

Labour Market Profile Colombia – 2020/2021



This updated profile provides a comprehensive overview of the labour market situation in the country.

*Danish Trade Union
Development Agency*



ULANDSSEKRETARIATET – DTDA
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PREFACE

Danish Trade Union Development Agency (DTDA) is the development organisation of the Danish trade union movement. This agency was established in 1987 by the two largest Danish confederations – Danish Federation of Trade Unions (Danish acronym: LO) and Danish Confederation of Professionals (Danish acronym: FTF). These confederations merged to become the Danish Trade Union Confederation (Danish acronym: FH) in January 2019. Correspondingly, former known as LO/FTF Council was changed to DTDA.

The work of DTDA is in line with the global Decent Work Agenda (DWA) based on its pillars: creating decent jobs, guaranteeing rights at work, extending social protection, and promoting social dialogue. The overall development objective of DTDA's interventions in the South is to eradicate poverty and support the development of just and democratic societies by furthering the DWA.

DTDA works in partnership collaboration with trade union organisations in Africa, Asia, Latin America, and the Middle East. The immediate objective of the programme implementation is to assist the partner organisations in becoming change-agents in their own national and regional labour market context, capable of achieving tangible improvements in the national DWA conditions, and towards the achievement of the labour-related Sustainable Development Goals (SDGs).

The format of the Labour Market Profile (LMP) provides a comprehensive overview of the labour market situation in the individual countries of engagement. The profile is divided into nine thematic sections describing the economic performance, labour legislation, social partners, social dialogue, violations of trade union rights, working conditions, the general status of the workforce, education, and social protection.

In the framework of DWA and SDGs, LMPs are following several central indicators addressing aspects of labour market development, especially the unionism evolution, social dialogue and bi-/tri-partite mechanisms, policy development and legal reforms, status vis-à-vis ILO conventions and labour standards, among others.

Primary sources of data and information for LMPs are:

- As part of programme implementation and monitoring, national partner organisations provide annual narrative progress reports, including information on labour market developments. Furthermore, specific types of data and information relating to key indicators are collected using a unique data collection tool.
- National statistical institutions and international databanks are used as a source for collection of general (statistical) data and information such as ILOSTAT and NATLEX, World Bank Open Data, ITUC Survey of Violations of Trade Union Rights, the U.S. Department of State as well as other international recognised labour-related global indexes.
- Academia and media sources (e.g. LabourStart, national news, among others) are furthermore used in the available research on labour market issues.

Labour Market Profiles for more than 30 countries are available on DTDA's website:

<https://www.ulandssekretariatet.dk/>.

DTDA prepared the Labour Market Profile in collaboration with the DTDA MENA sub-Regional Office in Tunisia. If any comments or questions arise to the profile, please contact Mr. Kasper Andersen (kan@dtda.dk) from DTDA.

Cover photo covers Cerrejón, a large open-pit coal mine in Colombia, located in the southeast of the department of La Guajira, close to the border with Venezuela. It was photographed by Carsten Flint Hunneche

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EXECUTIVE SUMMARY

Colombia has been among the fastest-growing economies in Latin America, and in May 2020 formally entered the Organisation for Economic Co-operation and Development (OECD). The minimum wage experienced an upward trajectory during the 2010s, supporting the advancement of the middle-class among the employed. It remains one of the lowest minimum wages in South America, though. Income inequality continues to be rampant. The economy entered a deep recession in 2020 caused by the global coronavirus (COVID-19) pandemic. This condition mounted an overwhelming challenge on all fronts, and a series of employment-related measures were launched. For example, the main economic sectors were in quarantine that triggered a high increase in the unemployment rate, which signalled an upsurge in poverty. Progress in the education system was stalled. The scope of a system of subsidies for those who are worst off was far below the minimum wage.

Central international trade agreements created attention to addressing workers' rights in the country during the 2010s. Although it prompted legal changes, the results reached just partial progress or even some with no progress due to the persistent rigid labour regulations. For example, at the branch-level in the private sector, the application of outsourcing methods stymied collective bargaining. Also, up to 95% of Colombian firms are micro-enterprises that most often operate in the informal economy, contesting the improved measurements, e.g. labour inspections. On the positive side, a novel process of collective bargaining in the public sector increased significantly during the 2010s.

Tripartite institutions structures are performing. Colombian employers are ranking cooperation in labour-employer relations at medium-level. For the last three decades, the trade union membership rate was negatively affected by the application of controversial employment methods and anti-unionism measures. Even in the 2010s, the trade union density punctured, reaching around 12% of employees in 2019, which was four percentage points lower than Latin America average. Although the number of registered cases concerning violations against unionists dropped during the 2010s, it continues to be unacceptably high. The country stays ranked at the bottom of the Global Rights Index.

Colombia's population structure transformed: gradually, the fertility rate fell, and the share of generations older than 60 years increased, which puts mounting pressure on the social protection system. While the workforce is getting better educated, the labour market structure has

not changed as rapidly. The youth unemployment rate fell but remained relatively high, challenged by skill mismatch and insufficient job creation. Only a small minority of unemployed workers receive unemployment benefits. Share of manufacturing in the GDP is nowadays half of what it was in the 1980s, and this sector is grappling with competing in global markets. Labour productivity was rising during the 2010s, which contrasted the diminishing regional trend, benefitted from a lower dependency of exports and boundless low-paid workforce.

Migration flows also altered during the last decades. The long-standing low-intensity civil conflict in the country drove one of the highest internally displaced persons in the world. The urbanisation rate rose and reached relatively high, at 81%. Net migration shifted significantly during the 2010s due to the Colombian returnees as part of settling the internal conflict and an extremely high influx of Venezuelans. This situation has generated further demand for job creation and access to social systems. Personal remittances have not been an essential part of the economy and significantly lower than foreign direct investments.

Informal employment was on a declining trend at the beginning of the 2010s, supported by economic growth and specific law reforms. The rate was stalled since 2014 at around 62% of employment due to the economic slowdown, migration challenges, stiff labour regulations, and general lack of awareness or incentives among informal workers concerning labour and business regulations.

Significant labour gender gaps are echoed in women's relatively high youth not in employment, education, or training (NEET) rate, which is associated with cultural stereotypes. Despite the impressive improvement in enrolment rates on all levels during the 2010s, the education system continues to be challenged by inadequate school infrastructure, alarming dropout rates, and a high degree of teacher absenteeism. Relatively fewer students are enrolled in vocational training in comparison to the regional average.

Colombians social protection coverage improved significantly in the last decades, especially in social health coverage boosted by an upsurge in public health expenditure. The relatively low pension coverage at 25% among employed is stuck in insufficient enforcement of employers' obligation to pay the pension contribution and widespread informality.

The table below presents key labour market indicators in the framework of the Decent Work Agenda (DWA) that are related to central unionism issues.

In the next page, Page iv, the second table presents an overview of the current value and targets of the Sustainable Development Goals indicators' in relation to the labour market issues.

Status of key labour market indicators in the framework of the Decent Work Agenda (DWA) in Colombia

Creating decent jobs	
Policy reforms addressing creation of decent employment.	The labour market policy reform since 2013 introduced important changes with the aim of integrating active and passive labour market policies to facilitate the return to work in the event of job loss.
ILO standard setting on improvement of status of workers from the informal economy.	The Colombian government lack responds to follow-up on the Transition from the Informal to the Formal Economy Recommendation (No. 204) to monitor the transitions to the formal economy and decent work deficits.
Guaranteeing rights at work	
Growth in trade union members, 2012-2019 (%)	-9% based on the aggregate membership rate from CTC, CGT, and CUT.
Violations of trade union rights.	Ranking 5 out of 5 (5+ is the worst) in 2020. *
Labour legislation is improved according to ILO standards.	The creation of the Group for Attention to Users; the assignment of an advisor to trade unions; the participation of Colombia's union confederations in the Committee for the Evaluation of Risk and the Recommendation of Measures (CERREM); and its participation in the Inter-institutional Commission of Workers' Human Right. In 2019, the Ministry of Labour issued non-binding legal concepts concerning workplace harassment measures enforcement for interns and electronic means for labour contract signatures. In 2020, a wide range of employment-related measures were launched to curb the COVID-19 crisis.
Partner organisations with minimum 30% women representation in decision-making bodies	Yes.
Extending social protection	
Coverage of social protection and labour programmes as % of total population.	66% in 2014.
Workers from the informal economy have access to national social security schemes.	Social health protection can be extended to informal economy workers through various financing mechanisms, including subsidised contributions to national health insurance schemes for the poor in Colombia.
Promoting social dialogue	
Trade union density of employment (%)	5.8% of employment (12% of employees) in 2019.
Cooperation in labour-employer relations.	Ranking 66 out of 141 (1 is best) in 2019. **
Number of Collective Bargaining Agreements (CBAs).	Yearly 368 on average from 2010 to 2016.
Workers' coverage of Collective Bargaining Agreements.	0.8% of employees on average from 2011 to 2016, excluding Collective Pacts and Union Contracts – broader estimations of all collective agreements were estimated at 3.7%.
Bi-/tri- partite agreements concluded.	New National State Agreement covering 1,200,000 workers in the public sector, which provides for a wage rise of 1.3% above the inflation rate for 2019 and 2020.
* This is interpreted as "no guarantee of rights". Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights, workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices.	
** This indicator is based on data from the Global Competitiveness Index that represents employers' opinion from surveys.	
Sources: ILO, MINTRABAJO, ITUC, World Economic Forum, National Trade Union School of Colombia; DTDA own calculations.	

Status of key Sustainable Development Goals in labour market related issues in Colombia (estimates)

Indicators	Value	Year	SDG Targets
1.1.1: Working poverty rate (percentage of employed living below US\$1.9 PPP)	1.4 % *	2020	By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day
1.3.1: The population effectively covered by a social protection system, including social protection floors.	41 % **	2016	Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable
5.5.2: Women share of employment in managerial positions	53 %	2009	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
8.1.1: Annual growth rate of real GDP per capita	-	-	Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries
8.2.1: Annual growth rate of real GDP per employed person (GDP constant 2011 international \$ in PPP)	1.9 %	2020	Achieve higher levels of economic productivity through diversification, technological upgrading and innovation through a focus on high-value added and labour-intensive sectors
8.3.1: Proportion of informal employment in non-agriculture employment	47 %	2017	Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises, through access to financial services
8.3.1: Women	50 %	2017	
8.3.1: Men	45 %	2017	
8.5.1: Average hourly earnings of women and men employees	3.305 COP	2005	By 2030, achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value
8.5.2: Unemployment rate (Total, 15+)	10 %	2019	
8.5.2: Women, 15+	13 %	2019	
8.5.2: Women, 15-24 years	25 %	2019	
8.5.2: Men, 15+	7.9 %	2019	
8.5.2: Men, 15-24 years	16 %	2019	
8.6.1: Proportion of youth (15-24 years) not in education, employment or training)	24 %	2019	By 2020, substantially reduce the proportion of youth not in employment, education or training
8.7.1: Proportion and number of children aged 5-17 years engaged in economic activity (Total)	3.3 %	2016	Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025, end child labour in all its forms
8.7.1: Girls	2.0 %	2016	
8.7.1: Boys	4.5 %	2016	
8.8.1: Frequency rates of fatal occupational injuries per 100.000 workers, annual	-	-	Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment
8.8.2: Level of national compliance with labour rights (freedom of association and collective bargaining)	-	-	
9.2.2: Manufacturing employment as a proportion of total employment	12 %	2019	Promote inclusive and sustainable industrialisation and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries
10.4.1: Labour income share as a percent of GDP	54 %	2017	Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality

* Projections. ** Population covered by at least one social protection benefit.

Source: United Nations, Sustainable Development Goals, Knowledge Platform, UNICEF 2016 and ILO, Key Indicators of the Labour Market (KILM)

COUNTRY MAP



Source: CIA, World Factbook

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ECONOMIC PERFORMANCE

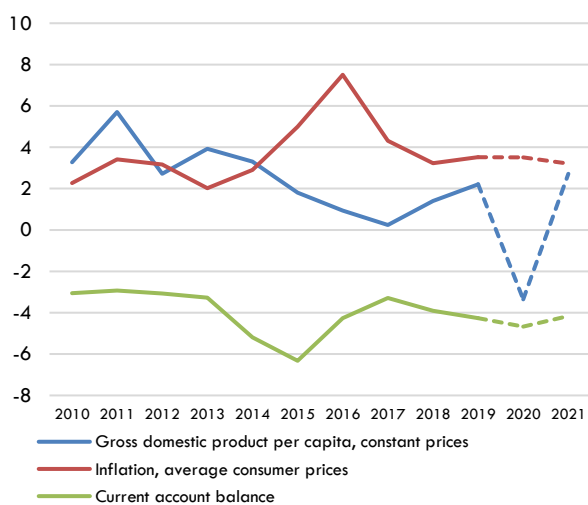
Colombia is a middle-income country and the fourth-largest economy in Latin America and the Caribbean (LAC), not to mention it became the 37th member country of the Organisation for Economic Co-operation and Development (OECD) in April 2020. The country is among the fastest-growing countries in the region but with a significantly lower GDP per capita (see details in Table 1). The economy's steady track record was supported by prudent macroeconomic policy and fiscal management. An economic boom at the beginning of the 2010s generated high revenue of crude petroleum and coal briquettes. The bubble burst in 2014 due to a downturn in international energy prices. The economy decelerated gradually until it finally rebounded in 2018-2019. In 2020, the growth plummeted to at least -3.4% of GDP as an impact of the global coronavirus (COVID-19) pandemic. The GDP growth was initially projected to pick up in 2021 (see Figure 1).

Table 1: Key economic data in Colombia and Latin America & Caribbean, 2019

Values	Colombia	LAC (average)
GDP (current US\$)	US\$329 billion	US\$572 billion
GDP per capita (current US\$)	US\$ 6,432	US\$ 8,847
GDP per capita growth (2015-2019, av.)	1.0 %	-0.2 %
Export of goods and services (% of GDP) (2015-2019, av.)	15 %	22 %
Tax revenue (% of GDP) (2017/2018)	14 %	14 %

Sources: World Bank, World Development Indicators.

Figure 1: GDP per capita, inflation and current account balance in Colombia, % growth, 2010-2021



Source: International Monetary Fund, World Economic Outlook Database.

The country's inflation in consumer prices has been stable during the last decade following the below 4% upper-tolerance limit policy. During 2015-2016, it crossed the line, though. It was an impact of rising food prices triggered by weak crop yields hit by El Niño weather cycle and sharp currency depreciation increased the price on imports heavily. This situation was reflected in the significant drop in the current account balance (Figure 1). Colombia's inflation rate in the period 2015-2019 was double as high as the LAC average, 4.7% and 2.2%, respectively. The real minimum wage (deducted inflation) growth was on the margin but secured in recent years (see more in Working Conditions section). The inflation rate was expected to stay below the 4% upper-tolerance limit in 2020.

Manufacturing was strong in the economy but becoming less relevant and less competitive (see more in Sectoral Employment sub-section). Fuels and mining products such as crude petroleum and coal briquettes accounted for more than half of exports, 24% were manufactured products, and the rest were mainly agricultural products (22%) such as coffee and bananas. A drop in government revenues due to declining international energy prices prompted tax reforms. Tax Law 2010 was enacted in December 2019, and it focuses on investment, fostering the formation of a business, reducing the corporate tax rate, and rules that are intended to provide value-added tax (VAT) benefits for the general population. The country's economic development was challenged by inadequate infrastructure, drug-trafficking, and an uncertain security situation. Moreover, Colombia received a massive and accelerating inflow of migrants from Venezuela that supported domestic demand (see more in Migration sub-section).

Colombia has a significant income inequality but on a declining trend: the Gini Index (based on 0 represents 'perfect' equality, while an index of 100 implies 'perfect' inequality) measured from 58.7 in 2000 to 50.4 in 2018.¹ It is interesting to observe that the proportion of the GDP constituted by salaries decreased from 39% in 2000 to 32% in 2015. This development signalled a gained labour productivity supported by the fact of relatively low wages (see more in Working Conditions and Workforce sections).

Table 2 below shows that poverty among employed was marginalised during the last two decades, and the middle-class was on a fast rise, peaked at 83% in 2019. Around 31% of the workforce are excluded from these estimations since they are statistically economically inactive. Based on broader poverty headcount ratio at

US\$5.5 a day confirmed that it fell steady but at higher levels: from 54% in 2000 to 28% in 2018. Overall, the declining poverty rates hint some real wealth gains for the Colombian population, also for people on the lower parts on the income scale. Economic toll and the fast-rising unemployment rate in 2020 suggested that the poverty rate increased, hitting hardest the vulnerable groups such as informal workers and migrants.

Table 2: Estimation and projection of employment by economic class in Colombia, 2000-2019

Year	Extremely poor (<US\$1.90)	Moderately poor (>=US\$1.90 & <US\$3.20)	Near poor (>=US\$3.20 & <US\$5.5)	Middle-class (>=US\$5.5)
2000	12 %	12 %	21 %	56 %
2010	4.9 %	7.9 %	17 %	71 %
2019	1.5 %	3.7 %	12 %	83 %

Note: Data in this table exclude the economically inactive population that cover around 31% of the population (aged 15+). Data in this table is measured at Purchasing Power Parity (PPP).

Sources: ILO, Key Indicators of the Labour Market (KILM).

The government injected around US\$3.7 billion (1.5% of GDP) in measures to counter the effects of the COVID-19 outbreak. These include additional cash transfers for the most vulnerable population, VAT rebates for the poorest, tax deferrals for companies, and financing support for small and medium enterprises.

An increase in gross fixed capital formation signals how factors of production accumulate – e.g. office buildings, equipment, tools, machinery, computers, office materials, factories, and vehicles – that help an economy to produce more. When the indicator’s value increases, capital stock and aggregate income increase, the production rises, and the country gets richer. A country needs to generate savings and investments from household savings or based on government policy, meaning that when people save more, capital formation increases.² Data shows that the gross fixed capital formation in Colombia since 2000 has increased from 14% of GDP to 22% in 2019; the LAC average was four percentage points lower at 18%.

Investors’ confidence grew, and the country took steps during the 2010s to re-brand itself as a nation open to business and innovation. During the last two decades, foreign direct investment (FDI) has been fluctuating in Colombia from 2.6% of GDP in 2000, up to a peak at 7.1% in 2005, and down to 4.3% on average in 2015-2019. Three regions (Bogotá, Cundinamarca, and Antioquia) accounted for more than 60% of total FDI inflows in recent years. The Latin American average has

behaved similarly, situated slightly below Colombia with an FDI value on 3.9% of GDP on average in 2015-2019. It is worthwhile to mention that personal remittances are 2.1 percentage points lower than the FDI average (see more in Migration sub-section).

On the Doing Business Index, Colombia was ranked at 67 out of 190 countries in 2020. Out of the ten indicators, the country’s best ranking is in getting credit (11), followed by protecting minority investors (13) and resolving insolvency (32). These three rankings indicate a labour market where a sound credit system is in place; minorities’ rights are respected when it comes to business management and the legal framework for insolvency is in place and efficient. On the other hand, several of the rankings are comparatively poor, e.g. enforcing contracts (177), paying taxes (148) and trading across borders (133). These scorings suggest costly and time-consuming processes for both resolving commercial disputes, paying taxes and exporting as well as importing goods. See more details in Appendix Table 26.

