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Colombia Post Accession Reporting

Report by the OECD Secretariat

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This report is the Secretariat's second post-accession progress report on Colombia. As requested in the Formal Opinion [DELSA/ELSA/ACS(2018)1/FINAL], the report provides an overview of progress made in the four areas identified in the accession reports [DELSA/ELSA/ACS(2015)1 and DELSA/ELSA/ACS(2017)2], including: 1. Labour informality and subcontracting; 2. Labour law enforcement; 3. Collective bargaining; and 4. Crimes against trade unionists.

Action: The Committee is invited to discuss this item, highlight any further action that Colombia should take to address the Committee's recommendations, and agree with the declassification of the report to allow for publication.

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Note by the Secretariat

1. On 28 April 2020, Colombia joined the OECD as the 37th Member of the Organisation, bringing to a successful conclusion an accession process that began in 2013.

2. As requested in the Formal Opinion [DELSA/ELSA/ACS(2018)1/FINAL], the Colombian authorities present a yearly update report at the ELSA Committee meeting and the Secretariat prepares a report two, four, six and eight years after accession to the Organisation and thereafter as required.

3. This report is the Secretariat's third post-accession progress report. As requested in the Formal Opinion [DELSA/ELSA/ACS(2018)1/FINAL], the report provides an overview of progress made in the four areas identified in the accession reports [DELSA/ELSA/ACS(2015)1 and DELSA/ELSA/ACS(2017)2], including: (1) labour informality and subcontracting; (2) labour law enforcement; (3) collective bargaining; and (4) crimes against trade unionists.

4. Delegates are invited to:

- DISCUSS this item.
- HIGHLIGHT any further action that Colombia should take to address the Committee's recommendations.
- AGREE with the declassification of the report to allow for publication.

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Executive Summary

5. Colombia has seen a notable reduction in labour informality over the past decade, although recent trends suggest that this progress may be losing momentum. By the end of 2025, 57% of workers were not contributing to the pension system, compared to nearly 70% in 2013. Since mid-2024, the decline in informality has halted, however, and rural areas continue to face especially acute challenges, with informality rates reaching 83.5% in 2025.

6. A central policy development in the past two years has been the adoption of a comprehensive labour market reform in 2025. This reform represents a major overhaul of the Colombia's labour framework, with a strong emphasis on improving compliance with labour law and aligning working conditions with OECD standards. Built around the principles of decent work, legal certainty and social justice, the reform introduces wide-ranging changes affecting employment relationships, enforcement mechanisms, and the regulation of emerging forms of work. It reflects a shift towards a more protective and compliance-oriented labour regime, combining stricter rules with enhanced enforcement tools.

7. Complementing these regulatory changes, the government has placed increasing emphasis on strengthening the "Economía Popular", which refers to small-scale and often informal productive activities. Greater institutional recognition for their contribution to social and economic policy was combined with a mix of financial support, training programmes and improved access to public procurement, as a way to bring informal activities closer to the formal sector and eventually formalise them.

8. Despite these advances, a key structural driver of informality—the high cost of formal labour—remains largely unaddressed. In fact, labour costs have risen as a result of the labour reform, potentially discouraging formal job creation. The recent stagnation in informality rates, coupled with persistently high levels in rural areas, underscores the need for renewed policy efforts to reduce the cost burden associated with formal employment.

9. Labour inspection has received a strong push under the current government, with targeted inspections in a few emblematic cases, more and higher imposed sanctions, and larger amounts of collected fines. Administrative efficiency has improved through upgrades to the SISINFO electronic case management system, reforms to the fines collection process, and the consolidation of the FIVICOT fund, all of which have strengthened the traceability and management of sanctions. In addition, the inspectorate has increased its focus on identifying disguised employment relationships and has reinforced the use of Labour Formalisation Agreements as a tool to bring workers into formal arrangements. A revision of the Rural Inspection Model expanded the presence of inspectors in remote and underserved areas.

