conciliation is a procedural prerequisite required for criminal proceedings to take place.

¹⁰ File No. 11001310405620080002202, Superior Court of the Judicial District of Bogotá, Criminal Division. August 2, 2012. MP. Luis Mariano Rodríguez Roa.

¹¹ During criminal proceedings, the complainant may voluntarily withdraw from the proceedings or terminate them by signing an agreement or conciliation before the prosecutor up until the investigation stage or before the judge at the trial stage. The participation of the victim is essential.

the rights of assembly and association, as referred to in Article 200 of Law 599 of 2000 (Colombian Penal Code).

During 2023, a new training program was carried out. that enjoyed the participation of 19 employees at the entity from the different Sectional Directorates of the country that manage cases assigned to this subject. It was delivered by trainers from the Attorney General's Office and civil servants attached to the Ministry of Labour. The topics discussed are strategic and aligned with the needs indicated by the Directorate of Higher Studies among the target population. The agenda focused on the following topics:

- Fundamentals of collective labour rights.
- Investigation and prosecution of crimes related to the violation of the rights to free assembly and association.
- Workshop on good practices for the investigation and prosecution of crimes related to the violation of the rights to free assembly and association.
- Conciliation techniques in cases of violation of the rights to free assembly and association.
- Abbreviated Special Criminal Procedure.

• **Conciliation in Colombian Criminal Law**

The Attorney General's Office continues to promote conciliation, since it is an effective mechanism for guaranteeing people's right of access to justice in criminal matters and for resolving legal disputes quickly and without delay. In this regard, it should be reiterated that, according to Colombian procedural law, a conciliation agreement has the same legal effects as a judgment, i.e.: (i) it resolves the conflict between the parties and (ii) it establishes judicially enforceable obligations.

According to the Colombian Constitutional Court: "Judicial conciliation is an alternative means to the resolution of the conflict, through a decision or ruling. In this sense, it is a special way of putting an end to the process, with the third party who leads this type of conciliation being the judge in the case, who not only proposes settlement formulas, but also approves or ratifies that which has been agreed by the parties, granting it the effect of *res judicata*. In some cases, such conciliation operates as a procedural requirement."¹²

In matters of criminal law, conciliation is an exception, since the investigation and prosecution of crimes is the exclusive obligation of the State, and it fulfills this obligation through the actions of the Office of the Attorney-General of the Nation. Conciliation allows the affected parties to participate in the resolution of the dispute and seeks to promote social peace. It is important to note that conciliation decentralizes access to justice as it can take place in multiple victim assistance

¹² Constitutional Court Judgment C-902/08

centers, before a prosecutor, in private or public conciliation centers, before equity conciliators or before public servants authorized by law for this purpose.

4.3.2. Ensuring the timely resolution of cases of violence and threats against union members, including the hiring of a third labour court judge.

The Strategy for the Investigation of the Crime of Threats against Human Rights Defenders has been in force since 2018. Likewise, thanks to Resolution 0-775 of 2021, early intervention in response to complaints of threats against the aforementioned population was strengthened. Attention was immediate thanks to the support provided in the investigation and prosecution of the crime at the national level through coordination with the 35 Sectional Directorates of the Attorney General's Office and the prioritization of cases that require urgent action.

Moreover, it includes a 24-hour service for receiving complaints about threats made against human rights defenders. It uses shifts according to availability¹³ to carry out Urgent or Immediate Acts of Investigation. This information has been shared with different confederations and the different unions in the country through meetings, working groups and via response to requests addressed to the entity.

4.3.3. Annually publishing statistics on investigations and indictments, as well as the timing of the cases.

- **Sharing of the Booklet for the Investigation of the Crime of Violation of the Rights of Assembly and Association.**

By means of Resolution 0439 of May 25, 2022, the "Booklet for the Investigation and Prosecution of the Crime of Violation of the Rights of Assembly and Association" was adopted within the Attorney General's Office.

At the conciliation workshops at the different Sectional Directorates of the country, held with the aim of generating a space between the complainants and the accused, not only to achieve consensus and finalize the process, but also to raise awareness about this type of conduct, the booklet issued by the Office of the Attorney-General of the Nation for the investigation of the crime of violation of the rights of assembly and association" is shared. The booklet addresses the legal bases of the right to association and the right to trade union membership; the right to negotiate; strikes; collective bargaining agreements and trade union contracts, thereby raising

¹³ On a weekly basis, each Prosecutor in the Group provides shifts when they are available, to carry out urgent action (statements, selective search hearings in databases, interceptions and searches, etc.) that may be conducted as a result of threats against social leaders or human rights defenders in the country. The objective is to collect the elements of proof and/or physical evidence that will allow us to fully identify the perpetrators responsible for the threats.

awareness on topics such as the concepts and legal protection mechanisms of trade unions.

It was also distributed to the prosecutors of the entity, and particularly in the regions with the highest concentration of cases.

- **Promotion of cases – support workshops**

During 2023, actions aimed at promoting investigations into violations of the rights of assembly and association were deepened, especially in sections that had a high number of complaints associated with such crimes. To this end, three prominent prosecutors were appointed with the aim of bolstering these active cases. As part of these strategies, special sessions were organized in the Bogotá Section, where complainants were summoned so that each case could be analyzed in detail. This initiative not only made it possible to perform a thorough review of the files, but also to implement concrete measures and therefore move forward with the respective complaint.

At these workshops, a space for joint analysis was fostered and union members and leaders were invited to provide an invaluable strategic perspective so that the cases could be addressed from a broader perspective. This collaboration facilitated a joint understanding of the cases, which resulted in better investigative actions.

Thus, these review sessions not only focused on the files, but also on the formulation of concrete actions with a view to promoting and moving these cases forward.