Free Trade Zones (FTZ)

Establishing free-trade zones in Colombia initiated back in 1958. These institutions aim to provide an instrument for creating jobs, and attracting new capital investment, improve regional competitiveness.³ In 2002, the country accepted the World Trade Organisation (WTO) Committee on Subsidies and Countervailing Measures’ decision to phase out all export subsidies in free trade zones by December 31, 2006. The zones maintained their special customs and foreign exchange regimes through Law 1004 passed in 2005, which established a legal framework for the free-trade zone regime with incentives on the income tax rate.

This legislation allows single companies to be regarded as FTZ, and it also allows for a pre-existing plant. In this case, companies must commit to providing at least 500 jobs within five-year period. In return, the companies only pay a 15% tax and are exempt from customs duties and the value-added tax on imported materials. All foreign companies located in a free zone do not pay remittance tax and have foreign exchange freedom. It is required that at least 50% of company sales are going to foreign markets. An admission contract for a company to access the benefits of the FTZs, lasts for at least five years, without exceeding 20 years. Companies operating in FTZs can deduct 50% of the payroll taxes.⁴

From 2005 to 2012, the number of FTZs went from 10 to 104. Few of these are multi-purpose areas but cater to a specific cluster in manufacturing or services.⁵ In 2017, 39 FTZs and 72 single-enterprise zones, which were not counted as FTZ, were registered in Colombia. The latter group is active in a range of industries including agribusiness, ports, hospitals and clinics, and offshore exploration activities. It further resulted in many domestic small and medium enterprises obtaining free-zone status. Free trade zones are popular in many other countries in Latin America, especially in Costa Rica, Nicaragua, Honduras, and Brazil.⁶ The FTZs accounted for US\$7.8 billion in investments and contributed to 13% of exports. In 2017, FTZs employed more than 65,000 direct jobs (a share of 0.5% of employees), and 155,000 indirect jobs.

Working conditions in free trade zones are challenged since the employed do not have the same rights as they do in the rest of Colombia's workforce. For example, employers do not have to compensate employees for the night, dominical and holiday surcharges and they can subscribe labour contracts that apply the integral salary regime to workers with three times the minimum salary compared to the standard ten.⁷ An integral salary regime is an all-inclusive contract, which indicates that the base salary is relatively high. In contrast, the worker signs off any extra over/night-time compensation, bonuses, pension, severance payment or other employment benefits.⁸

LABOUR LEGISLATIONS

Colombia's labour market is regulated by complexed laws and decrees that set standards and restrictions. International Labour Organisation (ILO) has registered 591 national labour, social security, and human rights-related legislation. A series of reforms to tackling the rigid labour regulations were launched in the 2010s (see examples in Appendix Table 22). These attempted to integrate active and passive labour market policies. Besides, it aimed at to make the work search easier and facilitate access to skills training, e.g. for those who are more likely to be unemployed or have a weak attachment to the labour market: young people, women, informal low-skilled workers, populations affected by the armed conflict of the recent past, and people with disabilities.⁹ It has, to some extent, supported the fact of slowly declining informal employment rate, but struggled to curb the growing youth unemployment rate and lack changes in the employment structure.

During 2020, a massive series of employment-related measures were launched to curb the impact of the

COVID-19 pandemic. Just a few examples: the government launched actions with the personnel who works in transportation and infrastructure projects that are underway during the health emergency; establishing preventive sanitary and mitigation measures were established for the commerce, industry, tourism, technology and communications sector and specific measures that must be taken by companies that provide home service, messaging and digital platform operators; the temporary reduction of the pension contribution to provide greater liquidity to employers and dependent and independent workers; a temporary measure was implemented in order to protect the rights of the beneficiaries of the complementary social service, called periodic economic benefits; and no default interest would be caused by the contributions to the General Social Security System, which are paid out of time, during the term of the health emergency.¹⁰

The status of central labour-related legislation summarised below.

Political Constitution

The constitution from 1991 received several modifications, the latest in 2013 and 2015. In principle, it provides for freedom of association, the right to organise and bargain collectively, and the right to strike. On the other hand, other laws and practices limit these rights that stymie the application of basic principles of freedom of association and bargain collectively.

Central articles set the fundamental labour rights. Among others, they include equality of opportunity for workers; minimum essential and flexible remuneration proportional to the amount and quality of work; employment stability; irrevocability of minimum benefits established in labour regulations; options to negotiate about and reconcile uncertain and arguable rights; a situation more favourable to the worker in case of doubt in the application and interpretation of the bases of the law; the primacy of facts over established formalities in issues of labour relations; guarantees to social security, training, instruction, and necessary rest; special protection of women, mothers, and minor-age workers.¹¹

The State guarantees the right of suitable payment and the periodic adjustment of legal retirement benefits.

The right of collective bargaining to regulate labour relations, with the exceptions provided for by statute, is guaranteed. The State must promote agreement and other measures for the peaceful solution of collective labour conflicts.

Substantive Labour Code

The framework for the code was issued by the Legislative Decree 3743 of 1950. The law establishes the specific rules of compilations for different labour-related aspects such as social security, procedural rules and employment law, and employment agreements (e.g. wage, hours, collective bargaining agreements, vacation and sick time, and employment benefits).

During 1990s and 2000s, the law was structurally modified to introduce more flexibility to the labour legislation's framework concerning the international standards. Among others, it provides the possibility to use forms of employment without major restrictions as well as high flexibility regarding dismissal. In recent years, some of the main modifications regarding the code have been listed below: In 2015, the government issued the 1072 Decree to condense all existing normativity regarding labour matters in a document to ease their access. In 2018, the Ministry of Labour decided to derogate a Decree, which established stricter rules on outsourcing and the responsibilities from the contractor. In 2019, the Ministry of Labour issued non-binding legal concepts concerning workplace harassment measures enforcement for interns and electronic means for labour contract signatures.

The government launched several plans during the 2010s to enforce the central international trade agreements (see more in Trade Agreements sub-section). Part of the initiatives was to introduce improvements in aspects concerning labour and unionism rights. Main changes during the 2010s regarding improvements in the system of protection for unionists are listed as i) the increase in the number of unionists given protection schemes; ii) an increase in the number of studies of risk; iii) the implementation of measures aimed at speeding up the state's response to requests for protection; iv) the increase in economic and human resources devoted to the protection of unionists; v) the creation of the Committee for the Evaluation of Risk and the Recommendation of Measures (CERREM); vi) the provision of labour guarantees for threatened teachers (see more in DWA table in Page iii). Some adjustments with modest progress were detected; not to mention, the development of some facets – resolving the challenges of illegal labour outsourcing, legislative guarantee union rights, and harmonising national laws with ILO Conventions – were stalled. Part of this situation was interrelated to the widespread informal economy as well as the legal framework and counter-productive policies hindered the improvements.¹²

A series of modifications regarding labour legislation were launched in 2019, which were focused on the workplace harassment law measures enforcement for interns; electronic means for labour contract signatures; new reach for workplace harassment regulations as a result of ILO Convention on Violence and Harassment in the World of Work (C190); the congress prohibited the use of asbestos in the country; and presumption of the trial period for domestic workers.¹³

The Labour Code contemplated a presumption of a trial period during the first 15 days of service for domestic workers unless an agreement between the worker and the employer stipulated otherwise. In January 2019, the Constitutional Court declared the presumption of a trial period for domestic workers unconstitutional and therefore unenforceable, as it considered trial periods to be an exception of employment stability that needed to be agreed upon by the worker and the employer.

Several other issues are put on the table for reforms. First, adjustments of the pension system touch partial privatisation, retirement age, increase individual contributions and does away with benefits for higher-income pensions. Second, formalisation self-employed persons who are not covered by any social security scheme. Third, improve the collective bargaining procedure rules.

Foreigners are only allowed to work in Colombia through a work permit or with a residence permit if they are planning to stay permanently in the country.

Social Protection Code

Law 100 of 1993 set up the legal framework of the Colombian health care system. The reform unified social security, public, and private sub-systems under the General System of Social Security in Health. It reorganised the system around functions and responsibilities rather than population groups. Furthermore, it created mandatory universal health insurance to improve the equity and performance of public spending on health (see more in Social Protection section).

Observations on Labour Legislation

Despite the extensive labour-related legislation framework in Colombia, some flaws are detected concerning international standards in the right to organise, the right to collective bargaining, and the right to strike. The International Trade Union Confederation (ITUC) registered the following issues:¹⁴

- There are problems related to various contractual arrangements, such as workers' cooperatives, service contracts and civil and commercial contracts, which cover genuine employment relationships and are used to prevent workers setting up trade unions. A law of July 2008 on workers' cooperatives has not resolved the situation, say the trade unions. In 2011, the government adopted a decree that stipulates that no worker, including the workers associated with cooperatives, could be hired without the labour rights established in law, and imposes severe penalties on cooperatives that practice labour mediation (Decree 2025 of 2011).
- The pension system is not covered by collective bargaining (Law no. 100 of 1993).
- Article 417 of the Labour Code still prohibits federations and confederations from calling strikes, which makes it extremely difficult to make legal general strikes as every single trade union need to call the strike separately.
- Article 450 of the Labour Code also allows for the dismissal of workers who have taken part in a strike that was declared illegal, even when the illegality is the result of requirements that are contrary to the principles of freedom of association.
- Laws, which ban strikes, remain applicable to a wide range of public services that are not necessarily essential.

The Labour Code furthermore limits strike to periods of contract negotiations or collective bargaining and allows employers to fire trade unionists who participate in strikes or work stoppages ruled illegal by the courts.

In 2019, the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) also listed a wide range of direct comments and observations to the national legislation's status for the ratified international standards (see more in next sub-section).

It was noted that government enforcement of applicable laws was inconsistent. Among others, the labour market has been challenged by weaknesses in the labour inspection system due to shortage of staffing and resources. Generally, establish a consistent national strategy to protect the rights to freedom of association and collective bargaining is likewise a pending issue. Besides, the government lack a system to ensure timely

and regular collection of fines related to these protections and structural challenges adversely affected prosecutions, which supported a continued high rate of impunity for violators of these rights, including in cases of threats and violence against unionists.¹⁵ It is worthwhile to mention that the widespread informal economy loopholes many workers from the labour and business regulations due to lack of awareness or incentives.

Ratified ILO Conventions

The ILO conventions cover principles and rights at work. During the 2010s and based several vigorous plans interlinked to trade agreements, the government launched initiatives to protect internationally recognised labour rights. It reached meagre results, though. Currently, out of 61 conventions ratified by Colombia, 52 are in force, 5 conventions have been denounced; 4 instruments abrogated; none have been ratified in the past 12 months. The latest ratification was of Domestic Workers Convention (C189) from May 2014. In June 2019, ILO adopted the Convention concerning the Elimination of Violence and Harassment in the World of Work (C190), and Colombia is in the process of ratifying this Convention.

The status of the conventions categorised are updated in Appendix Table 23 and below:

Eight fundamental conventions are the most important conventions that cover four fundamental principles and rights at work. Colombia has ratified all on them.

ILO has four designated Governance Conventions that are important to build national institutions and capacities that serve to promote employment, i.e. these conventions support a well-regulated and well-functioning labour market. The country has ratified three of them, leaving out the Employment Policy Convention (C122).

ILO has 178 technical conventions, out of which 79 are "Up-To-Date" and actively promoted. An Up-To-Date Convention is one that is ready for ratification by the Member States and/or has been examined by the ILO Governing Body and deemed still to be relevant.¹⁶ Colombia has ratified 61 of the Technical Conventions, and 15 are Up-To-Date.

In June 2019, the ILO's member, including Colombia, adopted the Convention concerning the Elimination of Violence and Harassment in the World of Work (C190). In this convention, labour harassment is not limited to a labour relationship derived from a labour contract but

reach to other non-labour relations, such as contractors or interns. The country initiated the process of ratifying this Convention. So far, internal regulation regarding workplace harassment is still in place with the previously mentioned new non-binding legal concept of workplace harassment measures enforcement for interns.

In ILO, an independent body exists named the Committee of Experts on the Application of Conventions and Recommendations (CEACR), composed of 20 legal experts at the national and international levels. CEACR examines the application of ILO Conventions and Recommendations by ILO member states. CEACR forwarded to the Colombian government a wide range of direct request and observations to 16 ratified ILO conventions in 2019 concerning their compliance.¹⁷ For example, the Freedom of Association and Protection of the Right to Organise (C087) with loophole by trade union rights and civil liberties, collective compensation measures for the trade union movement, trade union contracts, judicial cancellation of trade union registration, and right of workers' organisations to organise their activities and to formulate their programmes. Other flaws to compliance for the Right to Organise and Collective Bargaining Convention (C098) detected the means of protection against anti-union discrimination, collective accords with non-unionized workers, the personal scope of collective bargaining, exclusion of pensions, and promotion of collective bargaining in the private sector.¹⁸

Trade Agreements

Trade agreements regulate international trade between two or more nations. An agreement may cover all imports and exports, certain categories of goods, or a single category. A trade agreement is an opportunity to open another part of the world to domestic producers. Generally, trade agreements, including labour provisions, are on the rise but remains a minority and becoming progressively more accepted.

Colombia has been a member of World Trade Organisation (WTO) since April 1995 and a member of the General Agreement on Tariffs and Trade (GATT) since October 1981 that aims to liberalise trade, to create an organisation to administer more liberal trade agreements, and to establish a mechanism for resolving trade disputes. Regarding dispute cases involving Colombia: five cases as the complaint, 7 cases as respondent, and 64 cases as the third party per August 2020.¹⁹

Colombia also has been a member of the Andean Community (AC) that includes Bolivia, Ecuador, and Peru; Venezuela left in 2011. This association forms collaboration with the Southern Common Market (known as MERCOSUR) that consisting of Brazil, Argentina, Paraguay, and Uruguay.²⁰ The MERCOSUR agreement was updated in July 2017.²¹ Another recent trade integration initiatives include the Pacific Alliance Agreement between Mexico, Colombia, Peru, and Chile, which was in force since July 2015.

Back in 2011, the governments of Colombia and the United States signed an agreement known as the Labour Action Plan (LAP) aimed at addressing worker rights violations and overcoming the obstacles for ratifying the free trade agreement by the U.S. Congress. The U.S.-Colombia Free Trade Agreement (FTA), which entered into force in 2012, is aiming to benefit both countries. Colombia's limited export diversification is reducing the ability to take full advantage of this agreement. It has been raised that the protection of intellectual property, customs and arbitration, delayed the trade pact, including with concern for the rights of unionists. In addition, legislative processes in Colombia have delayed the implementation of the FTA, including the approval of pre-requisite laws, decrees, and resolutions.²² LAP has since its implementation been criticised for failing to improve the Colombian export and hurting the agricultural sector. The planned protection of trade unionists and general labour conditions have not been changed drastically.²³

In 2012, the Resolution 2628 of the European Parliament also scripted a Road Map that reinforced and broadening the scope of the former mentioned LAP. A joint comprehensive Trade Agreement between the European Union (EU) with Colombia and Peru was provisionally applied with Colombia since August 2013. The Agreement gradually opens markets on both sides and increases the stability and predictability of the trade and investment environment. Like the LAP results, the Road Map delivered meagre results.

Colombia has free trade agreements with several other associations and individual countries. These include the European Free Trade Association (EFTA: Switzerland, Norway, Iceland, and Lichtenstein), the Central American Northern Triangle (El Salvador, Guatemala, and Honduras), South Korea, Costa Rica, Canada, Mexico, and Chile. In 2012, Colombia helped form the Pacific Alliance, which is a regional trade block (Chile, Mexico, and Peru), to promote trade and economic integration.²⁴ Colombia has also signed agreements with Panama and

Israel, but these have not yet entered into force. The country is currently negotiating with Turkey and Japan along with negotiating of several Bilateral Investment Treaties (BITs) with China, India, and the United Kingdom.²⁵

SOCIAL PARTNERS

Social partners are central to promote the realisation of core labour rights and social justice for workers by protecting freedom of association and collective bargaining. These organisations are usually represented as the government, trade unions, and employers' organisations.

Government

The Ministry of Labour is the highest executive authority regarding labour matters, e.g. responsible for formulating, implementing, and advising on labour policies, and labour regulations. Its mission is to secure decent jobs, formalise employment, guard fundamental labour rights, promote social dialogue, and insurance for older people.²⁶ This ministry has a Special Investigations Unit to exercise its power to investigate and impose sanctions in the framework of labour inspections system.

Ministry of Health and Social Protection directs the health system and social protection through policies for the promotion of health, as well as inter-sector coordination for the development of policies on the determinants in health. The Pensions and Contributions Control Unit functions as a governmental audit body, which exercises control regarding contributions to the social security system.

Ministry of Education sets overall education policy and school curricula, and monitors education quality. At the local level, administrative responsibilities are determined by a process of certification. The main TVET provider and quality assurance body in the sector is the public *Servicio Nacional de Aprendizaje* (SENA), which is part of the Ministry of Labour.

The National Administrative Department of Statistics (DANE) is responsible for the planning, compilation, analysis, and dissemination of official statistics for the country.

Employers' Organisations

In 2020, employers constitute 4.1% of the total employment in Colombia, which was in line to the South America average at 4.3% (see more in Figure 6 ahead).

The Global Competitiveness Index provides a wide range of indicators, which includes the competitiveness on the labour market based on values linked to surveys among employers in the country and other statistical data. Concerning the competitiveness on the labour market, Colombia ranked 73 out of 141 countries (1 is best). Table 3 below shows the ranking of the twelve indicators applied. It suggests that the country especially has been challenges when it comes to hiring and firing practices (117) as well as worker's rights (115). The two best rankings are in internal labour mobility (31) followed by the ratio of wage and salaried female workers to male workers (64) and cooperation in labour-employer relations (66).

Table 3: Labour Market Efficiency in Colombia, 2019

Indicator	Rank
Total	73
Cooperation in labour-employer relations	66
Flexibility of wage determination	67
Hiring and firing practices	117
Redundancy costs (weeks of salary)	76
Active labour market policies	90
Pay and productivity	94
Reliance on professional management	67
Worker's rights	115
Ease of hiring foreign labour	75
Internal labour mobility	31
Labour tax rate	80
Ratio of wage and salaried female workers to male workers	64

Note: Rank from 1 to 141 (1 is best).

Source: The Global Competitiveness Report, 2019, 8th pillar: Labour market.

Employers' organisations are generally not used for collective bargaining, but rather for economical and coordination purposes within an industry. Collective bargaining is reserved for employers (individually considered) and trade unions.²⁷

National Business Association of Colombia (ANDI)

ANDI was formed in 1944. The organisation aims at disseminating and promoting economic and social policies that are directed towards free commerce based upon human dignity, political democracy, social justice, private property, and liberty. The ANDI group has been a strong proponent of free trade in Colombia, collaborating with similar organisations in the United States and Europe to lay out the frameworks of eventual deals between those countries. ANDI is affiliated to the International Organisation of Employers (IOE).