10. However, structural constraints continue to limit the overall capacity of the labour inspectorate. The number of inspectors has declined gradually since 2022, and although new recruitment is planned, staffing levels remain below international benchmarks. Budgetary constraints further restrict operational capacity. While the number of inspection visits has increased, the volume of investigations and sanctioning procedures has decreased sharply over the past decade, raising concerns about the deterrent effect of enforcement. Looking ahead, consolidating recent progress will require sustained investment in human and financial labour inspection resources, improved alignment between preventive and corrective

enforcement actions, and a renewed emphasis on investigations and timely sanctions. Strengthening these elements is essential to ensure that labour law enforcement effectively protects workers' rights across all sectors and regions.

11. Collective bargaining and social dialogue remain very weak in Colombia. Trade union density stood at 4.7% in 2024, one of the lowest levels among OECD countries and below that of regional peers. Nonetheless, recent reforms indicate a move towards a more structured bargaining system. Colombia has begun to develop a two-tier framework combining sectoral and firm-level bargaining, supported by new regulations for the public sector adopted in 2024 and for the private sector in 2026. Measures have also been introduced to reduce trade union fragmentation, encouraging multiple unions within the same entity to coordinate through unified bargaining teams and work towards single collective agreements.

12. Despite these steps, significant challenges persist. The OECD recommends further reforms, including eliminating the use of collective pacts, extending the right to strike to higher-level unions, reconsidering restrictions on strikes in essential services—potentially through minimum service requirements—and promoting broader coverage of collective agreements. Expanding conciliation and mediation mechanisms could also help foster more constructive dispute resolution and reduce reliance on arbitration and litigation.

13. Strengthened social dialogue could, in turn, support a gradual recalibration of Colombia's relatively high minimum wage, restoring its role as a wage floor rather than a general benchmark. In January 2026, Colombia raised the statutory minimum wage by 23%, far exceeding increases suggested by inflation, productivity, and economic growth, and even surpassing proposals from employers and trade unions. The adjustment aligns closely with a "living wage" estimate by the International Labour Organization (ILO) and continues a broader trend of sharp wage growth, with a cumulative increase of about 75% since 2023. While aimed at reducing poverty, its impact is limited as most working poor are informal. The high minimum-to-median wage ratio also compresses wages and may discourage formal hiring, potentially reinforcing informality.

14. Finally, Colombia has made important strides in addressing violence against trade unionists, an issue that has long affected the country. The Prosecutor General's Office has adopted a more institutionalised and strategic approach, combining case prioritisation, specialised units, and enhanced inter-institutional coordination. This has led to measurable improvements in prosecutorial outcomes. Resources for protection programmes targeting trade union leaders have been maintained, and collective protection mechanisms have been expanded. Reforms to public order management, including the transformation of the former ESMAD into the Unit of Dialogue and Maintenance of Order (UNDMO), have also aimed to reduce the excessive use of force during protests and promote dialogue-based approaches.

15. Nevertheless, serious concerns remain. In 2025, 12 trade unionists were victims of homicide, an increase compared to the previous two years, although still below earlier levels. Threats against union leaders also persist, even if their number has declined. Addressing these challenges will require continued efforts to identify not only the perpetrators but also the intellectual authors of such crimes, as well as an assessment of existing legal procedures, including the mandatory conciliation phase in cases involving violations of freedom of association and assembly. Sustained commitment in this area remains essential to ensure that fundamental labour rights are fully protected in practice.

The economic context in Colombia

16. Since 2023, Colombia's economic context has been characterised by moderate growth, a gradual decline in inflation from earlier highs, and relatively strong labour market performance, despite persistent structural challenges such as volatile investment and high labour informality.

17. After a strong post-pandemic recovery in 2021-2022, economic growth slowed markedly in 2023 and early 2024 as high interest rates and weaker investment weighed on domestic demand. In 2025, real GDP growth rose to 2.6% (Table 1), led by buoyant private consumption and government spending and a continued, though volatile, recovery of investment (OECD, 2025[1]). Inflation surged in the aftermath of the pandemic and global supply shocks, reaching double-digit levels in 2022 and 2023. Since then, inflation has declined gradually as monetary policy tightened and global price pressures eased, reaching 5.1% in 2025 (Table 1).