Furthermore, two prosecutors were appointed to provide impetus to the cases under investigation in order to strengthen indictment transfers, cases in trial and cases subject to conciliation (it is important to remember that the pre-procedural stage is indispensable for this indictable crime, so the requirement of the summons to conciliation must be met). Within this framework, the following activities are of note:

- Accompaniment to three Sectional Directorates (regional offices of the Attorney General's Office): Bogotá, Medellín and Atlántico.
- An auxiliary prosecutor who has knowledge and experience in this type of crime and the technique of the early termination mechanism - namely conciliation - was of particular importance.
- During the visits, it was possible to convene and carry out conciliation workshops, in which legal representatives of the companies and the trade unions participated.
- A review was carried out of 174 cases in which the violation of the rights of assembly and association is being investigated with the aim of giving procedural power to the files and guiding the prosecutor so they can issue the orders to the judicial police as appropriate.
- The booklet was disseminated to each of the prioritized sectional directorates and to the trade unions and representatives of companies attending the conciliation hearings.

- It was possible to clear 50% of the active cases reported between 2011 and 2022 for the Directorate of Bogotá.

4.4. Evaluate the effectiveness of the mandatory conciliation phase as required by criminal proceedings for Article 200 of the Penal Code.

In the report submitted in 2021, the Attorney General's Office explained the effectiveness of the mandatory conciliation phase as a procedural requirement in the investigation and judgement of Article 200 of the Colombian Penal Code.

Report on the shifts for availability in 2023

The information analyzed pertains to the period corresponding to shift 1, which began on January 3, 2023, and the shift that took place until December 1 of this year. A total of 642 cases have been received in the various reception areas available to the Group, including the trade union population.

Timely resolution of threats

Of particular note among the activities carried out in 2023 was the sentence issued by a Judge of the Republic against a person who threatened leaders of the union SINALTRAINAL (the National Union of Food Industry Workers). The incident under investigation is linked to the Santander Sectional Directorate, which, by applying different investigation methodologies, was also able to formulate charges and present indictments in other cases.

During 2023, workshops for the review, characterization, decongestion and prioritization of the active load associated with threats (347 and 188E) were held as a late intervention strategy. To this end, the National Working Group for Threats (NWGT) established a plethora of cases reported for the crime of threats with cut-off date December 31, 2022. With this information, the analysts determined the cases that would be the subject of the workshop and set a schedule that would allow the results to be obtained.

As part of the process of institutional strengthening and accompaniment carried out at the 35 Sectional Directorates of the Attorney General's Office, in 2022, the NWGT provided support for the cases being addressed by leading prosecutors through which the most recurrent modalities under which threats were made were identified. Based on the findings, methodological plans were developed, orders were issued to the judicial police and cases were evaluated in order to move forward with the proceedings. This support guarantees the immediate investigation of this crime in order to contribute to the adoption of protection measures and rapid, effective prosecution, carrying out investigative work at all times, to identify and detect the

alleged perpetrator of the threatening action at the individual level, going through all the due diligence.

Specifically, in the three situations prioritized by the Threats Group (the mining and energy sector, the education sector and Valle del Cauca), the analysis and investigative activities continue as follows:

- The analysis of the threats against trade unionists who are part of these sectors and region continues.
- Regarding sectors, the areas with the highest concentration of threats made against trade unionists have been analyzed. For example, in the mining and energy sector, an exhaustive review of the case of threats made against members of the Barrancabermeja Labour Union (USO) was carried out.
- Analysis of criminal actors in the area who are allegedly responsible for the acts.
- Analysis of the method used to make the threat: WhatsApp, Facebook, phone call, pamphlet, or others.

Moreover, the Attorney General's Office has continued to issue guidelines to its officials to provide them with clarity in the investigation of crimes that affect human rights defenders in Colombia the most. Thus, on October 9, the Attorney General of the Nation issued Directive 0008, "by means of which the guidelines regarding the investigation and prosecution of crimes committed against human rights defenders are updated." This complements Directive 002 of 2017 and establishes five guidelines:

- Core guidelines for the investigation and prosecution of crimes against human rights defenders.
- Guidelines for the investigation of crimes against human rights defenders in cases where the perpetrator is a criminal organization.
- Investigative guidelines for victim profiling.
- **Additional guidelines on threats against human rights defenders.**
- Procedural guidelines for the effective prosecution of crimes against human rights defenders.

The Attorney General's Office continues to comply with the recommendations of the OECD and will continue to promote the various strategies that make it possible to address crimes in which the victim is a member of the union or the union itself.

4.5. Critically and independently examine the role of the Mobile Anti-Riot Squadron (ESMAD) and its excessive use of force. In cooperation with social spokespersons, take steps to address outstanding recommendations on serious and urgent cases issued by the ILO Committee on the Freedom of Association, regarding violence against members of unions.

To advance in the National Police's institutional transformation process, **Laws 2179 of 2021 (Police Career Statute) and 2196 of 2022 (Police Disciplinary Statute)**, were enacted. This process seeks to strengthen the professionalization of the police service, public confidence in the institution and the recognition of its legitimacy through a coordinated, professional and contextualized police service that is consistent with the guarantees and prerogatives for the full exercise of public rights and freedoms such as social protest, freedom of expression and human rights, in harmony with new jurisprudential developments and international human rights standards.

Furthermore, in order to strengthen the culture of respect for and guaranteeing of human rights among the National Police, the National Government, by way of Article 22 of Decree No. 113 of 2022, "by means of which the structure of the National Defense Ministry is modified", created the role of **Human Rights Commissioner** of the National Police. The Commissioner is in charge of upholding the promotion, respect, guarantee and protection of human rights; the legitimate use of force; and the application of International Humanitarian Law in institutional action.

Likewise, the National Police issued **Instruction 009 of September 25, 2022**, which establishes the "**institutional guidelines for the restoration of order.**" As a result of this provision, the National Defense Ministry and the National Police have updated operational resolutions and regulations, in light of international human rights standards, to ensure greater compliance with international human rights standards and international principles on the use of force and less-lethal weapons.

In this regard, through **Resolution No. 1091 of March 31, 2023**, the "Manual for the Attention to Public and Peaceful Assembly and Demonstrations and Riot Control for the National Police" was issued. This regulates police action in order to protect the exercise of the right to peaceful public assembly and demonstration and establishes the guidelines for intervention in the event of violent acts that may affect the right to peaceful public demonstration, flagrant violation of the Law, or situations that put the lives and integrity of the participants in imminent danger.