ANDI represents approximately 1,200 companies located within all sectors of the economy. As a representative of the private sector's interests, ANDI assumes the representation of its members before national and international institutions, dealing with economic, legal, social, environmental, and business issues.²⁸

Through recent years, ANDI has been emphasising innovation and digitalisation of the Colombian economy. The organisation has been working to improve the education of students and workers in Colombia through more robust cooperation between businesses, government and universities. There has been some focus on the mining/energy sectors with ANDI holding a conference attempting to make stakeholders such as government representatives, businesses and academics share their knowledge and create a platform for cooperation.²⁹

Trade Unions

The Labour Code provides the right of workers to form and join unions, bargain collectively, and conduct legal strikes. It prohibits antiunion discrimination. Members of associated workers' cooperatives are not allowed to form unions as members of a cooperative are characterised as owners. The law prohibits members of the armed forces and police from forming or joining unions. The law also provides for automatic recognition of unions that obtain a minimum number of 25 signatures from potential members that comply with a registration process.³⁰

The evolution of the trade union membership rate was stalled during the 1990s-2000s, which was converted into a significant declining trade union density rate. This downturn was an impact of privatisation reforms carried out in the industry sector that backed a proliferation of labour outsourcing methods. Among others, fixed-term contracts became common that stymied unionism and fostered worker insecurity. Data from the three central trade union centres – representing approximately 94% of the registered unionism rate – suggested that the membership rate dropped by 8.5% from 2012 to 2019 (see more ahead and Table 5). Overall, the trade union density of employees (i.e. paid employment jobs) experienced a downturn from 15% in 2012 to 11% in 2019, which is lower than Latin America average at 16%.³¹

There were around 5,543 active trade unions in Colombia in 2017. Close to three out of four (73%) were

in the private sector and one out of four (27%) in the public sector. Out of the 33 provinces, most trade union members were concentrated in Bogotá (36%) followed by Antioquia (11%), and Valle del Cauca (8.3%). Besides, 52% of members were in the private sector and 48% in the public sector. Since the public sector represented just 5% of the total employment, it explained the fact that one out of three (33%) worker in the public sector was affiliated to trade union. In contrast, it was down to 5% in the private sector. Based on estimations, trade unions affiliated around 1.4 million members in 2019 (Table 4).

Table 4: Status of trade unions in Colombia, 2019

Indicator	Values
Number of active trade unions (2017)	5,543
Members of trade unions	1,414,137 *
Trade union density - employment	5.8 % *
Trade union density – employees **	12 % *
Share of women membership	41 %

* Data from seven central trade unions: CUT, CGT, CTC, CSPC, CNT, CTU, and UTC. ** Paid employment jobs.

Source: Escuela Nacional Sindical - SISLAB and ITUC; own calculations of trade union densities based on employment data from ILOSTAT.

Several aspects hindered a rise of the trade union membership rate. First, informal employment is widespread, and firms' landscape is dominated by micro-enterprises, i.e. a minimum number of 25 affiliates is required (see more in Informal Economy sub-section). Second, continual delays in the procedures related to the evaluation of risk and the implementation of unionism protection measures, no progress regarding collective protection for unionists, and a lack of monitoring mechanisms in place.³² Third, cultural anti-unionism and anti-union violence evolved and became of critical issue. On the positive side, the registered violations against unionists dropped significantly during the 2010s (see more in Trade Union Rights Violations section). Fourth, firms' practices to constrain collective bargaining processes impeded the development of union organisations and their services. More than 80% of Colombian unions have less than 100 members thwarting their collective bargaining power. The prevalent usage of controversial methods, such as Collective Pact and Union Contracts, distorted the principle of internationally recognised collective bargaining agreements (CBAs). Application of CBAs stayed stagnant and peripheral workers' coverage at meagre (see more in Social Dialogue and Working Condition sections).

Looking at the sectoral distribution of trade union members, it is evident that the largest contributor, both in

terms of the number of unions and membership, is the service sector. However, there are major differences in the service sector in terms of the level of organisation. The largest sub-sector is the community, social and personal services, which cover large and relatively well-organised groups such as teachers and the public servants. Around 20% of the total workforce work within this subsection (see also Sectoral Employment subsection), but 51% of all trade union members in Colombia belong to this category. Trade, restaurants/hotels employ the most people, 27% of the workforce, but only 9.4% of the union members come from this subsector. For the industrial sector, 18% share of union members roughly corresponds to the 20% share of the total workforce. In contrast, the agricultural sector contributes to fewer trade union members compared to the size of the workforce, which is related to significant informality in this sector (see more in Appendix Table 24).

Table 5 provides an overview of the membership of the three central trade union confederations. Two other smaller confederations – *Confederación Sindical de Servidores Públicos y de servicios públicos de Colombia* (CSPC) and *Confederación Nacional de Trabajadores* (CNT) – are not recognised in tripartite negotiations, representing a minor share at 0.6% and 2.2% of the total trade union centres membership rate, respectively.

Table 5: Central trade union confederations membership rate and growth, and ratio of members from public sector to total members in Colombia

	Total Members, 2019	Share of members	Growth, 2012-2019	Ratio of members from public sector to all members
CTC	180,000	13%	-28%	13%
CGT	606,073 *	45%	-1.3% **	4.2%
CUT	550,000	41%	7.7%	54%
Total	1,336,073	100%	-8.5%	27% ***

* Year: 2017. ** Period from 2012 to 2017. *** Data from 2017 of five trade union confederations: CTC, CGT, CUT, CSPC, and CNT.
Source: MINITRABAJO, *Resultados finales Censo Sindical 2017* and ITUC; own estimations on membership growth and ratio of members from public sector to all members.

Confederation of Workers in Colombia (CTC)

CTC represents workers in formal bi- and tripartite negotiations with the government and employers. The confederation had around 180,000 members in 2019 and experienced a drop by 28% from 2012 to 2019, but with a recent upsurge of 6.3% from 2017 to 2019. The organisation represented a share at 13% of the three aggregated central confederations membership rate. CTC composed of regional and national federations from all sectors of the economy. Close to nine out of ten (87%) members are from the private sector

and rest (13%) from the public sector. Regionally, CTC is a member of the *Confederación de Trabajadores de las Américas* (CSA) and *Coordinadora de Centrales Sindicales Andinas* (CCSA). Globally, CTC is affiliated with the International Trade Union Confederation (ITUC).³³

General Work Confederation in Colombia (CGT)

CGT was founded in 1975, legally recognised as a non-profit organisation, representing workers towards employers and governments in formal bi- and tripartite institutions of the labour market. The organisation composes of regional and national federations from all sectors of the economy but has primarily been representing workers from the private sector, especially rural informal workers. Unions continue to organise new groups of workers that lead to new services for their members from the informal economy. CTC registered 606,000 affiliated members in 2017, which represented a share of 45% of main confederations, and experienced a drop by 13% of the membership rate from 2012 to 2017. Some of the historically significant unions have been UTRADEC representing state and public sector workers, and the national Association of Peasant Farmers organisation (ANUC).

Central Union of Workers (CUT)

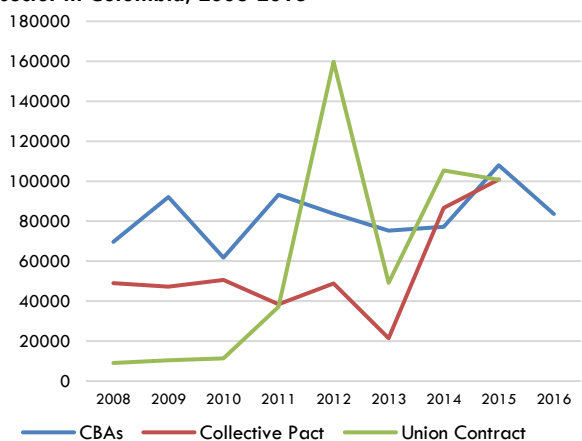
CUT was created in 1986 by affiliates from pre-existing trade union centres. The organisation is representing workers towards employers and governments in formal bi- and tripartite institutions of the labour market. CUT is appointed union representative in tripartite commissions, such as the permanent commission on minimum wages and National Council on Occupational Health and Safety. The confederation had approximately 550,000 members in 2019, representing 41% share of the three main organisations. CUT listed a growth of 7.7% from 2012 to 2019 benefitting a novel process of collective bargaining in the public sector (see ahead). However, in the period from 2017 to 2019, the rate fell by 4.8%. Four out of five (82%) of trade union members in the public sector were affiliated to CUT. The two largest unions in Colombia, the teachers' union (FECODE) and the agricultural workers' union (FENSUAGRO), are affiliated to the organisation, and internationally it is a member of the global umbrella organisation ITUC.³⁴

SOCIAL DIALOGUE

Social dialogue exists at the national and sectoral levels in Colombia. This system is involved in relatively well-functioning tripartite dialogue structures and with engagement in consultations on social and economic policies at the local level (see ahead).³⁵

The Colombian constitution and Labour Code protect the right of collective bargaining. There is decentralised bargaining in Colombia, and so collective bargaining is only negotiated at the company level. The negotiations are set by different contractual arrangements in the private sector: i) Collective Bargaining Agreements (CBAs), ii) Collective Pacts, and iii) Union Contracts. Decree 1092 from 2012 opened for Labour Agreements in the public sector, which was considered as a breakthrough for unionism in the country. Especially Collective Pacts and Union Contracts were controversial. It constrained internationally recognised CBAs, not to mention impeded the unionism's evolution. For example, the application of Collective Pacts opened several complaint cases concerning the erosion of trade unions' bargaining power and activities. Figure 2 below shows that CBAs' coverage generally was low at 0.8% of employees on average in 2015-2016 and remained stagnant. Although targeting to stop the application of Collective Pacts and Union Contracts at the policy level, it has instead progressed somewhat, reaching a coverage among employees at 0.6% and 0.9% on average from 2011 to 2016, respectively. On the positive side, the novel processes of bargaining between unions in the public sector increased from 266 CBAs in 2013 to 1,000 in 2016 with a coverage of 1.2 million workers.

Figure 2: Evolution of collective agreements in the private sector in Colombia, 2008-2016



Source: SISLAB – ENS.

The absence of regulations governing collective bargaining at the branch level in the private sector renders it very difficult in practice. It was reflected in the relatively low trade union membership from the private sector. The scope of this challenge is related to the fact of widespread application of fixed-terms contracts, comprised 35% of all labour contracts in the country. Both Collective Pacts and Union Contracts were used

frequently as a measure of outsourcing agents, i.e. a company do not have a direct employment relationship with either the company or the union, thus not covered by the Labour Code. Instead, workers covered by these contracts in the private sector did not benefit from the labour regulations such as minimum wage, hiring and firing rules, affiliation to union and collective bargaining rights, as well as social security benefits.³⁶ Likewise, up to 95% of Colombian firms were micro-enterprises (less than ten employees), and the pervasive informal economy furthermore contested the development of collective bargaining measures, often due to lack of awareness or incentives.

The government launched Labour Formalization Agreements (LFAs) in 2012 as a tool to reduce and eventually eradicate the practice of illegal labour outsourcing. This system often has been mentioned as the new path for concerted labour relations in Colombia. However, in practice, the LFAs negotiated and signed over five years was meagre: in the period between 2012-2017, just 260 LFAs were negotiated and signed, covering a total of 42,713 Colombian workers (0.4% of employees). Also, the quality of LFAs was observed with weaknesses, i.e. one out of three LFAs was not received direct and indefinite contracts. Thus, the scope of this new contract system is not yet reaching a broad segment.

Although many public-sector workers have the right to bargain collectively, several public services such as the police and military are prohibited from forming unions and bargain collectively. It has been reported that the Colombian government has extended this to include several non-essential services such as workers in transportation, telecommunications, mining and civil servants not exercising the authority of the state, thereby undermining the public servant's fundamental labour rights.³⁷

Central Tripartite Institutions

Tripartism implies effective and meaningful consultation and cooperation among representatives from the three central actors in labour market: the government, employers, and workers. Ideally, the three partners are treated equally and independently to seek solutions to issues of common concern. Status of the leading central tripartite institutions is summarised below.

The National Commission on Consultations regarding Wage and Policies (CPCPLS)

CPCPLS was created in 1991 by the constitution and is the primary mechanism supporting social dialogue

between the main actors of the labour market on work and wage policies, which include a representative of the pensioners and a representative of the unemployed. It aims to promote fair labour relations as well as contribute to the settlement of collective labour disputes.

The commission is made up of the main actors in labour relations. The head of the Ministry of Labour chairs the commission and other members include the head of the Ministries of Finance, Agriculture, Commerce, Industry and Tourism as well as the National Planning Department. The employers are represented by ANDI, FENALCO ASOBANCARIA, SAC, and ACOPI, while workers are represented by CGT, CUT, CTC, and CDP.³⁸

Interinstitutional Commission for the Promotion and Protection of the Human Rights of Workers

The Ministry of Labour leads this tripartite interinstitutional commission, with participation by the government, organised labour groups, and the business community. As of June 2019, the commission met two times during the year in Bogota.

Special Committee for the Handling of Conflicts referred to ILO (CETCOIT)

The Committee is a tripartite body responsible for making recommendations to CPCPLS on establishing procedures for disputes that occur in exercising the right to organise and collective bargaining. CETCOIT can also handle submitted disputes at request of both parties on the enterprise level. Initially, the Commission did not live up to the expectations. However, with some improvements in recent years, among others due to an independent facilitator: for example, between 2012 and 2017, the CETCOIT examined 191 cases, reaching 123 agreements. Also following the unanimous appointment of a new facilitator in April 2018, the CETCOIT is continuing its work effectively, and examined 24 cases in 2018, reaching 14 agreements. From 2012 to 2019, the CETCOIT has achieved the conclusion of agreements in 63% of the cases examined.

Dispute settlement

The Labour Code establishes compulsory arbitration as the main form of labour dispute settlement. Due to legal reform in the 1990s, the government dropped most provisions on the mediation of industrial disputes in the private sector, which used to be mandatory. For conflicts related to public and other essential services, as well as for conflicts that could not obtain an absolute majority of the company's workforce, a compulsory arbitration tribunal was installed. The tribunal consists of a company/employer and union representative as well as an arbiter that must be approved by both parties. In case

the two parties cannot agree, the Ministry of Labour assigns an arbiter. If disputes regarding freedom of association and collective bargaining cannot be solved by any other instances, the cases can be submitted to the Special Committee for the Handling of Conflicts referred to the ILO.

The number of arbitration tribunals increased during the 2010s. However, the share of cases that ended in agreements dropped due to tribunals delayed by companies or the Ministry of Labour, often by withholding the appointment of an arbiter, to wear out the union.³⁹

Attempting to reinforcing the General Attorney's Office's (GAO) capacity to investigate crimes committed against trade unionists has not experienced significant improvements. In the period from 2010 to 2015, the rate of impunity has only dropped from 98% to 95%. The registered 502 related judicial sentences produced, there were only 440 prison sentences imputed, which equals 87% of the sentences. In the aftermath of signing the previously mentioned Labour Action Plan in 2011 triggered an initial increase in the number of prison sentences, but it faded in the following years. The Superior Council of the Judiciary furthermore reduced from three to two the number of judges dedicated to hearing cases involving trade unionist murders, which could backlog the rate of cases solved and sentenced in coming years.

A coordinated National Protection Unit (NPU) operates with a special investigation unit responsible for dismantling criminal organisations and enterprises, and for protecting human rights defenders from attacks and investigating and prosecuting these cases. The government continued to include in its protection programme for labour activists engaged in efforts to form a union as well as former unionists under threat because of their past activities. As of May 2019, the NPU was providing protection to 306 trade union leaders or members (see more in Trade Union Rights Violations section).⁴⁰

During 2019, people took to the streets both in small cities and in the capital, Bogota.⁴¹ Seven of the most critical demands were to i) change the public pension administration system, ii) lack of implementation of the peace agreement – both in terms of compensation of those who have been most affected by the armed conflict and the protection of the demobilised, iii) hamper a government privatisation plan, iv) protect human rights, v) comply with social organisations, vi) labour reform resented by the government that allegedly deepens

labour flexibility and deteriorates working conditions, vii) stop proposed hydraulic fracking for oil extraction with high environmental risks, and viii) proposed tax reform that would lower duties on businesses.⁴² Protests also happened in 2020 against the social and economic policies.⁴³

TRADE UNION RIGHTS VIOLATIONS

During the last 25 years, ILO and many other international organisations have reiterated its deep concern about the grave situation of anti-union violence and the right to freedom of association in Colombia. The country is among the top 10 most dangerous countries for trade union leaders as top targets for harassment, death threats, and ultimately assassinations. Colombia has a very low ranking in the Global Rights Index at 5 out of 5+ (5+ indicates complete breakdown in the rule of law). The ranking 5 is translated into “no guarantee of rights”. While the legislation may spell out certain rights, workers have effectively no access to these rights and are therefore exposed to unfair labour practices.

Colombian trade union members experience all sorts of violations: violations include collective bargaining distortion, violations of freedom of association, anti-union dismissals, arrests, murders of trade union leaders, and threats against trade unions, anti-union practices, among others.⁴⁴ On the positive side, the registered cases of violations against unionists during the 2010s were on a declining trend 2,541 cases concerning violations against unionists during the 2010s were on a declining trend. These cases were mainly death threats (67%), harassment (11%), and murder (7.4%) (see more in Appendix Table 25). Since 2017, the spread of violations has decreased but continues to be unacceptably high. The actual numbers are most likely worse because of underreporting as victims may fear the consequences of speaking out. Most of these crimes remained unresolved due to the culture of impunity in the country, and the justice system stays under-resourced. The sectors most affected by this violence were the education, transport, mining, and energy sectors.⁴⁵

While most attackers were unidentified, paramilitaries were the most frequently alleged perpetrators, but state organisations and employers were also suspected offenders in one or more cases.⁴⁶ ITUC has detected a correlation between these cases and union political or educational activities surrounding the peace process between the government and FARC.⁴⁷

Forced labour – including organised begging, mining, agriculture, and domestic service – also remained a serious issue. Not just union leaders but also social and political leaders are victims of violence, and Afro-Colombians, indigenous Colombians, and inhabitants of marginalised urban areas are at higher risk of assassinations, forced labour, domestic servitude, forced begging and recruitment by illegal armed groups.⁴⁸

The Interior Ministry in Colombia has implemented the Protection for Human Rights Defenders, Trade Unionists, Journalists and Social Leaders programme. The programme covers more than 10,000 individuals. The Inter-American Commission of Human Rights Commission (IACHR) is concerned to note that on many occasions the beneficiaries of the Commission's precautionary measures must repeatedly undergo a "risk demonstration" process in order to receive State protection, even when the IACHR has already determined that they are subject to risk, at the moment of granting precautionary measures.⁴⁹

The ILO's Committee on Freedom of Association has registered 213 complaint cases, of which 28 are active. The latest are four cases from 2018 (see Table 6).

Table 6: Freedom of Association cases in Colombia, 2020 (August)

ILO Complaints Procedure	No. of cases
Active	25
Follow-up	24
Closed	164

Source: ILO, NORMLEX, *International Labour Standards country profile, Colombia*.