18. Despite slower economic growth, the Colombian labour market has remained comparatively robust. The unemployment rate has fallen to 8.9% in 2025 (Table 1), reflecting steady job creation and continued expansion in services and commerce. Employment growth has been supported by the recovery in domestic demand and by the resilience of informal and self-employment activities, which often act as a buffer during periods of slower economic growth. However, structural labour market challenges remain significant as informality continues to affect a large share of workers (see Chapter 1), limiting productivity growth and reducing access to social protection. The large migration inflow from Venezuela since 2017 generate additional challenges in the labour market and pressure on social services, though a series of measures facilitated the regularisation of migrants and improves their opportunities in the labour market (OECD, 2025[2]).

Table 1. Key economic indicators for Colombia and OECD countries on average, 2019-2025

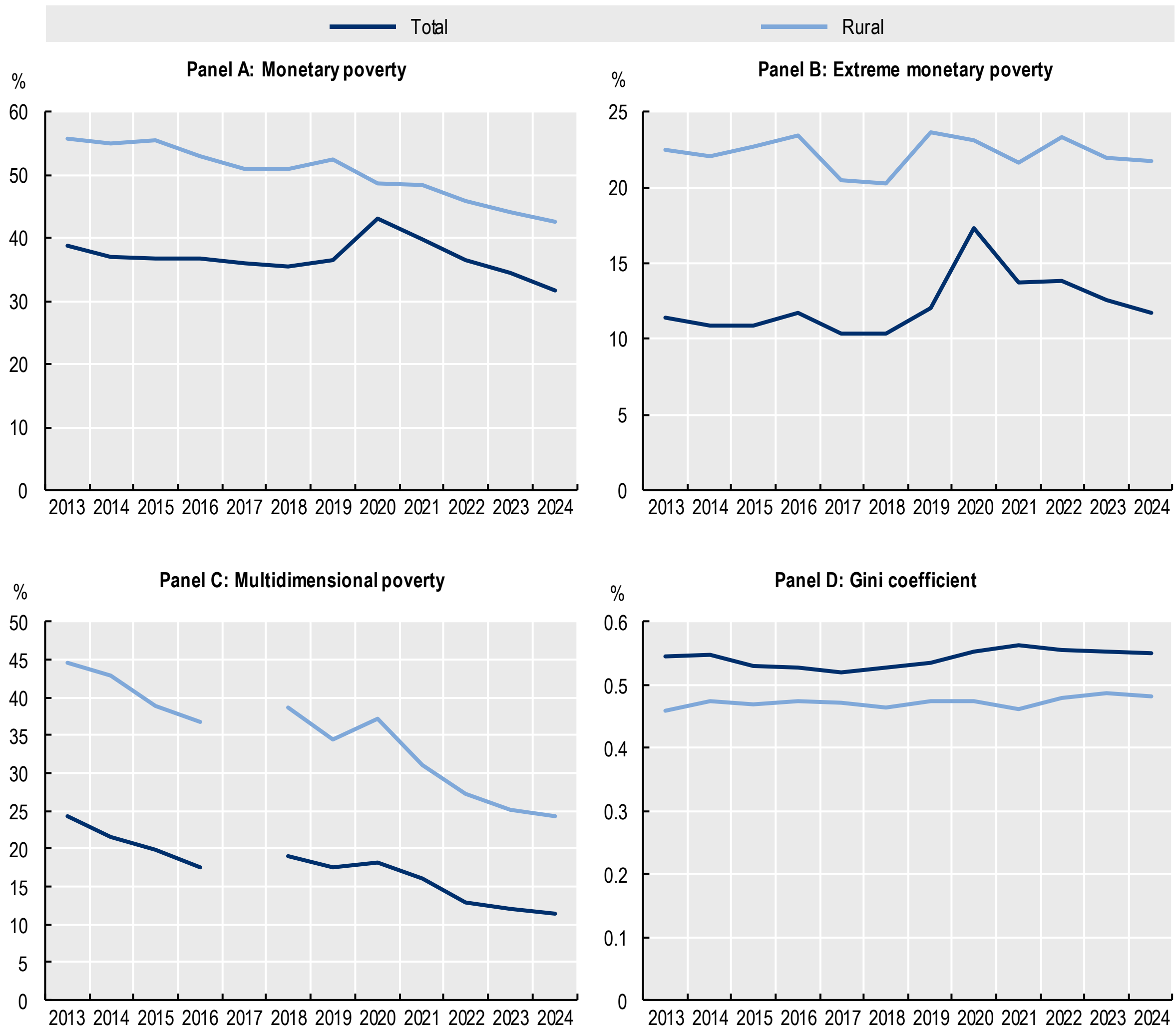
	2019	2020	2021	2022	2023	2024	2025
Annual real GDP growth							
Colombia	3.2	-7.2	10.8	7.3	0.8	1.5	2.6
OECD	1.8	-4.1	6.4	3.3	1.7	1.8	..
Consumer price index (annual growth)							
Colombia	3.5	2.5	3.5	10.2	11.7	6.6	5.1
OECD	2.1	1.3	4.0	9.4	6.8	5.1	..
Unemployment rate (15 years and over)							
Colombia	10.4	15.9	13.8	11.2	10.2	10.2	8.9
OECD	5.4	7.2	6.2	5.0	4.8	4.9	..