Furthermore, the Mobile Anti-Riot Squad (ESMAD), within the framework of the More Humane Police (policía + humana) Transformation Process of the National Police, has substantially modified its main purpose of action and strengthened the training of its police personnel, assigning greater importance to the protection of human rights and

social dialogue. Thus, the **Unit for Dialogue and Maintenance of Order (UNDMO) was created**, which zooms in on the action of dialogue and the peaceful resolution of situations of social conflict and makes them more relevant.

Furthermore, the National Police issued **Transitory Operational Directive No. 005 on March 31, 2023**, which is "a guideline for the implementation of the comprehensive institutional action model for public and peaceful demonstration and riot control" through which it establishes the parameters and responsibilities within the context of respect towards human rights for the effective performance of the police service in the face of public demonstration activities, thereby helping to guarantee the exercise of this right.

Moreover, **the Security, Defense and Citizen Coexistence Policy titled "Guarantees for Life and Peace"** outlined the importance of strengthening the legitimacy of the state security forces based on respect for human rights, including guarantees for the right to assembly from the perspective of institutional transformation processes.

In this sense, the Policy established two strategies with specific actions:

1. A strategy for strengthening the legitimacy of the security forces (integrity, transparency, human rights and gender), which incorporates the mainstreaming of differential approaches in the policies and management of the sector and the process of updating the Human Rights and International Humanitarian Law Policy;
2. A strategy for advancing in the strengthening of the National Police through the **More Humane Police Transformation Process**.

This process has a Permanent Ministerial guideline for its direction and implementation, **Directive 09 of June 15, 2023**. This contains an architecture for defining **the axes of transformation, one of which includes "2. Respect for the right of assembly and association"**, with a working methodology established by **four bodies: the Board of Directors; the Technical Roundtable; the National Police Transformation Team and the External Advisory Board**.

Considering this recommendation, it is important to clarify that the Mobile Anti-Riot Squad (ESMAD) no longer exists as part of the National Police of Colombia. In 2022, within the framework of the More Humane Police Transformation, the Unit for Dialogue and Maintenance of Order (UNDMO)¹⁴, was created as an alternative to the formerly existent ESMAD, with a new focus on using less aggressive crowd control methods, prioritizing dialogue as an alternative to conflict resolution, and making efforts to improve police-community relations during protests and riots.

The mission of this unit can be found in the second article of Resolution 03684 of 11/11/2022, as follows:

(...) 'ARTICLE 2. MISSION. The Unit for Dialogue and Maintenance of Order is the section of the National Sub-Headquarters of the Police Service responsible

¹⁴ "Whereby the organizational structure of the Unit for Dialogue and Maintenance of Order is defined, the functions of its internal units are determined and other provisions are issued."

for dealing with public and peaceful gatherings and demonstrations, protests and strikes when warranted by circumstances of time, manner and place, and to intervene during disturbances of public order such as acts of rebellion, riots, violent protests, or any other criminal, violent or antisocial activity that is derived from the agglomeration of people in public or private spaces of the national territory, for the restoration of the exercise of public rights and freedoms"(...).

These changes confirm that the National Police respects and guarantees the provisions of Article 37 of the Political Constitution of Colombia of 1991, which states that any members of the people may assemble and demonstrate publicly and peacefully. Only the law may expressly establish the cases in which the exercise of this right may be restricted. In the same vein, the institution applies the first sentence of Article 15 of the American Convention on Human Rights, which states that the right to assembly and demonstration must be practiced peacefully and free of weapons.

As a complement to this change, Resolution 1091 of 2023¹⁵ was issued with the Manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the National Police, which included suggestions from organized civil society in order to protect the exercise of this right. It also established guidelines for intervening in violent acts that may affect it, during gross violations of the law, or in situations where the lives and integrity of the participants, personnel of the National Police and third parties are in imminent danger. All the aforementioned is based on the primacy of dialogue, respect for human rights, current international regulations, the Political Constitution of Colombia and other standards that are part of the domestic legal system.

Article 4 of this Manual the use of mechanisms for dialogue by the National Police, thereby facilitating the exercise of the right to public and peaceful assembly and demonstration, and reducing the use of force. This comprehensive approach is also reflected in Area 11 of Permanent Directive 09 of 2023, which establishes measures to improve the police service, such as the creation of a new policing action manual and the updating of protocols for containment and less-lethal weapons.

Similarly, Article 7 of Resolution 1091 establishes the Minimum Attention Units (MAU) that are not attached to the UNDMO, but rather to personnel belonging to the Metropolitan Police, Police Departments, senior staff and Available Forces, who are trained to attend to the right of assembly and public and peaceful demonstration, framed in the primacy of dialogue.

Article 10 describes the Specialized Intervention Units (SIU), made up of mobile units of the UNDMO that are trained, qualified and equipped to carry out interventions under the principles of necessity, proportionality, legality, rationality and differentiation in agglomerations of people where there may be disturbances, riots, flagrant serious infractions of the law or situations that put lives in imminent danger and alter the public order, security and coexistence, after having exhausted dialogue. When dealing with public and peaceful meetings or demonstrations and riot control,

¹⁵ "Whereby the Manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the National Police of Colombia is issued".

the use of firearms is prohibited by the police that are part of the SUI or the MAU, as well as the five stages for attention and intervention: 1) anticipation; 2) planning; 3) attention; (4) intervention; and 5) evaluation.

Thus, the action of the Unit for Dialogue and Maintenance of Order at a public demonstration should be understood as the last resort for controlling acts of violence committed by individuals or specific groups.

Furthermore, with regard to the "recently adopted regulations and legislation", in addition to what has already been stated, the actions carried out by the Unit for Dialogue and Maintenance of Order are implemented in the interest of respecting and protecting human rights and fundamental freedoms at all times, particularly when the possibility of resorting to the use of force is considered. With this in mind, UNDMO's police activities are carried out in accordance with the following legal guidelines:

International

- International Covenant on Civil and Political Rights, Articles 2, 6, 7, 9 and 13.
- International Covenant on Economic, Social and Cultural Rights, Articles 8.1, 8.2 and 12.
- Convention against Torture, Preamble, Paragraph 4 and 6; Articles 1, 2 and 4.
- American Convention on Human Rights, Articles 2, 4, 5, 7 and 27.
- Universal Declaration of Human Rights, Articles 3 and 5.
- Code of Conduct for Law Enforcement Officials. Resolution 34/169 of 17 December 1979. The United Nations.
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Eighth United Nations Congress, 1990.
- American Declaration of the Rights and Duties of Man.
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Paris, January 1993.