WORKING CONDITIONS

The government-mandated minimum wage based on the National State Agreement is revised yearly. This agreement accomplished progress in collective bargaining in the public sector based on multi-level bargaining with an interconnected effect at the national level. The trade union movement argued it should be extended to collective bargaining in the private sector. The latest adjustment was on January 1, 2020, to 877,803 pesos per month (US\$238) (Table 7). It reached a hike of 2.5% in real terms (i.e. nominal value minus inflation). Likewise, a transport allowance in the same year increased to 102,854 Pesos (US\$28) per month.⁵⁰ The country has one of the lowest minimum wages in South America. By law, no worker in Colombia can be paid less than this mandatory minimum wage. Approximately 2.5 million people in Colombia (21% of employees) receive the minimum wage, which is central

because many salaries and pension contributions, especially in the public sector, are calculated based on the minimum salary.⁵¹ The current central government expenditure on wages and salaries was registered at 2.2% of GDP in 2019.⁵²

Table 7: Wages and Earnings per month in Colombia, 2020

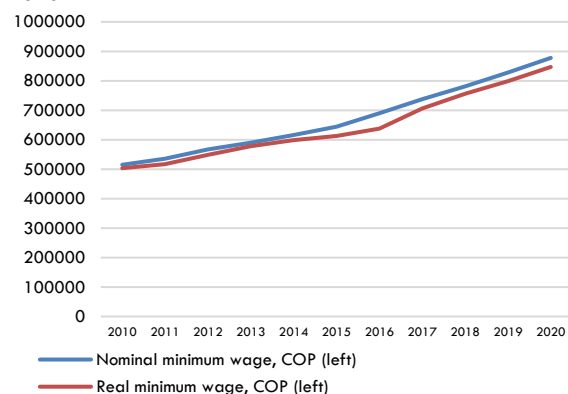
	Current Colombian Peso (COP)	Current US\$
Average earning	4,690,000	1,271
Lowest average earning	1,190,000	362
Minimum Wage	877,803	238
Yearly real minimum wage growth	1.0% *	

* Average nominal minimum wage minus inflation in consumption prices in the period from 2016 to 2020.

Source: Salary Explorer and Wageindicator.org; and own calculations on real minimum wage growth.

The minimum wage in Colombia has been on an upward trajectory for the last decades, even when considering the effects of inflation in consumer prices (Figure 3). It is important to realise that the informal economy is widespread and loopholes the labour and business regulations, such as the minimum wage (see more in Informal Economy sub-section).

Figure 3: Minimum wage trend in Colombia, COP, 2010-2020



Source: Escuela Nacional Sindical – SISLAB, Wageindicator.org, own estimations in real minimum wage with inflation data from IMF.

There is a persistent gender earnings gap at 10% on average favouring men. Similarly, a study showed that the wage gap increased with the wages, meaning that the wage gap between men and women was largest for those who earned the most.⁵³

Labour Law provides for workers' occupational safety and health in the formal sector. It excludes the workers from the informal economy. According to the Ministry of Labour, the number of labour inspectors has doubled in the period from 2010 to 2018, which has been part of the Labour Action Plan with the U.S. and Road Map with

the EU; and the labour inspectors' salary was increased.⁵⁴ Colombian labour inspectors are concentrated in urban areas leaving rural offices underfunded just as not all of them are conducting worksite inspections.⁵⁵ The OECD's Trade Union Advisory Committee (TUAC) noted that only 62% of inspectors carry out inspections, and when penalties are imposed, they are often not collected. The trade union movement argues that it demonstrates the lack of political will to bring about change, which is similarly detected in studies that support the fact that specific labour clauses set out in central free trade agreements are far from complying.⁵⁶ Back in 2016, the Ministry of Labour employed 837 labour inspectors throughout the country, meaning one inspector per around 28,000 workers (14,000 per employees). It appears to be relatively low inspections' scope since the ILO recommends 1 per 10,000 workers in industrial market economies and one inspector per 20,000 workers in transition economies.⁵⁷

A brief overview of the central working condition regulations in Colombia is available in Table 8 below.

Table 8: Working Conditions in Colombia

Fixed-Term Contracts Prohibited for Permanent Tasks	No
Maximum Length of a Single Fixed-Term Contract	36 Months
Maximum Number of Working Days per Week	6 Days
Premium for Overtime Work (% of Hourly Pay)	25 %
Paid Annual Leave (Average Working Days)	15 days
Maternity leave	18 weeks
Paid paternity leave	4 days *
Amount of Maternity Leave Benefits of Wages	100%
Unemployment protection after one year of employment	Yes

* Four days when only the father/partner contributes to the Social Security System and eight days when both the father and the mother contributes to the system.

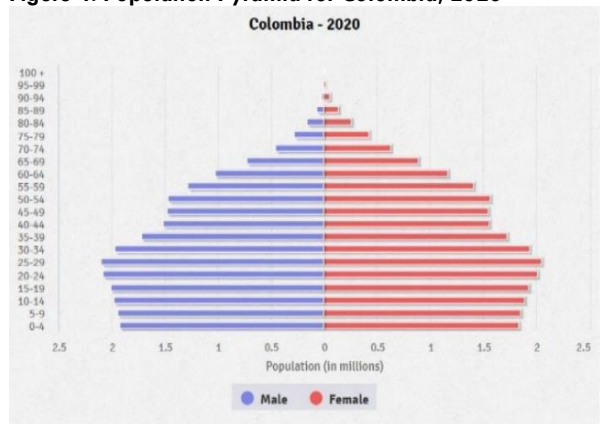
Source: World Bank, Doing Business – Colombia.

WORKFORCE

Colombia had a total population of 49.1 million in 2020 and is South America's second most populous country after Brazil. It is a multicultural society of more than 87 ethnic groups, a large majority (88%) is mestizo and white. The workforce represents 27.3 million.⁵⁸ Colombia's demographic has changed profoundly since the 1960s: the birth rate fell from around six children per woman to just above levels on 1.9 children born per woman in 2020. In contrast, Colombia's population is ageing: the percentage of people aged older than 60 years has increased from 4.0% to 9.2% over three decades. Figure 4 visualises the population pyramid, displaying a slightly decreasing share of youngest

generations. The demographic shifts will soon put more pressure on the labour demand and pension systems.

Figure 4: Population Pyramid for Colombia, 2020



Source: CIA, World Factbook.

Colombia has a slightly higher employment-to-population ratio (62%) compared to the South America average (59%) (Table 9). A deep gender gap is estimated at 25 percentage point in Colombia. Youth is less occupied in the employment-to-population ratio is mainly due to significantly enrolment rates in education. Women have a considerably higher economically inactivity rate than men both for the young and the entire population aged 15+, 50% and 25%, respectively.

Table 9: Employment-to-Population Ratio in Colombia and South America, %, 2019

Gender	Age	Colombia	South America
Total	Total	62 %	59 %
	Youth	42 %	40 %
Men	Total	75 %	70 %
	Youth	52 %	47 %
Women	Total	50 %	49 %
	Youth	33 %	33 %

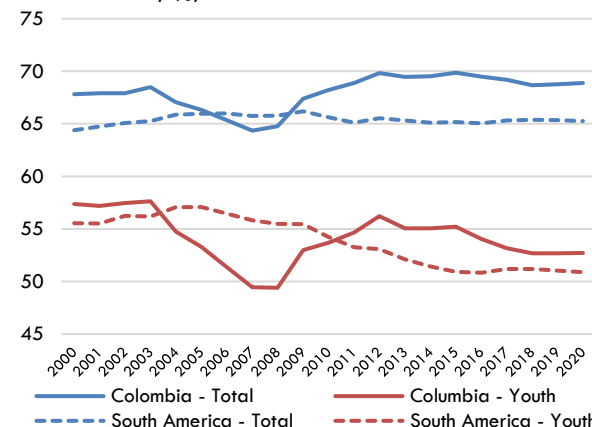
Source: ILO, Key Indicators of the Labour Market (KILM).

Both the direct effects of the lockdown on vulnerable sectors and the indirect effects on other sectors due to reduced demand in 2020 lead to an overall drop in the demand for labour. Thus, the lockdown measures have a negative effect on workers' incomes, with a direct impact on the level of poverty in the country.

Figure 5 below shows that the labour force participation rate was on a declining trend during the 2000s, but it bounced back and superseded the regional average significantly during the 2010s. For the Colombian youth, the labour force participation rate also experienced a stark declining trend during the 2000s but rebounded at the end of that decade. During the 2010s, the youth

segment peaked in 2012 and slowly declining since then. Among others, these changes were mainly due to the result of the growing higher-level school enrolment rates (see more in Education section).

Figure 5: Labour Force Participation Rate in Colombia and South America, %, 2000-2020



Source: ILO, Key Indicators of the Labour Market (KILM).

In terms of the status of employment there have been only minor changes during the last two decades in Colombia (Figure 6). Employers represent 4% of the total employment. The largest group is in employees (i.e. paid employment jobs), which has been stable and stand for one out of two in employment. Own account workers (i.e. working on their own account) has increased slightly reaching a share of 44% of total employment in 2020. Contributing family workers ("self-employment jobs" as own-account workers in a market-oriented establishment operated by a related person living in the same household) is a minority embodying just 3%. Both own account workers and contributing family workers are gathered in 'vulnerable employment': workers who often lack elements associated with decent work such as adequate social security and a voice at work.⁵⁹

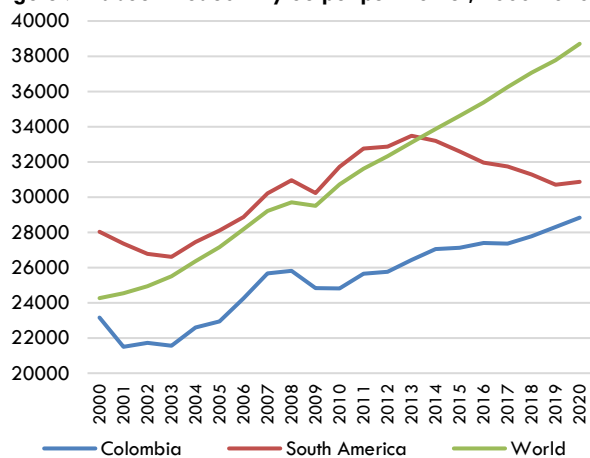
Figure 6: Status of Employment in Colombia, %, 2000-2020



Source: ILO, Key Indicators of the Labour Market (KILM).

It is interesting to observe that Colombia's labour productivity has been on a steady upward trajectory during the 2010s. In contrast, it plummeted in Southern America, which was an impact of a global commodity crisis triggered by a downturn in crude oil price and natural resources industry. These differences reflect in the fact that Colombia has one of the strongest economic performers in the region during the 2010s supported by a commodity boom just as the influx of many experienced Venezuelan workers at all skill levels. Besides, efficiency improvements and technological change within sectors explain almost 70% of labour productivity gains between the 2000s and 2010s. Nevertheless, labour productivity has not increased enough to bring Colombia up to the level of more advanced economies and the country's tempo halter in comparison to the world average (see Figure 7). Studies suggest that the labour productivity gap between Colombia and the OECD explains four-fifths of the income gap between the two. Poor infrastructure, low investment in innovation and a relatively higher share of employment in low productivity activities reduce the impact of productivity growth.⁶⁰

Figure 7: Labour Productivity output per worker, 2000-2020



Note: Labour Productivity is defined as output per worker in GDP Constant 2011 international \$ in PPP. Indexed year 2011=100.

Source: ILO, Key Indicators of the Labour Market (KILM).

Colombia, like many other Latin American countries, faces problems with skill mismatches in the workforce.⁶¹ In 2017, 50% of the employers in Colombia reported that they had difficulties filling open job positions with rightly qualified talent. As a comparison, the world average was 40%.⁶² Talent mismatch has increased slightly and is increasing in pressure on the labour market. However, the Colombian government is trying to mediate this by enlarging the talent pool through an increase educational flexibility, having put educational reform in the latest national development plan. The

essential skills in demand are business unit members, product managers, supply chain managers, financial controllers, and human resource managers with labour relations experience.⁶³

Another aspect is that firms are dominated by micro-enterprises account for 92% of total domestic firms. In contrast, an OECD average of 80%. Although a growing number of registered firms increased by 15% from 2001 to 2015), seven out of ten firms fail to function within five years. Only a handful of companies benefit from trade: the top ten exporting firms account for 65% of exports. The widespread informality and dominated by Small and Medium Enterprises (SMEs) further support why the labour productivity lags in Colombia. In 2015, the labour productivity of micro-enterprises was just 16% that of large firms. For small and medium enterprises, the figure was 43% and 51%, respectively.⁶⁴ Government announced subsidies for small businesses to pay wages and until the end of the year to pay their taxes, prevent mass layoff and bankruptcies during the COVID-19 crisis. These subsidies payed the companies COP350,000 (US\$90), which is 40% of the country's minimum wage, to help them continue paying their personnel's salaries.

Unemployment and underemployment

The unemployment rate exploded in Colombia in 2020 as an impact of the global COVID-19 pandemic, which was the direct effects of the economic lockdown on vulnerable sectors in 2020. The unemployment rate was at around 10% at the beginning of the year, but it skyrocketed, peaking at 21% in May 2020 that was 11 percentage points higher compared to the same month last year. In a more 'normal' year (before COVID-19 pandemic), like 2019, this rate was in line to Southern America average. The youth unemployment rate was slowly rising during the end of the 2010s, reached 19% in 2019 (Table 10).

Table 10: Unemployment and underemployment rates in Colombia and South America, %, 2019

	Gender	Colombia	South America
Unemployment	Total	9.7 %	9.7 %
	Men	7.5 %	8.4 %
	Women	13 %	11 %
Youth Unemployment (15-24 age)	Total	19 %	22 %
	Men	15 %	19 %
	Women	26 %	26 %

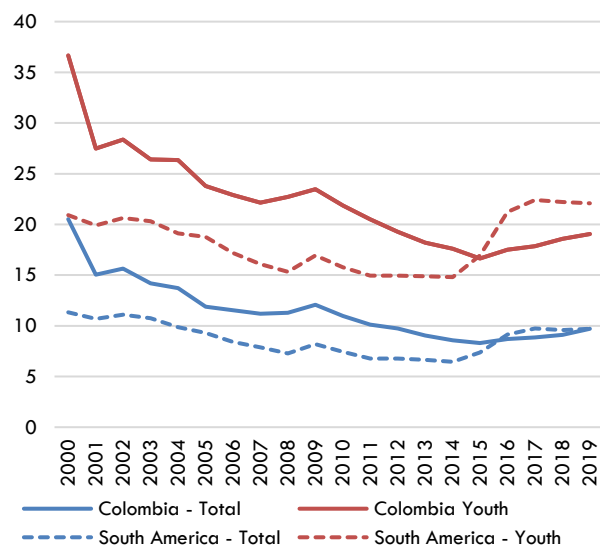
Note: The unemployment rate covers everyone who does not exceed working for more than one hour per week (ILO definition).

Source: ILO, Key Indicators of the Labour Market (KILM).

The unprecedented increase in unemployment in 2020 hit hardest among youth, especially young women. This dynamic is particularly worrisome in the context of Colombia's labour market with a high incidence of informal economy employment and the fragility of formal employment.

Colombia's unemployment rate was extremely high during the 2000s but fell steady. During the 2010s, it reached the regional average since 2016. The country's youth unemployment rate also dropped significantly and steady until it rebounded in 2016, reaching 19% in 2019. A part of this growing youth unemployment rate in Colombia was not only due to the slowing economic development but also a result of the high influx of Venezuelan workers that put pressure on the job creation (see more in Migration sub-section). Nevertheless, Colombia's youth unemployment rate was superseded by the regional average since 2015 (see details in Figure 8).

Figure 8: The unemployment rate trend in Colombia and South America, %, 2000-2019



Source: ILO, Key Indicators of the Labour Market (KILM).

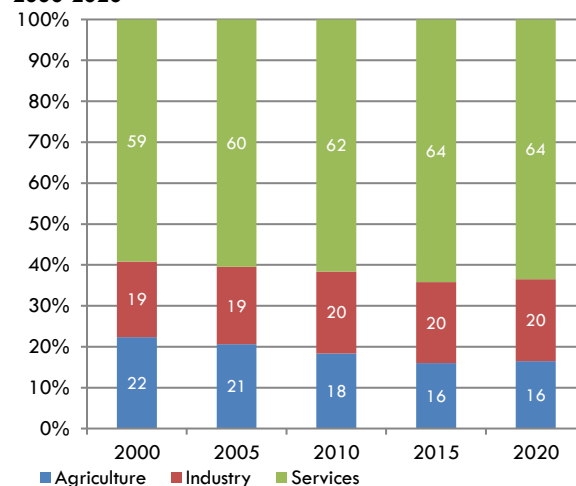
Underemployment is a critical issue in Colombia. This concept reflects the condition in which people in a workforce are employed at less than full-time or regular jobs or jobs inadequate concerning their training or economic needs. The underemployment rate fell from 33% of the employment in 2010 to 28% in 2019 but stays relatively high. Besides, underpaid workers were rampant at 25% of the employment in the same year.⁶⁵ These issues are driven by the weak performance of labour regulations and insufficient job creation in the formal sector in part due to low productivity and a lack of investment. Another aspect is the presence of skill-mismatch.

Among others, there is a weak communication between the institutions for higher learning in Colombia and representatives from the labour market.⁶⁶ Many employers often have difficulty finding the right talent that indicates that there is a discrepancy between what is taught in higher educational facilities, and what is sought after on the labour market. Unemployment is higher among the better educated in Colombia compared to those less educated. In 2018, those with an educational level below upper-secondary had an unemployment rate of 6.1% compared to 8.9% and 9.1% for upper-secondary, non-tertiary and tertiary, respectively.

Sectoral Employment

The service sector was by far the largest employment share in Colombia. There have been minor structural changes in the employment per aggregate sector during the last two decades: the agricultural sector decreased in the margin that moved toward the service sector. More than 6 out of 10 are employed in the service sector, while industry and agriculture employ 20% and 16%, respectively (Figure 9).

Figure 9: Employment by Aggregate Sector in Colombia, %, 2000-2020



Source: ILO, Key Indicators of the Labour Market (KILM).

Table 11 below shows details in the employment per sub-sector. Some of the main issues are that the largest sector is trade, restaurant and hotels representing 26% of the total employment, and it is divided 50/50 per gender. The second-largest sector is agricultural with a share of 17% of employment, and it is men dominated. Both manufacturing and community, social and personal services sectors are the third largest sectors covering with 12% shares, respectively. These two latter sectors have relatively high women share.

It is worthwhile to mention that the Sustainable Development Goals focus, among others, on promoting inclusive and sustainable industrialisation and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in the least developed countries. Data show that the Colombian employment share from this sector has not evolved during the last two decades: from 13% in 2000 to 12% in 2019 (see more ahead and SDG Table, Indicator 9.2.2, Page iv).