National

- Political Constitution of Colombia, Articles 2, 6, 11, 12, 13, 81, 90, 93, 122, 213, 216, 218 and 222.
- Law 62 of 1993, Articles 1, 3, 9, 10, 12, 13, 16, 17 and 19.
- Law 525 of 1999, which approves the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction" signed in Paris on January 13, 1993. Law 599 of 2000, "whereby the Colombian Penal Code is issued".
- Law 906 of 2004, "whereby the Code of Criminal Procedure is issued".
- Law 1801 July 29, 2016, Articles 10, 11, 12, 13, 14, 16, 17, 20, 21, 22, 149, 154, 155, 156, 157, 163, 166 and 167.
- Decree 003 of 05/01/2021, "by which the protocol of preventive, concomitant and subsequent actions, called 'STATUTE OF REACTION, VERIFICATION OF THE LEGITIMATE USE OF FORCE BY THE STATE AND PROTECTION OF THE RIGHT TO PEACEFUL CITIZEN PROTEST', is issued".

Institutional Doctrine

- Resolution 02903 of 06/23/2017, "by which the Regulations for the use of force, weapons, ammunition, and less-lethal elements and devices by the National Police are issued".
- Resolution 01681 of May 28, 2021, "by which the Verification Protocol in Cases of Capture and Transfer of Persons during any Rally, Meeting or Act of Protest is adopted and agreed upon by the Office of the Attorney General of the Nation and the National Police".
- Resolution 01716 of 05/31/2021, "which establishes the parameters for the use of less-lethal weapons, ammunition, elements and devices for the provision of the police service".
- Resolution 03684 of 11/11/2022, "which defines the organizational structure of the Unit for Dialogue and Maintenance of Order, the functions of its internal sections and other provisions".
- Resolution 1091 of 03/31/2023, "whereby the manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the Colombian National Police is issued".
- Transitory Operational Directive 005 DIPON - JESEP of 31/03/2023, "guidelines for the deployment of the Comprehensive Institutional Action Model for Public and Peaceful Demonstration and Riot Control".
- Instruction 006 JESEP- UNDMO- of 07/08/2023, "Criteria for the identification of the anti-riot equipment used by National Police personnel", Procedure 1 CS-PR-0008, "RIOT CONTROL".
- Procedure 1 CS-PR-0010, "SUPPORT AND INTERVENTION IN DEMONSTRATIONS".
- Permanent Directive 09 of 2023.

In this regard, it is important to reiterate that the actions of the personnel assigned to the Unit for Dialogue and Maintenance of Order (UNDMO) will be a last resort, under the precept that the use of force as the material, necessary, proportional and rational means by the uniformed personnel of the National Police is the last physical resource used to protect the life and physical integrity of persons, without a prior written order, to prevent, impede or overcome the threat or disturbance of coexistence and public safety, in accordance with the law.

INDICATORS OF VIOLENCE AGAINST TRADE UNIONISTS

1. Overview of recently adopted regulations and legislation.

To advance in the process of institutional transformation of the National Police, Laws 2179 of 2021 (Police Career Statute) and 2196 of 2022 (Police Disciplinary Statute)

were enacted. These laws seek to strengthen the professionalization of the police service, citizens' trust in the institution and the recognition of its legitimacy through a coordinated, professional and contextualized policing service that is consistent with the guarantees and prerogatives for the full exercise of public rights and freedoms such as social protest, freedom of expression and human rights in harmony with new jurisprudential developments and international human rights standards.

Furthermore, in order to strengthen the culture of respect for and guaranteeing of human rights among the National Police, the National Government, by way of Article 22 of Decree No. 113 of 2022, "which modifies the structure of the Ministry of National Defense", created the figure of the Human Rights Commissioner for the National Police, who is in charge of leading the promotion, respect, guarantee and protection of human rights, the legitimate use of force and International Humanitarian Law in institutional action.

Likewise, the National Police issued Instruction 009 of September 25, 2022, which establishes the "institutional guidelines for the restoration of order." As a result of this provision, the National Defense Ministry and the National Police have updated operational resolutions and regulations, in light of international human rights standards, to ensure greater compliance with international human rights standards and international principles on the use of force and less-lethal weapons.

In this regard, by means of Resolution No. 1091 of March 31, 2023, the "Manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the National Police" was issued, which regulated police action in order to protect the exercise of the right to public and peaceful assembly and demonstration, and also established guidelines for intervention in violent acts that may affect the right to public and peaceful demonstration, gross violations of the Law, or situations that put the lives and integrity of the participants in imminent danger.

Furthermore, the Mobile Anti-Riot Squad (ESMAD), within the framework of the More Humane Police (policía + humana) Transformation Process of the National Police, has substantially modified its main purpose of action and strengthened the training of its police personnel, assigning greater importance to the protection of human rights and social dialogue. Thus, the Unit for Dialogue and Maintenance of Order (UNDMO) was created, which focuses on and gives more relevance to the action of dialogue and the peaceful resolution of social conflict.

This 2022 modification took place within the framework of the More Humane Police Transformation and the UNDMO is an alternative to the formerly existing ESMAD, with a new focus on using less aggressive crowd control methods, prioritizing dialogue as an alternative to conflict resolution and improving relations between the police and the community during protests and riots.

The mission of this unit can be found in the second article of Resolution 03684 of 11/11/2022, as follows:

(...) ARTICLE 2. MISSION. The Unit for Dialogue and Maintenance of Order is the section of the National Sub-Headquarters of the Police Service responsible for dealing with public and peaceful gatherings and demonstrations, protests

and strikes when warranted by the circumstances of time, manner and place, and for intervening in situations public order disturbances such as acts of rebellion, riots, violent protests or any other criminal, violent or antisocial activity derived from the agglomeration of people in public or private spaces of the national territory, for the restoration of the exercise of public rights and freedoms (...).

These changes confirm that the National Police respects and guarantees the provisions in Article 37 of the Political Constitution of Colombia of 1991, which states that any members of the people may assemble and demonstrate publicly and peacefully. Only the law may expressly establish the cases in which the exercise of this right may be restricted. In the same vein, the institution applies the first sentence of Article 15 of the American Convention on Human Rights, which states that the right to assembly and demonstration must be practiced peacefully and free of weapons.

As a complement to this change, Resolution 1091 of 2023, which issues the Manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the National Police, included suggestions from organized civil society in order to protect the exercise of this right. It also established guidelines for intervening in violent acts that may affect it, during gross violations of the law, or in situations where the lives and integrity of the participants, personnel of the National Police and third parties are in imminent danger. All the aforementioned is based on the primacy of dialogue, respect for human rights, current international regulations, the Political Constitution of Colombia and other standards that are part of the domestic legal system.

Article 4 of this Manual promotes the use of mechanisms for dialogue by the National Police, thereby facilitating the exercise of the right to public and peaceful assembly and demonstration, and reducing the use of force. This comprehensive approach is also reflected in Theme II of Permanent Directive 09 of 2023, which establishes measures to improve the police service, such as the creation of a new police action manual and the updating of protocols for containment and less-lethal weapons.

Similarly, Article 7 of Resolution 1091 establishes the Minimum Attention Units (MAU) that are not attached to the UNDMO, but rather to personnel belonging to the Metropolitan Police, Police Departments, senior staff and Available Forces, who are trained to attend to the right of assembly and public and peaceful demonstration, framed within the primacy of dialogue.

Article 10 establishes the Specialized Intervention Units (SIU), made up of mobile devices of the UNDMO that are trained in situations that put life in imminent danger and alter public order, security and coexistence after having exhausted dialogue. When dealing with public and peaceful meetings or demonstrations and riot control, the use of firearms is prohibited by the police that are part of the SUI or the MAU, as well as the five stages for attention and intervention: 1) anticipation; 2) planning; 3) attention; (4) intervention; and 5) evaluation.

Furthermore, the Policy of Security, Defense and Citizen Coexistence, "Guarantees for Life and Peace" outlined the importance of strengthening the legitimacy of the state

security forces based on respect for Human Rights, which includes guarantees for the right of assembly from the perspective of institutional transformation processes.

In this sense, the Policy established two strategies with specific actions: 1. A strategy for strengthening the legitimacy of the security forces (integrity, transparency, human rights and gender) through the mainstreaming of differential approaches in the policies and management of the sector and the process of updating the Human Rights policy and International Humanitarian Law; 2. A strategy for advancing in the strengthening of the National Police through the more Humane Police Transformation Process.

This process has a Permanent Ministerial guideline for its direction and implementation, Directive 09 of June 15, 2023, with an architecture for defining the axes of transformation, which include respect for the right to assembly and association, with a working methodology instituted by four bodies: the Board of Directors; the Technical Roundtable; the National Police Transformation Team and the External Advisory Board.

These changes confirm that the National Police respects and guarantees the provisions in Article 37 of the Political Constitution of Colombia of 1991, which states that any members of the people may assemble and demonstrate publicly and peacefully. Only the law may expressly establish the cases in which the exercise of this right may be restricted. In the same vein, the institution applies the first sentence of Article 15 of the American Convention on Human Rights, which states that the right to assembly and demonstration must be practiced peacefully and free of weapons.

Furthermore, with regard to the "recently adopted regulations and legislation", in addition to what has already been stated, the actions carried out by the Unit for Dialogue and Maintenance of Order are implemented in the interest of respecting and protecting human rights and fundamental freedoms at all times, particularly when the possibility of resorting to the use of force is considered. Under this understanding, UNDMO's police activities are carried out in accordance with the following legal guidelines:

International

- International Covenant on Civil and Political Rights, Articles 2, 6, 7, 9 and 13.
- International Covenant on Economic, Social and Cultural Rights, Articles 8.1, 8.2 and 12.
- Convention against Torture, Preamble, Paragraph 4 and 6; Articles 1, 2 and 4.
- American Convention on Human Rights, Articles 2, 4, 5, 7 and 27.
- Universal Declaration of Human Rights, Articles 3 and 5.
- Code of Conduct for Law Enforcement Officials. Resolution 34/169 of 17 December 1979. The United Nations.
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Eighth United Nations Congress, 1990.
- American Declaration of the Rights and Duties of Man.

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Paris, January 1993.

National

- Political Constitution of Colombia, Articles 2, 6, 11, 12, 13, 81, 90, 93, 122, 213, 216, 218 and 222.
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- Law 906 of 2004, "whereby the Code of Criminal Procedure is issued".
- Law 1801 July 29, 2016, Articles 10, 11, 12, 13, 14, 16, 17, 20, 21, 22, 149, 154, 155, 156, 157, 163, 166 and 167.
- Decree 003 of 05/01/2021, "by which the protocol of preventive, concomitant and subsequent actions, called 'STATUTE OF REACTION, VERIFICATION OF THE LEGITIMATE USE OF FORCE BY THE STATE AND PROTECTION OF THE RIGHT TO PEACEFUL CITIZEN PROTEST', is issued".

Institutional Doctrine

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- Resolution 01681 of May 28, 2021, "by which the Verification Protocol in Cases of Capture and Transfer of Persons during any Rally, Meeting or Act of Protest is adopted and agreed upon by the Office of the Attorney General of the Nation and the National Police".
- Resolution 01716 of 05/31/2021, "which establishes the parameters for the use of less-lethal weapons, ammunition, elements and devices for the provision of the police service".
- Resolution 03684 of 11/11/2022, "which defines the organizational structure of the Unit for Dialogue and Maintenance of Order, the functions of its internal sections and other provisions".
- Resolution 1091 of 03/31/2023, "whereby the manual for Attention to Public and Peaceful Assembly and Demonstration and Riot Control of the Colombian National Police is issued".
- Transitory Operational Directive 005 DIPON - JESEP of 31/03/2023, "guidelines for the deployment of the Comprehensive Institutional Action Model for Public and Peaceful Demonstration and Riot Control".
- Instruction 006 JESEP- UNDMO- of 07/08/2023, "Criteria for the identification of the anti-riot equipment used by National Police personnel", Procedure 1 CS-PR-0008, "RIOT CONTROL".
- Procedure 1 CS-PR-0010, "SUPPORT AND INTERVENTION IN DEMONSTRATIONS".
- Permanent Directive 09 of 2023.