The sectors that were directly affected by the economic lockdown in March-April 2020 were commerce, tourism, entertainment, and those whose activities were nonessential, including much of the manufacturing sector. These measures directly affect at least 9.2 million workers since most of the employees in the sectors with the highest levels of employment were idled for slightly more than a month. The relaxation of the quarantine started at the end of April 2020 worked in partial lockdown that set vulnerable employment conditions.⁶⁷

Table 11: Employment sector distribution in Colombia, 2019

Sector	Total sector employment	Sector employment share, %	Women share of employed, %
Agriculture	4,018,274	17 %	19 %
Mining & quarrying	208,110	0.9 %	13 %
Manufacturing	2,961,271	12 %	45 %
Utilities	137,379	0.6 %	23 %
Construction	1,528,848	6.3 %	5.3 %
Trade, restaurants & hotels*	6,406,813	26 %	51 %
Transport, storage & communication	1,956,121	8.1 %	15 %
Finance, real estate & business services**	2,267,888	9.4 %	49 %
Community, social and personal services***	2,771,220	12 %	63 %
Other services	1,931,626	8.0 %	71 %
Total	24,187,550	100 %	42 %

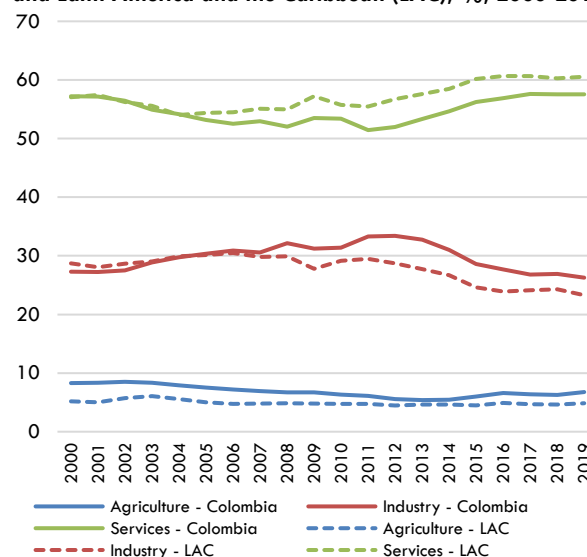
* This sector includes: Wholesale and retail trade; repair of vehicles and motorcycles and Accommodation and food service activities ** This sector includes: Financial and insurance activities and Real estate; business and administrative activities *** This sector includes: Public administration and Defence; compulsory social security, Education, and Human health and social work activities
Source: DTDA calculations based on data from the ILO, Key Indicators of the Labour Market (KILM).

Labour productivity in Colombia is increasing, but the high capital formation mostly takes place in the extractive industries, and overall productivity and employment gains are therefore quite narrow, not to

mention put the economy at risk as there is a high dependence on the volatile commodity prices.

Figure 10 illustrates that the agricultural sector contributing to the GDP value-added was just stagnant in the margin during the last two decades. Instead, the industrial sector was on the rise in the 2000s and beginning of the 2010s, driven by oil prices booming. The bubble busted in 2014, though. Especially the mining sector was hard affected by the global oil glut based on a serious surplus of crude oil that started in 2014. In contrast, the service sector GDP value-added decreased during the 2000s, reaching its low point in 2011; to after that it rebounded.

Figure 10: GDP value-added per aggregate sector, Colombia and Latin America and the Caribbean (LAC), %, 2000-2019



Note: GDP value added: value of production less cost of inputs.
Source: World Bank, Development Indicators.

Some sub-sectors have extremely high GDP value-added share per worker, especially highly capital-intensive mining sector. In contrast, transport, storage & communication as well as agricultural sectors have the lowest GDP value-added shares. For example, while the agricultural sector constitutes 17% of the employment in Colombia, it contributes around 6.2% of GDP, giving it the second-lowest GDP share per worker at US\$4,184 per worker per year, which supports relatively low labour productivity. In contrast, the mining sector represents the highest GDP share per worker at US\$64,726 (see more details in Table 12).

Table 12: GDP Share by Subsector and GDP per Worker by Sector in Colombia, 2019

Subsector	GDP Share per Sector, %	GDP share per worker by sub-sector, US\$
Agriculture	6.2 %	4,184
Mining & Quarrying	5.0 %	64,726
Manufacturing	12 %	10,893
Utilities	3.0 %	59,916
Construction	6.6 %	11,679
Trade, Restaurants & Hotels	17 %	7,347
Transport, Storage & Communication	2.8 %	3,922
Finance, Real Estate & Business Services	14 %	16,319
Community, Social and Personal Services	22 %	21,491
Other Activities	12 %	16,484
Total/Average	100 %	11,236

Source: Banco de la República - Colombia and own calculations on GDP share per workers based on compiled data from the World Bank and ILO.

The country fell in the Competitive Industrial Performance Index, which benchmarks the ability of countries to produce and export manufactured goods competitively, from the 57th in 1990 to the 73rd in 2018 position in the ranking.⁶⁸ The share of manufacturing in GDP is nowadays half of what it was in the 1980s, and domestic manufacturing is struggling to compete in global markets.

Migration

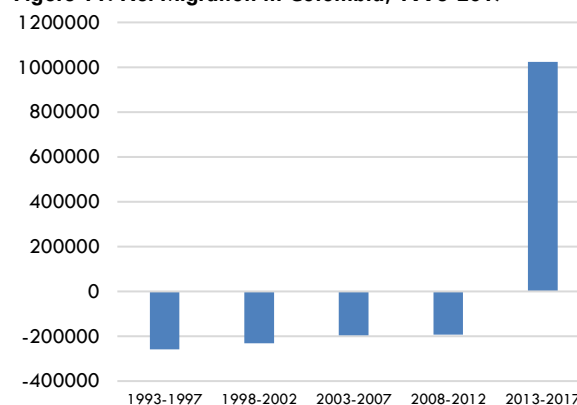
Migration flows can be distinguished as internal migration (within the country) or net-migration (cross-border). Refugees must be understood as different from migrant workers.

A high flow of internal migration was driven by violence-driven displacement in rural areas, which was an impact of a low-intensity civil conflict from 1964 to 2016. The country hosted the most internally displaced persons (IDPs) in the world, with 7.3 million individuals registered in 2016, which equalled 15% of the national population. Even with the Colombian government's peace agreement in December 2016 with the Revolutionary Armed Forces of Colombia (FARC), the risk of displacements remains as other rebel groups fill the void left by the FARC. It is worthwhile to mention that the United Nations appealed several times to paramilitary and other armed groups in Colombia to stop the violence in order to give respite to suffering populations and to facilitate efforts to respond to the COVID-19 pandemic. In addition, a series of infrastructure projects along with big agriculture companies that managed to evade the legal restriction

through a method of fragmented purchases (exceeding the maximum size of land permitted by law for a single owner by more than 30 times) furthermore pushed internal migration. Currently, around 81% of the population in Colombia lived in urban areas in 2018, which is an increase of 3.6 percentage points compared to 2008, and in line to the Latin America average (80%). It also supported the fact of the declining agriculture sector employment rate (revisit Figure 9).

Concerning net migration flow, as depicted in Figure 11, more people have left the country than entered it in the period 1993-2012. The country was one of the largest sending-countries of migrants in South America, e.g. some 4.7 million Colombians lived abroad in 2012. Brain drain has been an issue for Colombia's workforce. Part of this was the mentioned long-running civil conflict. Hundreds of thousands of Colombians were estimated to live abroad as refugees, primarily in neighbouring countries. In the latest registered period measured, 2013-2017, the in-migration flow skyrocketed in the country. This wave was driven by Colombian returnees as part of the process of negotiation and undersigned the peace agreement in 2016. Ongoing violence in some parts of Colombia by other guerrilla and paramilitary groups is still making return difficult for many internal displaced. Another aspect was the rapidly deteriorating economic and political situation in Venezuela, widening the in-migration scope. Official data showed a growing number of arrivals from Venezuela: 379,000 Venezuelans entered Colombia in 2015, up from 251,000 in 2012. Work permits for foreign workers were regulated by Decree No. 834 of 2013, which eliminated previous restrictions and improved conditions for foreign workers. It supported the fact that labour migration also accounted for a significant part of foreigners' jobseekers arriving in Colombia.

Figure 11: Net Migration in Colombia, 1993-2017



Note: Net migration is the total number of immigrants minus the annual number of emigrants, including both citizens and noncitizens.

Source: World Bank, Net Migration, DataBank.

The change in the net migration flow during the 2010s is projected to dwindle but stays in positive values: from peaking 4.2 per 1,000 population in 2018 to approximately 1.1 per 1,000 population in 2020 (see more in Appendix Table 27). Currently, around five million Colombians are living abroad. This group constitutes through personnel remittance a minor share at 1.8% of GDP. This share is in line with the Latin American & Caribbean average on 1.6 % of GDP (Table 13).

Table 13: Net migration status and personal remittance in Colombia and Latin America & Caribbean (LAC)

Net migration (2013-2017)	Colombia	+1,023,981
Net migration rate, per 1,000 population		-0.866 (2010)
	Colombia	+1.164 (2015)
		+1.108 (2020)
Personal remittances received, % of GDP, 2015-2019, av.	Colombia	1.8 %
	LAC	1.6 %

Note: Net migration is the net total of migrants during a period, i.e. the total number of immigrants less the annual number of emigrants, including both citizens and non-citizens.

Source: World Bank DataBank and Macrotrends.

The country's top migration destinations for labourers had until recently been Venezuela and Spain, but due to respectively national implosion and ailing economy, including rising unemployment, the United States, Ecuador, and Argentine, are now more popular destinations.⁶⁹ As mentioned, the economic and political crisis in Venezuela has reversed the migration flow as Colombians are returning home. Tougher U.S. immigration policy and stricter border control to Panama, have decreased the popularity of routes through South and Central America towards the United States.⁷⁰

Generally, Colombia has been the largest source of refugees in Latin America, mostly living in Venezuela and Ecuador. The country has a complicated bilateral relationship with Venezuela. In recent years, no less than approximately 1.4 million Venezuelans have fled to Colombia.⁷¹ Others estimate almost two million.⁷² Many Venezuelans came as an impact of the economy's collapse.

In 2007, the year that Colombian emigration to Venezuela peaked, 200,000 Colombians were living in Venezuela as refugees or asylum-seekers, fleeing from internal conflict in Colombia. The fact that Venezuela accepted this population and provided shelter for decades has shaped Colombia's generous response to the massive recent influx from Venezuela. Colombia adopted an open borders policy and implementing good

practices in the provision of services to Venezuelan migrants and returned Colombians in areas such as education to health, services of employment and humanitarian aid.⁷³ Since many Colombians are living under economic hardship, this open borders policy has caused some criticism instead of prioritising the own economically poor population.⁷⁴ Colombian authorities have further accused Venezuela of providing shelter, funds, and military training to Colombia's largest guerrilla groups.

Migrants from Venezuela to Colombia have levels of education like or higher than Colombians, helping the migrants to integrate into the labour market. Most migrants have spread to all major urban areas, many in poverty. Alone in the capital, Bogotá's seven million population, 350,000 Venezuelans reside. Most migrant workers operate in the informal economy.

Generally, Venezuelan migrants already struggled by vulnerable living conditions. For example, a report from January 2020 estimated that around 95,000 Venezuelan migrants in La Guajira alone were in food insecurity and the lack of access to healthcare in the border region.⁷⁵ The COVID-19 pandemic even exacerbated the crisis. No less than half of them face starvation or malnutrition, not to mention their mental health is stressed by the uncertainty surrounding. Among others, Colombia closed its border in March 2020, along with most of Latin America, and thereby many Venezuelan migrants were stranded on both sides of the border.⁷⁶ Quarantine measures forced many people who lived in the streets into informal encampments, further straining the resources of the local government and NGOs. These settlements are little more than shacks, built from recovered materials such as plywood, plastic, and sheet-metal. However, as the border is vast, making border control challenging, irregular border crossing undoubtedly continues. Thousands of Venezuelan migrants have been forced to leave because of the pandemic, and approximately 105,000 were registered as returnees to Venezuela from Colombia during 2020.

Informal Economy

Colombia's informal employment rate dropped by six percentage points from 2010 to 2019, reaching 62% in 2019, but remains as one of the highest levels in the region. This rate is significantly lower in the main central cities that represented 47% on average in 2019 and dropped by nine percentage points in the same period (Table 14 and Figure 12). It was mostly women's informal employment rate that fell although they stay over-

represented in the informal economy. There are varying reports on the size of the informal economy in Colombia: around 40% to 49% of GDP depending on the method of calculation.⁷⁷ This informal 'sector' is marred by loopholes such as taxes, minimum wages, as well as pension insurance.

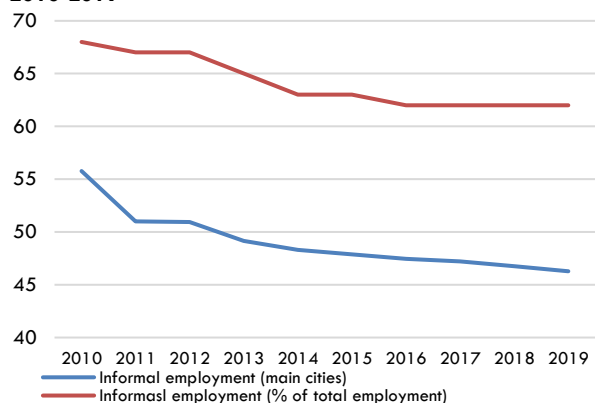
Table 14: Status of the informal economy in Colombia

Indicator	Value
Size of informal economy (% of GDP)	40%-49%
Informal employment rate (% of employment) (2019)	62%
Informal employment rate (% of employment) growth, 2010-2019	-6.0 p.p. *
Vulnerable employment (2020) **	47%
Vulnerable employment growth, 2010-2020	-1.4 p.p. *

* Percentage point (p.p.). ** Vulnerable employment aggregated own-account workers and contributing family workers.

Source: Statista and ILOSTAT.

Figure 12: Informal employment rates in Colombia, %, 2010-2019



Note: DANE includes self-employed individuals except those in professional or technical areas, unpaid family workers, domestic workers and employees in companies having fewer than 10 workers.

Source: Statista and DANE, Información diciembre 2019 – febrero 2020, Anexos.

The drop in the informal employment rate was mainly at the beginning of the 2010s. This development benefitted of an economic boost and improvements in school enrolment rate on the higher levels (see Education section). Legislation furthermore introduced to curb the high informality and promote labour formalisation. For example, in 2010, the Formalisation and Job Creation Law from 2010 took steps to reduce the high informality in employment and reduce the risk of losing access to free health care or conditional cash transfers. The bill granting tax relief on corporate income and payroll taxes to employers hiring young people or vulnerable workers is promoting job creation in the formal sector. Tax reform in 2012 furthermore reduced the cost of non-wage labour. Selection of Colombia's laws and

regulations related to the informal economy are summarised below:

- Act No. 1429 of 29 December 2010 on the regularisation and creation of employment.
- Decree No. 0933 of 9 May 2013 issuing provisions to formalise traditional mining activities.
- Decree No. 0604 of 2013 regulating access to and the functioning of the Supplementary Social Service for Periodical Cash Benefits.
- Act No. 1610 of 2013 regulating certain aspects of labour inspection and labour formalisation agreements.⁷⁸

Since the economy growth dwindled during the last decade along with the fast-growing influx of immigration and youth unemployment on the rise, hindered the tempo of reducing the informal employment rate. It is also worthwhile to mention that the Committee of Experts on the Application of Conventions and Recommendations from ILO noted in 2020 that the Colombian government did not respond to follow-up on the Transition from the Informal to the Formal Economy Recommendation (No. 204) in order to monitor the transitions to the formal economy and decent work deficits.

Workers operating in the informal economy are not only in more vulnerable employment but also affects the relatively low labour productivity (revisit Figure 7). What keeps so many Colombian workers in the informal economy is still mainly due to insufficient job creation in the formal sector. One of the reasons is that informal workers are excluded from the formal sector due to labour market segmentation (i.e. contractual arrangements, their enforcement, as well as types of workers concerned, such as migrant, domestic, or dispatch workers). Others voluntarily exit the formal sector since they find better conditions in informality. Central factors behind this high level of segmentation have been related to over-regulated and rigid labour market based on high non-wage costs (i.e. costs faced by the employer such as health and pension contribution, payroll taxes, and transport subsidies).⁷⁹

Informality is often among old/young workers and low-skilled workers. Informal employed are less educated and earn less than their formal counterparts.⁸⁰

The government launched a series of programmes to support the formalisation of jobs. Among others, from 2015, the government established subsidies for 40,000 young workers to formalise rural jobs, a campaign to

increase information about the advantages of social security and it also eased the process of registering a business by creating a 'one-stop-shop'. Furthermore, the rights of domestic workers were extended, an accident-insurance for self-employed workers was introduced, and a six-month paid apprenticeship programme for university graduates in the public sector was organised.⁸¹ Social health protection can be extended to informal economy workers through various financing mechanisms, including subsidised contributions to national health insurance schemes for the poor in Colombia. Generally, the social protection coverage keeps many informal workers omitted due to lack of awareness or incentives (see more in Social Protection section).

Self-employed workers are covered by the national OSH provisions in the country. The main challenge is to include the vast masses working in the informal economy in practice. Two approaches have been adopted that focus on reducing the cost of formalisation and increasing productivity. For example, Act No. 1429 provides MSMEs with incentives to formalise their structures (e.g. tax reductions) and to create new employment, particularly for vulnerable groups such as young workers under the age of 28. Measures to increase productivity include modernising the institutional framework for MSMEs, improving their access to financial markets, and aiding for technological development.

The COVID-19 pandemic in 2020 has deeply challenged informal workers. The government has announced that it will financially support three million informal workers who lack a safety net.⁸² The one-time cash transfer was of COL160,000 (US\$40), which is equivalent to about 12% of the minimum monthly wage. Informal workers do not receive paid sick leave, vacation days, and many face evictions as they are not able to pay rent, even after the President banned evictions temporarily.⁸³ In addition, the government announced that water reconnection service would be done free for vulnerable families amid the emergency, which included a freeze on the aqueduct tariff until April 2020. The government confirmed that the process of VAT refund would be carried out for the most vulnerable, a benefit to which they will have access from April 2020.⁸⁴

Child Labour

Colombia has ratified all central international conventions concerning child labour, and the country made significant efforts to eradicate child labour, including drafting two new bills on strengthening penalties in crimes of commercial sexual exploitation and

provisions to protect children against cybercrimes that involve commercial sexual exploitation.⁸⁵ The government has launched a campaign Working is Not a Child's Task, aiming to prevent and eliminate child labour through awareness-raising efforts.

Slightly less than one in four Colombians was under 15 years old. Data suggested that child labour was less present in Colombia than America's region average, and even lower than in Europe and Central Asia as well as Asia and the Pacific averages. The percentage of children aged 5 to 17 working in Colombia dropped to 7.8% in 2016 from 10.2% in 2012; around 850,000 children still work and are not in school, either full-time or at all.⁸⁶ It is reflected in the fast-growing school enrolment rates in the 2010s in Colombia. Prevalence of child labours was estimated at 3.3% of all children in 2016 (Table 15). There are slightly more boys engaged in labour compared to girls (see also SDG Table, Indicator 8.7.1, on Page iv). According to other sources, the child labour rate is up to 10%.⁸⁷

Table 15: Status of Child Labour in Colombia and Americas, 2016

Region	Type	Rate
Colombia	Children in employment	7.8 %
	Child labourers	3.3 %
	Hazardous work	N/a
Americas	Children in employment	8.8 %
	Child labourers	5.3 %
	Hazardous work	3.2 %

Note: Children in employment include all children who worked at least an hour of economic activities and/or who were involved in unpaid household services for more than 21 hours

Source: ILO, KILM and ILO, Global estimates of child labour: Results and trends, 2012-2016.