In this regard, it is important to reiterate that the actions of the personnel assigned to the Unit for Dialogue and Maintenance of Order (UNDMO) will be a last resort, under the precept that the use of force as the material, necessary, proportional and rational means by the uniformed personnel of the National Police is the last physical resource used to protect the life and physical integrity of persons, without a prior written order, to prevent, impede or overcome the threat or disturbance of coexistence and public safety, in accordance with the law.

2. Number of reported cases of killings and different types of violence against trade union members and leaders.

With regard to events that occurred between 2017 and December 7 of 2023¹⁶, 251¹⁷ active cases were identified, of which 199 are in the pre-procedural stage, with conciliation likely, 49 in investigation and 3 in the trial stage.

3. National Protection Unit

a. Budget for trade unionists (total and per person)

It is important to clarify that the average budget used in the months in question is given; however, this derives from an integration process in which it is

consolidated by population, but it is not possible to deliver the same breakdown by person in each month.

REPORTE DE COSTOS MENSUALES PARA EL FILTRO: GÉNERO: TODOS - FILTRO DE LÍDERES: NO - POBLACIONES: RIESGO-3.											
COSTO TOTAL ACUMULADO		\$ 23.964.772.024,28									
TOTALES	\$ 29,47 M	\$ 36,44 M	\$ 9,11 M	\$ 15.737,98 M	\$ 5.906,47 M	\$ 611,57 M	\$ 1.392,94 M	\$ 9,86 M	\$ 223,07 M	\$ 7,85 M	\$ 23.964,77 M
MES	MEDIOS DE COMUNICACION	CHALECOS DE PROTECCION	BOTONES DE APOYO	HOMBRES DE PROTECCION	VEHICULOS DE PROTECCION	COMBUSTIBLE	DESPLAZAMIENTOS	APOYOS ECONOMICOS	TIQUETES	VIATICOS	TOTAL MES
ENE	4.254.200,0	7.187.700,0	1.308.010,0	1.945.992.386,5	697.392.847,9	77.336.117,5	186.256.895,0	,0	13.837.041,0	976.908,0	2.934.542.106,0
FEB	4.206.400,0	7.187.700,0	1.308.010,0	1.862.926.554,3	677.509.448,1	80.064.014,7	135.459.560,0	4.640.000,0	17.896.322,0	5.286.011,0	2.796.484.020,1
MAR	4.206.400,0	1.377.000,0	1.308.010,0	1.923.898.149,8	877.760.149,5	90.266.286,1	201.476.330,0	,0	36.833.462,0	,0	3.137.125.787,4
ABR	4.278.100,0	3.010.900,0	1.363.670,0	2.472.738.865,4	919.261.422,0	88.793.949,0	188.365.215,0	1.740.000,0	40.663.379,0	,0	3.720.215.500,4
MAY	4.302.000,0	4.387.900,0	1.308.010,0	2.448.680.356,2	919.261.422,0	92.952.144,6	237.647.195,0	1.740.000,0	39.752.410,0	397.251,0	3.750.428.688,8
JUN	4.206.400,0	10.409.700,0	1.280.180,0	2.541.741.842,4	907.643.786,0	87.500.695,0	232.244.625,0	1.740.000,0	36.347.458,0	,0	3.823.114.686,4
JUL	4.019.640,0	2.882.450,0	1.238.688,0	2.542.006.221,7	907.643.786,0	94.655.925,4	211.490.850,0	,0	37.737.974,0	1.185.700,0	3.802.861.235,1
AGO											
SEP											
OCT											

¹⁶ Procedural management data is delivered cumulatively and not by year, which means that the results for the cases have been obtained over the entire period, not in one year.

¹⁷ Regarding the figures provided, it should be taken into account that the SPOA information system is dynamic and the figures recorded in it may vary from one query to another based on the daily updates carried out by the entity. Figures obtained previously may not match exactly.

b. Number of trade unions receiving protection (individual versus collective protection)

It should be noted that in the bases available to date in this Sub-Directorate we do not have a variable that allows us to filter how many unions we protect, as the measures are assigned individually to a person who may belong to one union or another.

To date, however, only one union is registered collectively with an administrative act: the National Union of Agricultural Industry Workers (Sintrainagro).

SINDICATO NACIONAL DE TRABAJADORES DE LA INDUSTRIA AGROPECUARIA SINTRAINAGRO CÓDIGO ID: 860050143-9			
POBLACIÓN	SUBPOBLACIÓN	IMPLEMENTADO	PENDIENTE
RIESGO-3. Dirigentes o activistas sindicales.	3.1. Dirigente Sindical.		1
		\$	\$

MEDIDAS QUE REGISTRA

20 HP 10 VC

DEPARTMENT	COLLECTIVE	MEN OF PROTECTION	CONVENTIONAL VEHICLES
ANTIOQUIA	1	20	10

c. Average time needed to complete the risk assessment process

The average time needed to complete the risk assessment process is 30 days from the moment the applicant or protected person expressly, freely and voluntarily declares whether or not he/she accepts to be part of the protection program until the case is assigned to the Committee for Risk Assessment and Recommendation of Measures (CERREM) in accordance with the provisions of Decree 1139 of 2021 in its article.

ARTICLE 2.4.1.2.40. Ordinary proceeding of the protection program. The regular proceeding for the protection program is as follows:

4. Submission of the result of the risk assessment to CERREM within a period of no more than 30 working days from the moment the applicant gave his/her consent to be linked to the program.

Finally, it is important to note that this information is of a RESERVED nature, as set forth in Articles 72 and 83 of Law 418 of 1997; Section 13 of Article 2.4.1.2.2 and Section 3 of Article 2.4.1.2.47 of Decree 1066 of 2015; Articles 18 and 19 of Law 1712 of 2014; Sections 2 and 3 of Article 5, and Article 24 of Law 1437 of 2011, Code of Administrative and Contentious-Administrative Procedural Code (CPACA). In view of this, we urge you to continue to maintain this information due to the legal implications of its inadequate disclosure. The documents and information provided should not be part of archives to which the public has access.