The Colombian Ministry of Labour conducted 274 child labour inspections in high-risk sectors in 2016 compared to none the year before.⁸⁸ The number of labour inspectors is still insufficient to enforce the law effectively. For example, prohibitions against children working in mining and construction were reportedly often ignored. The legislation sets the minimum age for employment at 15 and 18 in case of hazardous work. By law, children under the age of 15 are only allowed to work up till 14 hours a week, and only in the sectors arts, sports, or recreational and cultural activities. The minimum age for employment needs signed documentation from their parents and either a labour inspector or a local authority.⁸⁹

Child labour is estimated that 80% of child workers are operating in the informal economy. Significant examples of child labour were reported to occur in the production of clay bricks, coal, emeralds, gold, and coca. Children working as street vendors and domestic servants as well as in the agricultural sectors of coffee and sugar cane have also been reported as common. Some are also involved in the drug trade and exploited for commercial sex work.⁹⁰

Children are recruited to both illegal gangs and guerrilla armies. As part of the peace agreement between the Colombian government and FARC in 2016, it was agreed that FARC would stop recruiting minors and that they would release all children below the age of 15. Although extra funds have been allocated towards combatting child labour, there were still weaknesses due to labour inspection, mainly concentrating in urban areas.⁹¹

Gender

Colombia has strong institutions and laws to support girls' and women's rights. The 1991 Constitution recognises women's equality and prohibits gender-based discrimination.⁹² The 2006 Anti-Discrimination Law forbids any kind of different treatment based on race, gender, family, social status, among others. This law was revised in 2008 by the Violence Against Women Law. This law requires employers to put in mechanisms to prevent workplace harassment and to resolve incidents internally, which applies to both the public and private sector. If not resolved internally, the harasser or the employer is subject to a fine ranging between two and ten months of the victim's salary.⁹³ In practice, around 85% of women in Colombia consider sexual harassment to very present in the workplace.⁹⁴

The pervasive use of informal jobs stymied the laws' rights on equality and prohibit gender-based discrimination in practice. For example, in specific agricultural sectors, such as the highly profitable cut-flower industry, women are often subjected to pregnancy screenings before being hired and fired in case of pregnancy.⁹⁵

Despite the legal reforms concerning anti-discrimination, labour gender-based discrimination remains high in Colombia. Table 16 illustrates the scope of the gender gap in the employment-to-population rate at 25 percentage points, favouring men. While fewer women participate in the labour market, the ones that do are at a higher risk of being unemployed. Employers are

relatively dominating by men (see more ahead). Other key measured factors have not substantial gender gaps. Without a doubt, the widespread informal economy in the country loophole the women's equality and prohibits gender-based discrimination regulations in practice.

Table 16: Estimations on workforce key indicators gender gaps in Colombia, 2020

	Men	Women	Men/women ratio gender gap, percentage point (p.p.)
Employment-to-population	75 %	50 %	25 p.p.
Unemployment	7.5 %	13 %	-5.5 p.p.
Labour underutilisation *	14 %	23 %	-9 p.p.
Employees	47 %	51 %	-4.0 p.p.
Employers	5.1 %	2.6 %	2.5 p.p.
Vulnerable employment **	48 %	46 %	2.0 p.p.

* Labour underutilization refers to mismatches between labour supply and demand, which translate into an unmet need for employment among the population. Imputed observations are not based on national data, are subject to high uncertainty and should not be used for country comparisons or rankings. ** Aggregated own-account workers and contributing family workers.

Source: ILO, Key Indicators of the Labour Market (KILM).

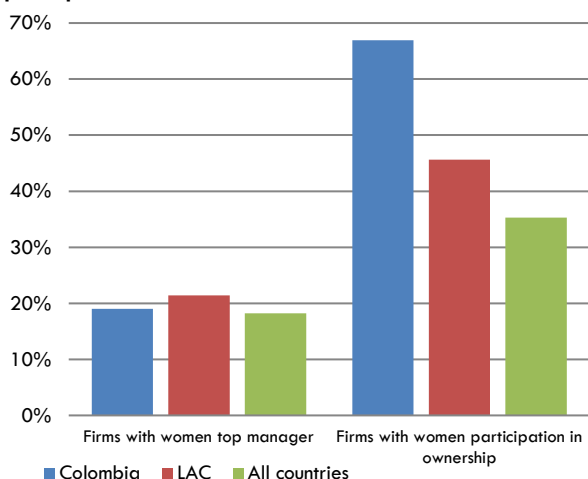
Another issue that stalls the gender-biased criteria is associated to stereotyped gender roles. It is rooted in the collective mentality of the 'macho' culture, which is spread out in Latin America. This culture is expressed in the fact that women do almost all housework, which reduces their space for personal realisation and not remunerated. It is also transformed into specific forms of exclusion for women in the labour sphere, echoed in its relatively low employment-to-population rate and high unemployment rate.

The Global Gender Gap Index 2020 from the World Economic Forum – gender-based gaps along specific dimensions (health, education, economy and politics) – set the country's ranking 22 out of 153 countries (1 is best). It was primarily supported by relatively high educational attainment and health indicators, and third in Latin America in gender equality. On the other hand, the Gender Inequality Index from United Nation Development Programme – focusing on maternal mortality, adolescent birth, the share of seats in parliament, population with at least some secondary education, and workforce participation – located the country as 79 out of 189 countries (1 is best) in 2018.

Based on the latest Enterprise Survey, covering 993 firms reported, the share of Colombian firms with woman manager increased significantly from 12% in 2010 to 19% in 2017. However, it was slightly lower than Latin America and the Caribbean (LAC) average on 21%. The country scores better in terms of firms with women

participation in ownership which was estimated at 67% while the LAC's average at 46% (Figure 13). It suggests that the country is moving in the right direction of reaching the SDG's goal regarding to women's share of employment in managerial positions (see also SDG Table, Indicator 5.2.2, in Page iv).

Figure 13: Enterprise Survey in Colombia, Women participation, %, 2017



Source: World Bank, Colombia Enterprise Survey, 2017.

Colombia also remains a major source and transit country for women and girls for sexual exploitation, and especially displaced women and children are at risk of both trafficking and sexual violence. The longstanding armed conflict also caused very high numbers of sexual violence, but most perpetrators go with impunity as less than 10% have been sentenced in the more than 90,000 cases.⁹⁶

Youth

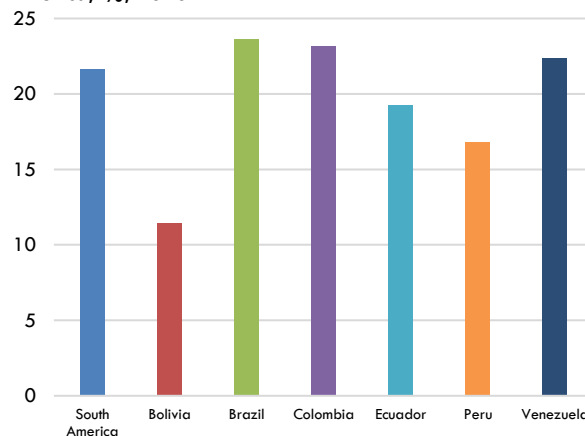
While the country has been undergoing a demographic transition with declining fertility and mortality rates since the 1960s, the population remains relatively young, presenting Colombia with a demographic windfall: a quarter of the country's 49.1 million people is made up of young people between the ages of 15 and 24.

A series of policies have been crafted on all levels in Colombia to strengthen the country's efforts to ensure that young people are considered a distinct population group. However, these policies implementation in practice is affected by weak decentralisation lured by diverging administrative challenges, e.g. youth statute in different types of municipalities, often lack youth councils. It reduces youth's opportunities to participate on the policy level. Generally, the monitoring and evaluation of

youth policies are weak, which hidden the policies' impact and results.⁹⁷

The high youth labour underutilisation rate between 30-41% is worrisome in Colombia.⁹⁸ It reflects the inability of an economy to generate employment for those persons who want to work but are not doing so, even though they are available for employment and actively seeking work. It is further supported by the fact of the proportion of youth, not in employment, education or training (i.e. NEET rate), which was projected at 23% in 2020, which is slightly higher than the South America average (Figure 14). This NEET group of young people is neither improving their future employability through investment in skills nor gaining experience through employment, and they are therefore especially vulnerable to both the labour market and social exclusion.⁹⁹

Figure 14: Youth NEET rate in several countries in South America, %, 2020



Source: ILO, Key Indicators of the Labour Market (KILM).

The rigid labour regulations challenged youth to enter the formal labour market, e.g. skewed non-wage labour costs to the payroll tax, weaknesses of the matching process and reduce hiring and search costs, and inadequate training for workers to improve their mobility across different economic sectors. The fast-growing school-to-work transition population and mounting immigration flow are other aspects that are accelerating the pressure to creating new jobs. The lack of opportunities has motivated many young Colombian people to leave the country. About 555,000 people went abroad to study from 2012 to 2018. Besides, the youth unemployment rate hit women harder than men, 26% vs. 15%, respectively (revisit Table 10).

According to the Global Youth Wellbeing Index, Colombia tends toward the lower-middle range of youth

wellbeing in all domains, except health, where it outperforms other Latin American nations in the Index.¹⁰⁰ According to opinion polls from June 2019, more than 80% of young Colombians between 18 and 24 disapproved of the Colombian president.

Young people are facing multiple shocks from the COVID-19 pandemic, which could lead to the emergence of a “lockdown generation”. Global studies showed that young people are even disproportionately affected by the crisis, including disruption to education and training, employment and income losses, and greater difficulties in finding a job.¹⁰¹

EDUCATION

The Colombian education system has experienced significant progress during the last two decades concerning a swift massification of school enrolled at all levels. The government has vowed to make the country the best regional education hub in 2025. Government spending on education stayed slightly below the regional average during the 2010s.

Looking at the employment by education, a large share of the employment by education at an advanced level reached 29% and intermediate level at 31% (Table 17). At these educational levels, the women shares are more extensive than for men, while at the lower educational levels, this share among men is larger than among women. Generally, very few are working with less than basic education. The country is furthermore presenting the lowest rate for less than basic education and highest among advanced education among the neighbouring countries.

Table 17: Employment by education in Colombia, % of employment distribution, age 15+, 2019

	Less than basic	Basic	Intermediate	Advanced
Total	3.6 %	37 %	31 %	29 %
Men	4.3 %	41 %	31 %	24 %
Women	2.5 %	30 %	32 %	35 %

Source: ILO, Key Indicators of the Labour Market (KILM).

Elementary education is the first stage of basic education and is provided free of charge at public schools. It begins at age six and lasts five years (grades 1 to 5). The second phase of basic education comprises grades 6 to 9. Admission requires the completion of elementary education. Students can pursue an academic or technical track.¹⁰² Public education outlays in developed countries represent much of overall education expenditures.

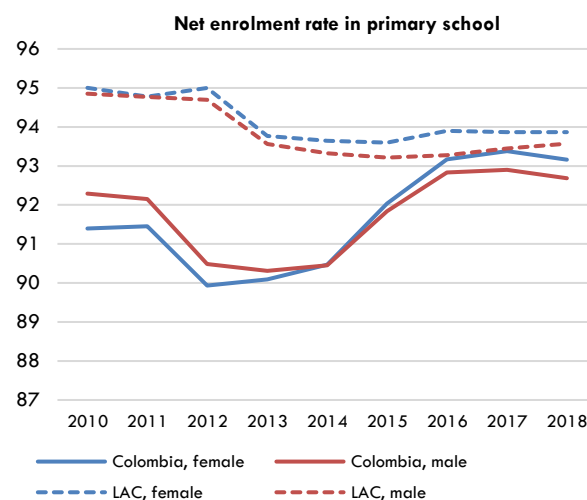
However, in Colombia, households contributing is exceptionally substantial at 30%.

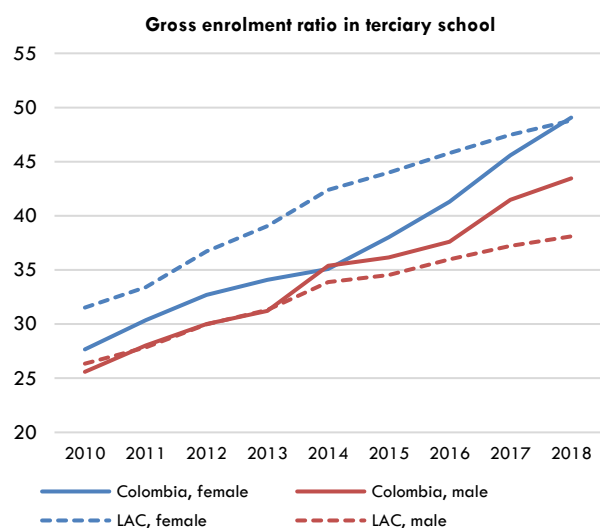
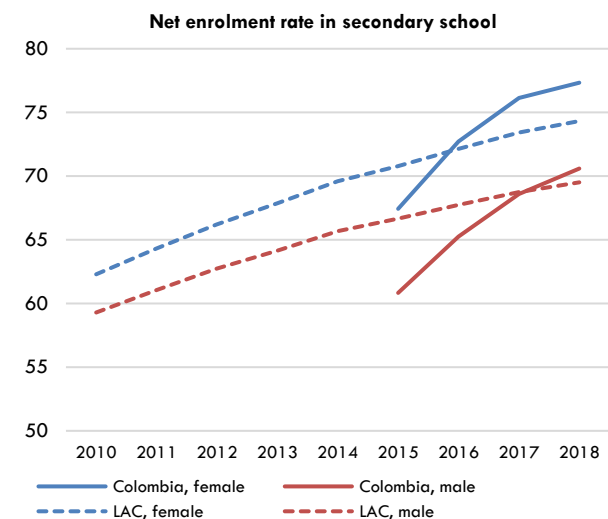
Figure 15 below outlines the school enrolment rate trends on all levels. The net enrolment rate in primary education took a downturn at the beginning of the 2010s but rebounded and got close to the regional average in recent years – a gender gap initiated in the margin. In urban areas, people tend to be more enrolled (10 percentage points) compared to rural areas.¹⁰³ Household income also plays a role in primary school attendance, as fewer poor children attend primary education, in contrast to their wealthier peers. However, income disparities have reduced the last two decades. Most schools are public; around 20% of elementary school students were enrolled in private schools in 2018.

The secondary school enrolment rate also experienced a rapid upsurge and even superseding the regional averages. A significant gender gap is observed, at almost seven percentage points higher for males compared to females. Lower- and upper-secondary net enrolment rates are 20% higher in cities than in remote rural regions.

Similarly, the tertiary school enrolment rate grew fast, with a widening gap between men and women. At this level, Colombian males' enrolment has reached the regional average while Colombian females supersede it significantly. Consider that only 25% of the poorest Colombians went to university in 2016, while 61% of the richest Colombians did. It remains to be seen how the economic fallout of the coronavirus pandemic will affect these school enrolment trends in the coming years.

Figure 15: Enrolment in Primary, Secondary and Tertiary Education in Colombia and Latin America & the Caribbean, %, 2010-2018





Note: Net enrolment is the ratio of children of official school age, who are enrolled in school to the population of the corresponding official school age. Gross enrolment is the ratio of total enrolment, regardless of age, to the population of the corresponding official school age.
Source: World Bank, Education Statistics.

While the Colombian workforce is getting better educated, the labour market structure has not necessarily changed as rapidly. The high-income inequalities are echoed in disparities in access to education and health services between regions and socioeconomic groups. Despite the impressive enrolment rates on all levels, the education system continues to be challenged by poor school infrastructure, alarming dropout rates, and a high degree of teacher absenteeism. The OECD PISA study, a standardised test of secondary students in which Colombia has been partaking since 2006, reflects relatively low learning outcomes in comparison to other nations. In the 2018 PISA, the country ranked second to last among 37 OECD countries, behind Mexico and Chile. This low ranking is a result of inadequate facilities, the location of schools, lack of internet access and low

salaries for professors' work which affects the respect as educators.

Steps towards reducing the role of the state in higher education raised concerns during the 2010s, which was inspired by the Brazilian model of expanding access via private, for-profit education. Initial steps were taken by the government to support enrolments at private institutions with a controversial programme called *Ser Pilo Paga* that funnelled more students into private institutions by subsidising top-performing students with loans and scholarships. This programme was suspended in 2018. In 2018 and 2019, many Colombian students participated in massive demonstrations to increase spending for public higher education, and demand better healthcare and pension benefits, less inequality and corruption, and the implementation of the peace agreement with the FARC.¹⁰⁴

The government ordered the immediate suspension of classes in schools and universities to curb the spreading of the COVID-19 in March 2020. More than nine million elementary and secondary school children were forced to learn from home via educational radio and television broadcasts, or online for those with access to the internet. The government extended the lockdown until May 31 and declared a 'sanitary emergency' until the end of August 2020. Schools were closed until then. Reopening plans were scrapped, though, and schools closed indefinitely (per September 2020). Higher education enrolments were expected to decline significantly because of the loss of income.

The high influx of Venezuelans in recent years put pressure on the education system. In 2020, around 200,000 Venezuelans under the age of 18 were enrolled in Colombian schools. However, 260,000 children of Venezuelan migrants were out of school before the COVID-19 crisis, which worsens the circumstances. Other data suggest that participation in tertiary education among Venezuelan migrants is minuscule and hindered by strict requirements and a lack of funds to pursue education. While many Venezuelan refugees are educated professionals, they may not have access to adequate academic documents to support their applications to universities. Many have difficulties obtaining work permits, they are often discriminated against in the Colombian labour market, and they often end up working low-skilled jobs.¹⁰⁵

Vocational training

A constitutional right in Colombia is that the State (and employers) offer training and professional and technical skills to whoever needs them. The formal provision of training for work in Colombia includes secondary education establishments, institutions of higher education, and training centres run by the public National Training Service (*Servicio Nacional de Aprendizaje*, SENA), which is part of the Ministry of Labour. The National System of Education for Work (*Sistema Nacional de Formacion para el Trabajo*, SNFT) sets the vocational training system through a broad Technical and Vocational Education and Training (TVET) legislation framework. It aims to improve education and training of the workforce by standardising, shaping, evaluating, and certificating national work competencies; and by establishing a strong connection between the labour market and the education and training system.

TVET is divided into several technological areas such as industrial, commercial, pedagogical, agricultural, and social promotion. Higher professional technical education in the field of TVET is provided by professional technical institutions that offer programmes of 2-3 years.

In 2013, there were approximately 288 work-related training institutions (i.e. university, university institutions, technological institution, and technical vocational institutions), out of these organisations: 82 were public, and 206 were private. Regarding the two latter establishments – technological institution and technical vocational institutions – embodied 18% and 12% of the total work-related training institutions in 2014. About these two levels' number of students represented 28% (600,329 students) and 4.2% (90,027 students) of enrolments in all levels of training, respectively; 60% of these were enrolled in SENA. During the 2010s, SENA's business relationship-base increased significantly, e.g. from just 27,000 companies in 2014 to contact with 145,000 in 2016. Both TVET and on-the-job training suffered massive disruption during 2020 as an impact of the COVID-19 crisis.

The number of secondary vocational pupils enrolled in technical and vocational education programmes in SENA showed it stagnated during the last decade. This TVET group has a minor gender gap favouring females. Data also demonstrated that the ratio of pupils in vocational to all pupils in secondary education was significantly lower in Colombia compared to the Latin America and the Caribbean average (see more details in Table 18 and Figure 16).