4. Attorney General's Office

a. Budget of the Attorney General's Office.

As stated in previous reports, the Attorney General's Office does not have a budget for specific programs or issues. The Entity's budget is allocated to two main items: operation and investment.

Regarding operation, for 2023 the Attorney General's Office had a budget of 4,644,349,300,000 Colombian pesos (approximately 1,071,908,901.13 euros¹⁸). These resources must be used to cover staff costs, acquire goods and services, finance the victim and witness protection program, pay the social benefits of the employees of the Attorney General's Office, and pay for the rulings of judgments and settlements.

It is important to note that this information is public and may be consulted by anyone. In this particular case, the Attorney General's Office, in accordance with Article 74 of Law 1474 of 2011 and Article 9 (b) of Law 1712 of 2014, publishes information on the budget, budget execution and financial statements on its website: (www.fiscalia.gov.co).

As indicated in previous reports, the investigation and prosecution of offences committed against unionized persons is carried out by a number of sections. This is because criminal prosecution in these cases requires coordinated and articulated action from the entire institution, making it therefore very difficult to quantify the budget allocated to the implementation of the Strategy, since the work of the prosecutors is occasionally supported by some officials who intervene to learn about the subject matter.

¹⁸ Exchange rate on December 7, 2023: 4,333 Colombian pesos to 1 euro.

REPORTE DE COSTOS MENSUALES - POBLACIÓN RIESGO 03

MES	MEDIOS DE COMUNICACIÓN	CHALECOS DE PROTECCIÓN	BOTONES DE APOYO	HOMBRES DE PROTECCIÓN	VEHÍCULOS DE PROTECCIÓN	COMBUSTIBLE	DESPLAZAMIENTOS	APOYOS ECONÓMICOS	TIQUETES	VIÁTICOS	TOTAL MES
ENERO	\$ 4.254.200	\$ 7.187.700	\$ 1.308.010	\$ 1.945.992.386	\$ 697.392.847	\$ 77.336.117	\$ 186.256.895	\$ -	\$ 13.837.041	\$ 976.908	\$ 2.934.542.104
FEBRERO	\$ 4.206.400	\$ 7.187.700	\$ 1.308.010	\$ 1.862.926.554	\$ 677.509.448	\$ 80.064.014	\$ 135.459.560	\$ 4.640.000	\$ 17.896.322	\$ 5.286.011	\$ 2.796.484.019
MARZO	\$ 4.206.400	\$ 1.377.000	\$ 1.308.010	\$ 1.923.898.149	\$ 877.760.149	\$ 90.266.286	\$ 201.476.330	\$ -	\$ 36.833.462	\$ -	\$ 3.137.125.786
ABRIL	\$ 4.278.100	\$ 3.010.900	\$ 1.363.670	\$ 2.472.738.865	\$ 919.261.422	\$ 88.793.949	\$ 188.365.215	\$ 1.740.000	\$ 40.663.379	\$ -	\$ 3.720.215.500
MAYO	\$ 4.302.000	\$ 4.387.900	\$ 1.308.010	\$ 2.448.680.356	\$ 919.261.422	\$ 92.952.144	\$ 237.647.195	\$ 1.740.000	\$ 39.752.410	\$ 397.251	\$ 3.750.428.688
JUNIO	\$ 4.206.400	\$ 10.409.700	\$ 1.280.180	\$ 2.541.741.842	\$ 907.643.786	\$ 87.500.695	\$ 232.244.625	\$ 1.740.000	\$ 36.347.458	\$ -	\$ 3.823.114.686
JULIO	\$ 4.019.640	\$ 2.882.450	\$ 1.238.688	\$ 2.542.006.221	\$ 907.643.786	\$ 94.655.925	\$ 211.490.850	\$ -	\$ 37.737.974	\$ 1.185.700	\$ 3.802.861.234
AGOSTO	\$ 3.996.270	\$ 7.527.250	\$ 1.210.536	\$ 2.553.110.149	\$ 1.038.623.625	\$ 92.413.960	\$ 190.078.225	\$ -	\$ 46.939.816	\$ 286.211	\$ 3.934.186.042
SEPTIEMBRE	\$ 3.972.900	\$ 1.505.450	\$ 1.238.688	\$ 2.497.590.512	\$ 986.484.370	\$ 93.428.424	\$ 237.054.230	\$ -	\$ 42.260.069	\$ 2.725.680	\$ 3.866.260.323
TOTALES	\$ 37.442.310	\$ 45.476.050	\$ 11.563.802	\$ 20.788.685.034	\$ 7.931.580.855	\$ 797.411.514	\$ 1.820.073.125	\$ 9.860.000	\$ 312.267.931	\$ 10.857.761	\$ 31.765.218.382

Source: National Protection Unit

Therefore, the data and information from the National Protection Unit of Colombia (UNP) are as follows:

MONTH	TOTAL
JANUARY	\$ 2,934,542,104
FEBRUARY	\$ 2,796,484,019
MARCH	\$ 3,137,125,786
APRIL	\$ 3,720,215,500
MAY	\$ 3,750,428,688
JUNE	\$ 3,823,114,686
JULY	\$ 3,802,861,234
AUGUST	\$ 3,934,186,042
SEPTEMBER	\$ 3,866,260,323
TOTAL	ARS 31,765,218,382

Source: National Protection Unit.

b. Number of prosecutors assigned exclusively to offenses committed against trade unions

The National Working Group on Threats (NWGT) has grown gradually; in fact, today it is made up of ten (10) prosecutors, each of whom is supported by one (1) assistant prosecutor and a team of analysts and investigators. It even has the support of members of the National Police, especially the group of the Elite Corps specializing in threats, and the Police Cyber Center of the DIJIN/SIJIN. One of the prosecutors referred to is exclusively dedicated to investigating threats against union leaders and the unionized population.

c. Number of judicial police investigators supporting these prosecutors

As indicated in reports from previous years, it is not possible to define the exact number of judicial police officers involved in investigations. It should be noted that the prosecutors who support this strategy work alongside the Judicial Police attached to the National Police (DIJIN) and the Technical Investigation Team (CTI), according to availability in the territory and the shift assigned to these groups.

5. Prosecuting crimes against unionized persons

a. Number of active cases related to violence and threats against unionized persons, and their respective stages in the justice system.

Results 2017–2023

Between January 1, 2017, and December 7, 2023, the Attorney General's Office was informed of 119 cases, and is investigating a total of 115¹⁹ cases with 119 victims in the ordinary courts; three cases are being investigated in the Special Indigenous Court and one in the Military Criminal Justice Court. The application of the Attorney General's investigative strategies has made it possible to make progress towards the resolution of **55.65 per cent (64 cases)** of the homicides investigated in the ordinary courts, as follows:

- 20 cases in execution of sentences.
- 23 cases on trial.
- 4 cases with indictments.
- 13 cases with an arrest warrant issued by a judge
- 4 cases precluded due to the death of the accused.

It is important to note that during 2023 significant progress has been made towards resolving the homicides committed against trade unionists in the period under study. For 2021, the progress stood at 43.16%, with 41 cases having made progress; for 2022, it stood at 46.82%, with 53 cases resolved; and for this year, as indicated above, the figure stands at **55.65%**, which indicates an increase of **8.83** percentage points compared to the previous year and **12.49%** compared to 2021.

The investigative and prosecution advances are given below.

¹⁹ This data was obtained from a consultation by the Sub-Directorate of Policies and Strategy of the SPOA information system and the comparison of the information with the Sectional Directorates of the Attorney General's Office.

Killings of trade unionists 2017-2023

Year	Inquiry	Inquiry with arrest warrant	Imputation	Judgment	Execution of sentences	Closed	Preclusion - death of accused	Total ²⁰
2017	4	1	1	0	6	4	2	18
2018	7	4	0	8	7	5	1	32
2019	2	4	0	5	1	5	0	17
2020	4	1	1	4	2	2	1	15
2021	5	1	1	1	0	2	0	10
2022	5	2	1	4	4	0	0	16
2023	6	0	0	1	0	0	0	7
Total	33	13	4	23	20	18	4	115

- Of the 20 cases in which sentences were carried out, there were 23 convictions. Since the delivery of the first report in February 2021, 11 additional judgments have been issued to date.
- The implementation of the actions defined in the strategy show a greater number of those responsible for the facts.
- For the period 2017-2023, the most affected areas continue to be Cauca (31 cases) and Valle del Cauca (18 cases).
- Of the 115 cases of homicides against trade unionists, in 35 the victim was a person who exercised leadership tasks, i.e. a human rights defender. The following table shows the procedural progress.

Stage	No. Cases
Execution of sentences	12
Judgment	6
Imputation	1
Inquiry with arrest warrant	3
TOTAL	22

Events that occurred from 2016-2023

- In the case of trade union leaders, **62.86% have moved towards resolution.**

²⁰ This data may vary from year to year depending on the characterization of the victims and the update that has been given in the SPOA information system.

b. Number of active cases relating to offenses against the right to freedom of association and collective bargaining (Article 200), and their respective stages in the justice system

In the study period, 2017 – 2023, the Attorney General's Office managed to bring 107 cases to conciliation with agreement between the parties for the crime of violation of the rights of assembly and association. As explained, these agreements have the same effects as a judgment, i.e. they settle the dispute and establish judicially enforceable obligations. It is important to highlight this progress, considering that cumulatively from 2017 – 2020 the Attorney General's Office had 59 cases with conciliation and for 2021 and 2022 it added 30 more, figures that reflect the application and strengthening of the strategies implemented from the central level.

For this last year, 18 additional conciliations were achieved. Important commitments made by companies in the food and beverage sector are of particular note, as are the benefits for the unions of these professions.

Cases in Trial

According to the latest report from the SPOA Information System, there is a record of 3 cases in court. The dates of complaint for these trials are as follows:

Year of complaint	No. of Trials
2017	1
2018	1
2019	1

The incidents took place in Antioquia, Tolima and Santander against unions in the industry, security and public sectors.

Cases with sentences

For the crime of violation of the rights of assembly and association, there have been five final acquittals. The events took place in Bogotá, Caldas, Tolima and Valle del Cauca against unions in the energy, food and public sectors. It is important to note that these sentences were appealed by the Attorney General's Office and finally the judge's superior decided to uphold the acquittals.

c. Number of closed cases related to violence and threats against trade unionists, and their results

Results 2017-2023

- From 2017 to December 7, 2023, the Attorney General's Office received 1,410 cases, of which 1,159 (82%) have already been closed. The grounds for case closure per year are indicated below:
- 4 cases with acquittals, appealed.
- In 107 cases, a settlement was reached. In these cases, the parties, before the prosecutor, agreed to terminate the criminal proceedings subject to the fulfillment of conditions that were agreed upon. It is very important to note that the conciliation settlement has the same effects as a judgment issued by a judge and therefore generates specific obligations for the parties. Conciliation between the parties is essential for case closure, as it contributes to labour peace.
- 133 proceedings terminated by the withdrawal of the worker or the complainant trade union organization. This information is important, as the resolution in these cases was negotiated between the workers and the company.
- 692 cases (59.71%) were closed. In 55.78% of these cases, it was established that the criminal conduct did not exist. In 29.19% of the cases, the case was closed due to an illegitimate complainant.
- Other causes: 223 cases ended the investigation due to reasons such as the termination of the criminal action, preclusion, or extinguishment of the complaint, among others.

c. Number of closed cases relating to offences against the right to freedom of association and collective bargaining (Article 200) and their results

Convictions

As has been reported on several occasions, the Office of the Attorney-General of the Nation continues to investigate events that occurred in periods other than the one under study. The number of convictions for the crime of homicide is as follows:

- For events that occurred from 2011-2023: 83 convictions.
- For events that occurred prior to 2011: 847 convictions²¹.

²¹ Events from 1988 to 2010.

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4th **Post-Access Report to the OECD**
Employment, Labour and Social
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February 2024

International Cooperation
and Relations Office
Minister of Labour of Colombia
2024