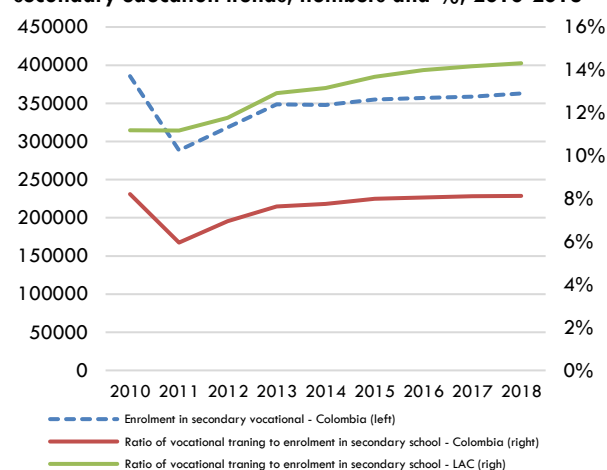
Table 18: Status of Vocational Training, 2018

Colombia		Values
Pupils in vocational training		362,733
Growth in pupils in vocational training, 2010-2018		-5.9 %
Ratio of females in secondary vocational to all secondary vocational		53 %
Comparative estimations	Country/region	%
Ratio of pupils in vocational to all pupils in secondary education, 2010-2018, average	Colombia	7.6 %
	LAC	13 %

Note: Secondary vocational pupils represent the number of secondary students enrolled in technical and vocational education programmes, including teacher training.

Source: World Bank, Education Statistics.

Figure 16: Enrolment in secondary vocational and its ratio to secondary education trends, numbers and %, 2010-2018



Source: World Bank, Education Statistics.

Colombia's government spending per student at the secondary education level is on average in Latin America and the Caribbean. Initial financing by national training institutions – principally of non-formal TVET – is quite varied in the region. However, Colombia stands out as having exceptionally high outlay at 0.3% of GDP compared to institutions comparison to other countries in the region.

In 2017, 63% of firms in Colombia offered formal training. It was a slight decline compared to 65% in 2010 but stayed well above average in a significant number of countries in the region.¹⁰⁶ This relatively high rate has been associated with tax benefits to firms to incentivise investment in education and training for their employees. Especially in Colombia, the corporate income tax code allows firms to deduct from their taxable income-qualified education and TVET expenses.¹⁰⁷

SENA gives free comprehensive training; the board of directors and technical committee of its training centres involve employers and trade unions. The institution also offers non-formal and informal TVET programmes that open a qualification in Arts and Business. Those completing a minimum of one year of the full four-semester programme are awarded a certificate of occupational skills.¹⁰⁸ SENA revenues derive both from payroll taxes at 2% from employers and corporate income tax receipts. TVET related payroll tax revenues reached 0.1% of GDP in 2017, which was significantly higher than Peru's at 0.01%, Panamá at 0.04%, but much lower than Brazil at 0.3%. Transfers and payroll taxes are the primary sources of revenue.¹⁰⁹

Generally, TVET in Colombia has struggled by being a type of education with lower quality and prestige in comparison to other types. It is often considered that TVET is chosen by those who were not admitted to university education.¹¹⁰

SOCIAL PROTECTION

The Colombian social protection system, especially pension system, proceeded major reforms during the 1990s and the 2000s. It sat the framework of the general pension, healthcare, professional risks, and complementary services, which includes a pension for the elderly in extreme poverty. Fiscal decentralisation in the health care system was also implemented, aimed at the unification of the payment systems for health and pension.

The social protection system operates by two central components with a comprehensive scope of legal coverage linked to statutory programmes that are in line to the international standards: i) General System Comprehensive Social Security, and ii) the Social Assistance System. The first component includes four basic modules: pensions, health, occupational risks, and social assistance. The second component has various mechanisms to provide subsidies to those who cannot contribute and help them to lead a dignified life, especially during the critical life stages: i) work training, ii) strengthening the family and protection of minors, iii) "Familias En Acción" Programme, iv) protection scheme for the unemployed, and v) support system for the unemployed without previous links to family compensation funds.

The scope of the population's coverage of social protection is exemplified in Table 19. Among others, legal health coverage of the population increased from

28% in the early 1990s to 96% in 2014, reaching the Latin America and the Caribbean average. Regarding universal maternity coverage, Colombia has also made significant progress. Just half of the elderly received a pension, but it climbed from 14% in 2000; just 24% of the working population contributed because of the relatively low coverage of written contracts at around two out of five employed. The relatively low pension coverage is a result of insufficient enforcement of employers' obligation to pay the pension contributions for their workers, not to mention informal workers loopholes in the labour regulations. In efforts to encourage saving for retirement, Colombia's government enacted Decree 2250 in December 2017, setting a process for employees to make voluntary contributions to the country's compulsory pension fund based on incentives by tax benefits attached. An impact of this legislation regarding the scope of these voluntary contributions is not yet available.

Table 19: Proportion of population covered by social protection systems in Colombia, %, 2015/2016

Group	Coverage
Social health insurance (2014)	96 %
Persons covered by at least one social protection benefit	41 %
Persons above retirement age receiving a pension	51 %
Persons with severe disabilities collecting disability social protection benefits	6.0 %
Unemployed receiving unemployment benefits	4.6 %
Employed covered in the event of work injury	40 %
Children and households receiving child and family cash benefits	27 %
Poor persons covered by social protection systems	23 %
Vulnerable persons covered by social assistance	14 %

Source: ILO, *SDG labour market indicators* and ILO, *World Social Protection Report 2017–19*.

Financing the social protection system works on a mix of employer-employee contributions and general taxes (see Appendix Table 28). Social contributions represented 16% of revenue, which was four percentage points higher than the regional average. While social contributions are earmarked and as part of labour compensation, the disconnection between payments and benefits of the health care system and private family compensation funds reduces incentives to pay into those systems. Total health expenditure was estimated at 7.1% of GDP on average from 2010 to 2017. It was in line to the LAC average but significantly lower relative to per capita value. Public social protection expenditure (excluding health) on people of working age is recorded

as the second-highest rate at 3.9% of GDP in comparison to middle-income countries (see more in Table 20).

Table 20: Expenditure of health and social protection issues in Colombia and Latin America and the Caribbean (LAC), 2010-2017 average

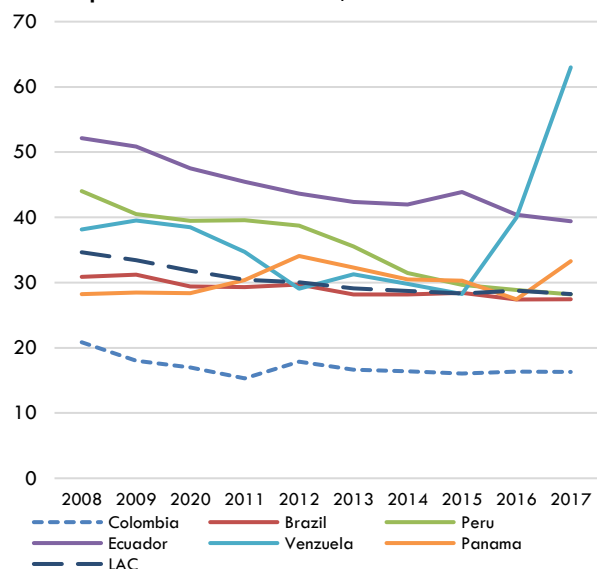
Service	Colombia	LAC
Total health expenditure (% of GDP)	7.1 %	7.2 %
Current health expenditure per capita (current US\$)	493	686
Public social security (excluding healthcare) (% of GDP) (latest year)	8.6 %	N/a
Social contributions (% of revenue) *	16 %	12 %

* Social contributions include social security contributions by employees, employers, and self-employed individuals, and other contributions whose source cannot be determined. They also include actual or imputed contributions to social insurance schemes operated by governments.

Source: World Bank, World Development Indicators and World Social Protection Report 2017-2019.

Anyone with a labour contract or an income above two minimum salaries (if working independently) must be affiliated to the health system. In Figure 17 it is apparent that Colombia has a low-level out-of-pocket expenditure on health care compared to neighbouring countries. Having a low out-of-pocket expenditure is usually considered positive, as high numbers are associated with catastrophic and impoverishing spending.¹¹¹ This low rate is also related to the relatively high healthcare protection coverage in Colombia.

Figure 17: Out-of-Pocket Expenditure as a Percentage of Total Expenditure on Health in %, 2008-2017



Source: World Bank, World Development Indicators.

Protection against unemployment was enhanced during the 2010s by extended social protection for some unemployed. It was established through a network of public employment services, active labour market policies, and a voluntary system of individual

unemployment savings accounts. The unemployment insurance is available as an in-kind transitory allowance for up to six months, equivalent to 1.5 minimum wages divided into six monthly transfers to the workers. The aim is that workers can afford their basic expenses (i.e. food, education, and health expenditure).¹¹² The workers must previously register at a family compensation fund for at least a year during the three years before obtaining the support from the insurance scheme. It is too early to evaluate the scope of this system's results, but at least it is considered as progress: unemployed receiving unemployment benefits reached 4.6% of unemployed workers in 2016.

The General Pension System protects contingencies. It is quite complexed with highly unequal access to the system. It has become a heavy and persistent burden for the public finances, because of the difficulties to enforce employers to pay the contributions for their workers (see ahead). The pension system operates by two mandatory parallel systems, a public PAYG (Average Premium Solidarity Regime with Defined Contributions) defined-benefit scheme, and a private defined-contribution scheme known as Regime of Individual Accounts with Solidarity. Affiliation to the pension system is compulsory for both dependent and independent workers, although they might choose their scheme of preference and change it once every five years. The pension system is financed through contributions made by employees and employers, equivalent to 16% of monthly wages (the employer contributes by 12% and the employee by 4%). Independent workers can also contribute by 16%, although on maximum 40% of their monthly incomes. The minimum pension received from a contribution scheme is equal to the minimum wage in Colombia.¹¹³ Persons who cannot afford to make contributions to the pension system, due to their socio-economic status, receive a pension subsidy.¹¹⁴

During the 2010s, the government had a focus to allow more people from the three lowest income deciles to be covered by the public pension scheme. It includes launching the *Colombia Mayor* in 2010, which is an old-age assistance scheme, and the *Family Pension (Pension Familiar)* in 2012, allowing two individuals in a couple to add up their contributed years. The expansion of coverage generated financial pressure, which has resulted in the halving of the already low benefit. This low coverage raises equity issues, which is linked to the widespread informal economy.¹¹⁵

Several aspects challenge the social protection system in Colombia. First, the pension system is marred by critical

inequality issues. For example, more than 90% of the highest income quintile contributes to the pension system; it is down to 5% of the lowest quintile. High informality leaves many elderly in poverty.

Second, the contributory pension system is flexible, which led people to choose the schemes between the public and private sector. However, switching between plans makes the system complex, costly and unfair, as the public scheme is very generous to high-level earners.¹¹⁶

Third, gathering the high informal employment, skewed pension contribution linked to subsidies paid by payroll taxes, and the significant growing +60 years population segment, are mounting a burden on the public fiscal sustainability. Colombian firms put around 70% of social security costs, which supported incentives to avoid such labour-related-costs by out-sourcing and off-shoring. It not only left many self-employed workers out of the dual private-public system of social protection but also creates weaknesses in enforcing mandatory participation for these workers.¹¹⁷

There are several poverty reduction policies in place under the Ministry of Social Protection. Around 80% of the poorest people are covered by at least one social safety net programme (see more details in Table 21). The *Red Unidos* programme evaluates the living conditions of the 20% poorest households and those who have been registered as displaced, and then assign social workers to help the households. The most effective non-contributory poverty reduction programme is a Conditional Cash Transfer (CCT) programme led by *Acción Social*. It targeted at low-income families, displaced people, and indigenous populations. The programme focuses on the nutrition of children below the age of seven and the school attendance for those aged 7-18.¹¹⁸

Table 21: Social protection coverage in Colombia, % of population, 2014

Group	Coverage
Coverage of social safety net programmes in poorest quintile	81 %
Coverage of social protection and labour programmes	66 %
Coverage of social safety net programmes	59 %
Coverage of social insurance programmes	9.2 %
Coverage of social insurance programmes in poorest quintile	0.6 %

Source: World Bank, World Development Indicators.

Colombia experienced a health emergency for months during 2020 as an impact of the COVID-19. Per September 2020, 824,042 COVID-19 cases and 25,828 deaths were registered in the country. In response to the health emergency, the government implemented comprehensive aspects. For example, physical activity and outdoor exercise were allowed for those aged 18 to 69 years for a maximum of two hours a day; for adults over 70, three times a week for half an hour a day; for children over 6 years old, three times a week for one hour a day; and for children between 2 and 5 years old, three times a week for half an hour a day, among others.

Other aspects were legislation in April 2020 that set monetary supplement in the framework of the Solidary Income programme (*Ingreso Solidario*). The beneficiaries are classified in the welfare classification system (*Sistema de Identificación de Potenciales Beneficiarios de Programas Sociales (SISBEN)*) but struggling a weak connection to the system. The Solidary Income programme aimed at to give over 3 million families three payments of COP\$160,000 (US\$43), a total of COP\$480,000 (US\$130) per family. The aim is to reach people who are not covered by existing programs such as *Familias en Acción*, *Protección Social al Adulto Mayor*, and *Jóvenes en Acción*.

APPENDIX: ADDITIONAL DATA

Table 22: List of approved labour related legislations in Colombia, 2014-2017

Type of legislation	Legislation
2014	
General provisions	Decreto núm. 089 de 20 de enero de 2014 por el cual se reglamenta un artículo del Código Sustantivo del Trabajo
Freedom of association, collective bargaining and industrial relations	Resolución núm. 810, de 3 de marzo de 2014, que establece el trámite interno para el registro sindical de organizaciones sindicales de primer, segundo y tercer grado
Labour administration	Decreto núm. 1444 de 31 de Julio de 2014, por el cual se estructura la Red Nacional de Observatorios Regionales del Mercado de Trabajo (Red Ormet) y se dictan otras disposiciones
	Decreto núm. 1444, de 31 de Julio de 2014, por el cual se estructura la Red Nacional de Observatorios Regionales del Mercado de Trabajo (Red Ormet) y se dictan otras disposiciones
Employment policy, promotion of employment and employment services	Decreto núm. 2089, de 17 de octubre de 2014, por el cual se adoptan medidas especiales para garantizar la vinculación de mano de obra local a proyectos de exploración y producción de hidrocarburos
	Decreto núm. 1444 de 31 de Julio de 2014, por el cual se estructura la Red Nacional de Observatorios Regionales del Mercado de Trabajo (Red Ormet) y se dictan otras disposiciones
	Decreto núm. 1444, de 31 de Julio de 2014, por el cual se estructura la Red Nacional de Observatorios Regionales del Mercado de Trabajo (Red Ormet) y se dictan otras disposiciones
Education, vocational guidance and training	Decreto núm. 681 de 2014 por el cual se crea un Programa para el reentrenamiento laboral y la formación a lo largo de la vida
Conditions of employment	Decreto núm. 567 de 2014 por el cual se estructura la Red Nacional de Formalización Laboral y se dictan otras disposiciones
Social security (general standards)	Decreto núm. 2087, de 17 de octubre de 2014, por el cual se reglamenta el Sistema de Recaudo de Aportes del Servicio Social Complementario de Beneficios Económicos Periódicos (BEPS)
	Ley núm. 1733 (Ley Consuelo Devis Saavedra), de 8 de septiembre de 2014, que regula los servicios de cuidados paliativos para el manejo integral de pacientes con enfermedades terminales, crónicas, degenerativas e irreversibles en cualquier fase de la enfermedad de alto impacto en la calidad de vida
	Decreto núm. 135 de 2014 por el cual se desarrolla el esquema de ahorro de cesantías, se establece el beneficio económico proporcional al ahorro en el Mecanismo de Protección al Cesante y se dictan otras disposiciones
Migrant workers	Decreto núm. 682 de 2014 por el cual se establecen mecanismos de protección social para los colombianos migrantes y sus familias en Colombia
Indigenous and tribal peoples	Decreto núm. 1953, de 7 de octubre de 2014, por el cual se crea un régimen especial con el fin de poner en funcionamiento los Territorios Indígenas respecto de la administración de los sistemas propios de los pueblos indígenas hasta que el Congreso expida la ley de que trata el artículo 329 de la Constitución Política
Specific categories of workers	Decreto núm. 1047 de 2014 por el cual se establecen normas para asegurar la afiliación al Sistema Integral de Seguridad Social de los conductores del servicio público de transporte terrestre automotor individual de pasajeros en vehículos taxi, se reglamentan algunos aspectos del servicio para su operatividad y se dictan otras disposiciones
	Decreto núm. 160 de 2014 por el cual se reglamenta la Ley núm. 411 de 1997 aprobatoria del Convenio núm. 151 sobre las relaciones de trabajo en la administración pública, 1978 de la OIT
	Decreto núm. 160 de 5 de febrero de 2014 por el cual se reglamenta la Ley núm. 411 de 1997 aprobatoria del Convenio núm. 151 de la OIT, en lo relativo a los procedimientos de negociación y solución de controversias con las organizaciones de empleados públicos
2015	
General provisions	Ley núm. 1761, de 6 de julio de 2015, por la cual se crea el tipo penal de feminicidio como delito autónomo y se dictan otras disposiciones
	Decreto núm. 1072 de 2015, de 26 de mayo, por medio del cual se expide el Decreto Único Reglamentario del Sector Trabajo
	Decreto núm. 1076 de 2015, de 26 de mayo, por medio del cual se expide el Decreto Único Reglamentario del Sector Ambiente y Desarrollo Sostenible
Education, vocational guidance and training	Decreto núm. 1075 de 2015, de 26 de mayo, por medio del cual se expide el Decreto Único Reglamentario del Sector Educación
	Decreto núm. 345, de 25 de febrero de 2015, por medio del cual se promulga el "Acuerdo de Reconocimiento de Títulos y Grados de Educación Superior Universitaria entre el Gobierno de la República de Colombia y el Gobierno del Reino de España", suscrito en Mar de Plata el 4 de diciembre de 2010

	Decreto núm. 055, de 14 de enero de 2015, que reglamenta la afiliación de estudiantes al Sistema General de Riesgos Laborales y modifica el artículo 15 del Decreto núm. 2376 de 2010
Conditions of work	Decreto núm. 2564, de 30 de diciembre de 2015, por el cual se autoriza el reconocimiento en dinero de días compensatorios
Occupational safety and health	Decreto núm. 2509, de 23 de diciembre de 2015, que modifica el Capítulo 9 del Título 4 de la Parte 2 del Libro 2 del Decreto núm. 1072 de 2015, referente al Sistema de Compensación Monetaria en el Sistema General de Riesgos Laborales
	Decreto núm. 1886, de 21 de septiembre de 2015, que establece el Reglamento de Seguridad en las Labores Mineras Subterráneas
	Decreto núm. 0472, de 17 de marzo de 2015, por el cual se reglamentan los criterios de graduación de las multas por infracción a las normas de Seguridad y Salud en el Trabajo y Riesgos Laborales, se señalan normas para la aplicación de la orden de clausura del lugar de trabajo o cierre definitivo de la empresa y paralización o prohibición inmediata de trabajos o tareas y se dictan otras disposiciones
Social security (general standards)	Decreto núm. 2459, de 17 de diciembre de 2015, que reglamenta la prestación de servicios de salud por los distritos creados con posterioridad a la expedición de la Ley núm. 715 de 2001
	Decreto núm. 2353 de 2015, de 3 de diciembre, por el cual se unifican y actualizan las reglas de afiliación al Sistema General de Seguridad Social en Salud, se crea el Sistema de Afiliación Transaccional y se definen los instrumentos para garantizar la continuidad en la afiliación y el goce efectivo del derecho a la salud
	Decreto núm. 2245 de 2015, de 24 de noviembre, por el cual se adiciona un capítulo al Decreto núm. 1069 de 2015, Único Reglamentario del Sector Justicia y del Derecho, en lo relacionado con la prestación de los servicios de salud a las personas privadas de la libertad bajo la custodia y vigilancia del Instituto Nacional Penitenciario y Carcelario (Inpec)
	Decreto núm. 2071 de 2015, de 23 de octubre, que modifica el Decreto núm. 2555, de 2010, en lo referente al régimen de protección al consumidor financiero del Sistema General de Pensiones
	Decreto núm. 1768 de 2015, de 4 de septiembre, por el cual se establecen las condiciones para la afiliación al Sistema General de Seguridad Social en Salud de los migrantes colombianos que han sido repatriados, han retomado voluntariamente al país, o han sido deportados o expulsados de la República Bolivariana de Venezuela
	Ley estatutaria núm. 1751, de 16 de febrero de 2015, por medio de la cual se regula el derecho fundamental a la salud y se dictan otras disposiciones
	Decreto núm. 056 de 2015, de 14 de enero, por el cual se establecen las reglas para el funcionamiento de la Subcuenta del Seguro de Riesgos Catastróficos y Accidentes de Tránsito-ECAT y las condiciones de cobertura, reconocimiento y pago de los servicios de salud, indemnizaciones y gastos derivados de accidentes de tránsito, eventos catastróficos de origen natural, eventos terroristas o los demás eventos aprobados por el Ministerio de Salud y Protección Social en su calidad de Consejo de Administración del Fosyga, por parte de la Subcuenta ECAT del FOSYGA y de las entidades aseguradoras autorizadas para operar el SOAT
Specific categories of workers	Decreto núm. 2565, de 31 de diciembre de 2015, por el cual se crean unas bonificaciones para los servidores públicos docentes y directivos docentes al servicio del Estado en los niveles de preescolar, básica y media regidos por el Decreto Ley núm. 2277 de 1979, que pertenezcan al grado 14 del Escalafón Nacional Docente, y se dictan otras disposiciones
	Decreto núm. 2418, de 11 de diciembre de 2015, por el cual se regula la bonificación por servicios prestados para los empleados públicos del nivel territorial
	Decreto núm. 1886, de 21 de septiembre de 2015, que establece el Reglamento de Seguridad en las Labores Mineras Subterráneas
2016	
General provisions	Decreto núm. 1314, de 10 de agosto, por el cual se crea la Comisión Intersectorial de Garantías para las Mujeres Líderesas y Defensoras de los Derechos Humanos
	Ley núm. 1804, de 2 de agosto de 2016, por la cual se establece la Política de Estado para el Desarrollo Integral de la Primera Infancia de Cero a Siempre y se dictan otras disposiciones
	Decreto núm. 1036 de 2016, de 24 de junio, por el cual se adiciona un capítulo al Decreto núm. 1066 de 2015, Decreto Único Reglamentario del Sector Interior, con el fin de adoptar la "Estrategia nacional para la lucha contra la trata de personas, 2016-2018"
	Decreto núm. 017, de 8 de enero de 2016, por el cual se adiciona un capítulo al título 2 de la parte 2 del libro 2 del Decreto núm. 1072 de 2015, Decreto Único Reglamentario del sector Trabajo
Freedom of association, collective bargaining and industrial relations	Decreto núm. 624 de 2016, de 18 de abril, por el cual se crea y reglamenta la Mesa Permanente de Concertación con las Centrales Sindicales CUT, CGT, CTC y la FECODE para la Reparación Colectiva al Movimiento Sindical

Labour administration	Decreto núm. 583 de 2016, de 8 de abril, por el cual se adiciona un capítulo al título 3 de la parte 2 del libro 2 del Decreto núm. 1072 de 2015, Decreto Único Reglamentario del Sector Trabajo
Employment policy, promotion of employment and employment services	Ley núm. 1780, de 2 de mayo de 2016, por medio de la cual se promueve el empleo y el emprendimiento juvenil, se generan medidas para superar barreras de acceso al mercado del trabajo y se dictan otras disposiciones
Conditions of employment	Ley núm. 1788, de 7 de julio de 2016, que garantiza el acceso en condiciones de universalidad al derecho prestacional de pago de prima de servicios para los trabajadores y trabajadoras domésticos
	Decreto núm. 123 de 2016, de 26 de enero, por el cual se crea una bonificación para los servidores públicos docentes y directivos docentes al servicio del Estado en los niveles de preescolar, básica y media, y se dictan otras disposiciones
Occupational safety and health	Decreto núm. 1117 de 2016, de 11 de julio, por el cual se modifica el Decreto núm. 1072 de 2015, Decreto Único Reglamentario del Sector Trabajo, en lo referente a los requisitos y términos de inscripción para el ejercicio de intermediación de seguros en el ramo de riesgos laborales
Social security (general standards)	Decreto núm. 1345 de 2016, de 19 de agosto, por el cual se reglamenta el artículo 111 de la Ley núm. 1769 de 2015, referente al acceso de las Madres Sustitutas al Subsidio otorgado por la Subcuenta de Subsistencia del Fondo de Solidaridad Pensional
	Decreto núm. 1184 de 2016, de 19 de julio, que adiciona un Capítulo 5 al Título 10, Parte 1, Libro 2, del Decreto núm. 780 de 2016, Decreto Único Reglamentario del Sector Salud y Protección Social
	Decreto núm. 780 de 2016, de 6 de mayo, por medio del cual se expide el Decreto Único Reglamentario del Sector Salud y Protección Social
	Decreto núm. 582 de 2015, de 8 de abril, por el cual se modifica el Decreto núm. 1072 de 2015, Decreto Único Reglamentario del Sector Trabajo, para reglamentar parcialmente el artículo 77 de la Ley núm. 1753 de 2015 y adoptar medidas para fortalecer el Mecanismo de Protección al Cesante en lo relativo a Bonos de Alimentación
Specific categories of workers	Ley núm. 1788, de 7 de julio de 2016, que garantiza el acceso en condiciones de universalidad al derecho prestacional de pago de prima de servicios para los trabajadores y trabajadoras domésticos
	Decreto núm. 123 de 2016, de 26 de enero, por el cual se crea una bonificación para los servidores públicos docentes y directivos docentes al servicio del Estado en los niveles de preescolar, básica y media, y se dictan otras disposiciones.
Domestic workers	Ley núm. 1788, de 7 de julio de 2016, que garantiza el acceso en condiciones de universalidad al derecho prestacional de pago de prima de servicios para los trabajadores y trabajadoras domésticos
2017	
General Provisions	Ley núm. 1864, de 17 de agosto de 2017, que modifica la Ley núm. 599 de 2000 y dicta otras disposiciones para proteger los mecanismos de participación democrática
	Ley núm. 1857, de 26 de julio de 2017, por medio del cual se modifica la Ley núm. 1361 de 2009 para adicionar y complementar las medidas de Protección de la Familia y se dictan otras disposiciones
	Ley núm. 1850, de 19 de julio de 2017, por medio de la cual se establecen medidas de protección al adulto mayor en Colombia, se modifican las leyes núm. 1251 de 2008, núm. 1315 de 2009, núm. 599 de 2000 y núm. 1276 de 2009, se penaliza el maltrato intrafamiliar por abandono y se dictan otras disposiciones
	Ley núm. 1846, de 18 de julio de 2017, por medio de la cual se modifican los artículos 160 y 161 del Código Sustantivo del Trabajo y se dictan otras disposiciones
	Decreto Ley núm. 895, de 29 de mayo de 2017, que crea el Sistema Integral de Seguridad para el Ejercicio de la Política
	Decreto Ley núm. 896, de 29 de mayo de 2017, que crea el Programa Nacional Integral de Sustitución de cultivos de uso ilícito (PNIS)
	Decreto-Ley núm. 897 de 2017, de 29 de mayo, por el cual se modifica la estructura de la Agencia Colombiana para la Reintegración de Personas y Grupos Alzados en Armas y se dictan otras disposiciones
	Decreto-Ley núm. 899 de 2017, de 29 de mayo, por el cual se establecen medidas e instrumentos para la reincorporación económica y social, colectiva e individual, de los integrantes de las FARC-EP, conforme al Acuerdo Final suscrito entre el Gobierno Nacional y las FARC-EP el 24 de noviembre de 2016
	Decreto-Ley núm. 902 de 2017, de 29 de mayo, por el cual se adoptan medidas para facilitar la implementación de la Reforma Rural Integral contemplada en el Acuerdo Final en materia de tierras, específicamente el procedimiento para el acceso y formalización y el Fondo de Tierras
	Decreto Ley núm. 898, de 29 de mayo de 2017, que crea la Unidad Especial de Investigación para el desmantelamiento de las organizaciones y conductas criminales responsables de homicidios y masacres, que atentan contra defensores/as de derechos humanos, movimientos

	<p>sociales o movimientos políticos o que amenacen o atenten contra las personas que participen en la implementación de los acuerdos y la construcción de la paz, incluyendo las organizaciones criminales que hayan sido denominadas como sucesoras del paramilitarismo y sus redes de apoyo</p> <p>Decreto Ley núm. 900, de 29 de mayo de 2017, por el cual se adiciona el artículo 8 de la Ley núm. 418 de 1997, a su vez modificado por el artículo 1 de la Ley núm. 1779 de 2016, y se dictan otras disposiciones.</p> <p>Decreto Ley núm. 901, de 29 de mayo de 2017, por el cual se prorroga la duración de las Zonas Veredales Transitorias de Normalización (ZVTN) y los Puntos Transitorios de Normalización (PTN), establecidos por los Decretos núm. 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 de 2016 y núm. 150 de 2017</p> <p>Decreto Ley núm. 890 de 2017, de 28 de mayo, por el cual se dictan disposiciones para la formulación del Plan Nacional de Construcción y Mejoramiento de Vivienda Social Rural</p> <p>Decreto Ley núm. 890 de 2017, de 28 de mayo, por el cual se adiciona un párrafo al artículo 190 de la Ley núm. 1448 de 2011 en lo relacionado con el proceso de restitución de los derechos de los niños, niñas y adolescentes a cargo del ICBF, desvinculados de las FARC-EP en virtud del Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera</p> <p>Decreto Ley núm. 893, de 28 de mayo de 2017, por el cual se crean los Programas de Desarrollo con Enfoque Territorial (PDET)</p> <p>Decreto Ley núm. 889 de 2017, de 27 de mayo, que adiciona un artículo transitorio al Decreto núm. 2067 de 1991</p> <p>Decreto Ley núm. 883 de 2017, de 26 de mayo, por el cual se modifica la Ley núm. 1819 de 2016 para incluir a las empresas dedicadas a la minería y a la explotación de hidrocarburos en la forma de pago de obras por impuestos -</p> <p>Decreto Ley núm. 884 de 2017, de 26 de mayo, por el cual se expiden normas tendientes a la implementación del Plan Nacional de Electrificación Rural en el marco del Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera</p> <p>Decreto Ley núm. 885 de 2017, de 26 de mayo, por medio del cual se modifica la Ley núm. 434 de 1998 y se crea el Consejo Nacional de Paz, Reconciliación y Convivencia -</p>
Equality of opportunity and treatment	<p>Ley núm. 1833, de 4 de mayo de 2017, que modifica y adiciona la ley 5ª de 1992, crea la Comisión Legal para la Protección de los Derechos de las Comunidades Negras o Población Afrocolombiana del Congreso de la República de Colombia y dicta otras disposiciones</p>
Education, Vocational Guidance and Training	<p>Decreto Ley núm. 892, de 28 de mayo de 2017, por el cual se crea un régimen transitorio para la acreditación en alta calidad de los programas académicos de licenciaturas a nivel de pregrado que son ofrecidos en departamentos donde se localizan municipios priorizados para la implementación de los Programas de Desarrollo con Enfoque Territorial (PDET)</p> <p>Decreto Ley núm. 882 de 2017, de 26 de mayo, por el cual se adoptan normas sobre la organización y prestación del servicio educativo estatal y el ejercicio de la profesión docente en zonas afectadas por el conflicto armado</p>
Social Security	<p>Ley núm. 1850, de 19 de julio de 2017, por medio de la cual se establecen medidas de protección al adulto mayor en Colombia, se modifican las leyes núm. 1251 de 2008, núm. 1315 de 2009, núm. 599 de 2000 y núm. 1276 de 2009, se penaliza el maltrato intrafamiliar por abandono y se dictan otras disposiciones</p> <p>Decreto núm. 546 de 2017, de 30 de marzo, por el cual se modifica el Decreto núm. 1429 de 2016, que modificó la estructura de la Administradora de los Recursos del Sistema General de Seguridad Social en Salud - ADRES.</p>
Maternity Protection	<p>Ley núm. 1822, de 4 de enero de 2017, por medio de la cual se incentiva la adecuada atención y cuidado de la primera infancia, se modifican los artículos 236 y 239 del Código Sustantivo del Trabajo y se dictan otras disposiciones"</p> <p>Ley núm. 1823, de 4 de enero de 2017, por medio de la cual se adopta la estrategia Salas Amigas de la Familia Lactante del Entorno Laboral en entidades públicas y empresas privadas</p>
Specific Categories of Workers	<p>Decreto Ley núm. 894, de 28 de mayo de 2017, por el cual se dictan normas en material de empleo público con el fin de facilitar y asegurar la implementación y desarrollo normativo del Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera</p>

Source: ILO, NATLEX, Country Profile Colombia, Basic Laws.

Table 23: Ratified ILO Conventions in Colombia

Subject and/or right	Convention	Ratification date
Fundamental Conventions		
Freedom of association and collective bargaining	C087 - Freedom of Association and Protection of the Right to Organise, 1948	1976
	C098 - Right to Organise and Collective Bargaining Convention, 1949	1976
Elimination of all forms of forced labour	C029 - Forced Labour Convention, 1930	1969
	C105 - Abolition of Forced Labour Convention, 1957	1963
Effective abolition of child labour	C138 - Minimum Age Convention, 1973	2001
	C182 - Worst Forms of Child Labour Convention, 1999	2005
Elimination of discrimination in employment	C100 - Equal Remuneration Convention, 1951	1963
	C111 - Discrimination (Employment and Occupation) Convention, 1958	1969
Governance Conventions		
Labour inspection	C081 - Labour Inspection Convention, 1947	1967
	C129 - Labour Inspection (Agriculture) Convention, 1969	1976
Employment policy	C122 - Employment Policy Convention, 1964	Not ratified
Tripartism	C144 - Tripartite Consultation (International Labour Standards) Convention, 1976	1999
Up-to-date Conventions		
Working time	C014 - Weekly Rest (Industry) Convention, 1921	1933 *
	C106 - Weekly Rest (Commerce and Offices) Convention, 1957	1969
Free of association, collective bargaining, and industrial relations	C151 - Labour Relations (Public Service) Convention, 1978	2000
	C154 - Collective Bargaining Convention, 1981	2000
Wages	C095 - Labour Clauses (Public Contracts) Convention, 1949	1963
Labour Administration and inspection	C160 - Labour Statistics Convention, 1985	1990
OSH	C162 - Asbestos Convention, 1986	2011
Employment policy and promotion	C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	1989
Occupational safety and health	C161 - Occupational Health Services Convention, 1985	1990
	C162 - Asbestos Convention, 1986	2001
	C167 - Safety and Health in Construction Convention, 1988	1994
	C170 - Chemicals Convention, 1990	1994
	C174 - Prevention of Major Industrial Accidents Convention, 1993	1997
Indigenous and tribal peoples	C169 - Indigenous and Tribal Peoples Convention, 1989	1991
Specific categories of workers	C189 - Domestic Workers Convention, 2011	2014

* Abrogated Convention- By decision of ILC at its 106th Session (2017).

Note: Fundamental Conventions are the eight most important ILO conventions that cover four fundamental principles and rights at work. Equivalent to basic human rights at work. Governance Conventions are four conventions that the ILO has designated as important to building national institutions and capacities that serve to promote employment. In other words, conventions that promotes a well-regulated and well-functioning labour market.

In addition, there are 71 conventions, which ILO considers "up-to-date" and actively promotes.

Source: ILO, NORMLEX, Ratification for Colombia.

Table 24: Number of Trade Unions and Membership per Sector in Colombia, 2016

Subsector	Number of Unions	%	Union Members	%
Agriculture, Hunting & Forestry	540	9.9%	92,750	9.0%
Mining & Quarrying	75	1.4%	18,901	1.8%
Manufacturing	620	11%	120,583	12%
Electricity, Gas & Water	88	1.6%	30,355	3.0%
Construction	124	2.3%	7,921	1.0%
Trade, Restaurants & Hotels	865	16%	96,796	9.4%
Transport, Storage & Communication	536	10%	85,940	8.4%
Finance, Real Estate & Business Services	220	4.0%	40,582	4.0%
Community, Social and Personal Services	2,180	40%	524,788	51%
Activities not Defined	201	3.7%	7,138	1.0%
Total	5,449	100%	1,025,754	100%

Source: Escuela Nacional Sindical - SISLAB – August 2017 Report

Table 25: Number of violations of unionists' cases in Colombia, 2012-2019

Type of Violation	2012	2013	2014	2015	2016	2017	2018	2019	Total	Share
Threats	449	337	244	121	201	137	175	51	1,715	67%
Harassment	50	63	78	30	30	26	8	7	292	11%
Murders	25	37	21	21	20	22	34	9	189	7.4%
Attacks With & Without injuries	9	18	24	17	18	17	10	1	114	4.5%
Forced displacement	90	3	1	-	1	1	2	-	98	3.9%
Arbitrary detentions	19	24	17	8	5	9	-	-	82	3.2%
Illegal searches/ raids	3	2	2	2	8	1	1	-	19	0.7%
Forced disappearances	2	-	1	4	2	1	3	-	13	0.5%
Torture	5	1	-	2	-	1	1	1	11	0.4%
Abduction	-	4	-	3	-	-	-	1	8	0.3%
Total	652	489	388	208	285	215	234	70	2,541	100%

Source: Sistema de Información en Derechos Humanos, SINDERH, ENS and ITUC, Colombia: Peace at Risk.

Table 26: Ease of Doing Business in Colombia, 2019-2020

Topics	2019	2020	Changes
Overall	65	67	+2
Starting a Business	100	95	-5
Dealing with Construction Permits	89	89	0
Getting Electricity	80	82	+2
Registering Property	59	62	+3
Getting Credit	3	11	+8
Protecting Minority Investors	15	13	-2
Paying Taxes	146	148	+2
Trading Across Borders	133	133	0
Enforcing Contracts	177	177	0
Resolving Insolvency	40	32	+8

Note: Doing Business 2019-2020 indicators are ranking from 1 (top) to 190 (bottom) among countries.

Source: World Bank, Ease of Doing Business 2020 in Colombia.

Table 27: Net migration rate in Colombia, per 1,000 persons, 2010-2020

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Net migration rate	-0.866	-0.856	-0.845	-0.834	0.165	1.164	2.164	3.163	4.162	2.635	1.108

Source: Macrotrends, Colombia Net Migration Rate 1950-2020.

Table 28: Social security contributions and payroll taxes in Colombia, 2020

Contributions	Aggregate Rate	Employer	Employee
Pension	16%	12%	4%
Health	12.5%	8.5% for employees who earn more than 10 minimum wages.	4%
Solidarity pension Fund	1%-2%	N/A	1%-2%
Professional Risks	0.348% - 8.7%	0.348% - 8.7%	N/A
Payroll Taxes	4% or 9%	4% or 9%	N/A

Source: DLA Piper, Benefits & pensions: Colombia.

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