Source: OECD Data Explorer, https://data-explorer.oecd.org.

19. Both monetary and multidimensional poverty rates continued their declining trend of the past decade, overcoming the spike around the COVID-19 pandemic in 2020 (Figure 1). As a result of solid economic growth combined with an expansion and maturation of social policies, rural areas benefited particularly. Even so, in 2024, 31.8% of the total population (more than 16 million people) and 42.5% of the rural population (nearly 5 million people) still lived in monetary poverty in Colombia. Extreme poverty has not fully recovered from the pandemic spike in 2020 and remains above the pre-pandemic rate, at 11.7% in 2024. In addition, Colombia continues to be a highly unequal country, with a Gini coefficient of 0.551 in 2024, which is even higher than in 2013 when the Gini coefficient stood at 0.546 (Figure 1).

Figure 1. Poverty has declined over the past decade, but inequality and extreme poverty remain high in Colombia

Poverty and inequality indicators for the total country and rural area only, 2013-2024



Note: Colombia's Statistical Office, DANE, distinguishes between municipal capitals, populated centres in rural areas, and dispersed rural areas. "Rural areas" in the figures cover both the populated centres in rural areas and the dispersed rural areas. Monetary poverty and extreme monetary poverty represent the percentage of the Colombian population whose per capita household income is below the (extreme) poverty line. Multidimensional poverty evaluates the satisfaction (or non-deprivation) that an individual has with respect to certain characteristics that are considered vital, such as educational conditions of the household, conditions of childhood and youth, health, work, access to public services at home, and housing conditions. The five dimensions of the index include 15 indicators. Households are considered multidimensionally poor when they are deprived in at least 33% of the indicators. A weighting of each indicator is taken into account.
Source: Colombia's Statistical Office (DANE).

1 Labour informality and subcontracting

Recommendations in the Formal Opinion of ELSAC

20. The OECD accession review of labour market, social and migration policies in Colombia (OECD, 2016[3]) noted that profound dualism in the labour market resulting from widespread informality and a strong reliance of non-regular employment contracts created large economic and social costs. Box 1.1 lists the recommendations that the Employment, Labour and Social Affairs Committee (ELSAC) made in its Formal Opinion on Colombia's accession to the OECD in 2018 (OECD, 2018[4]).

Box 1.1. OECD recommendations to tackle labour informality and misuse of subcontracting

1. Continue tackling labour informality by:
   - Implementing a one-stop-shop for the registration of companies that unifies procedures for the registration of new companies (*Ventanilla Única Empresarial*).
   - Designing and implementing a single affiliation system for the different social security systems (including health, pensions, family subsidies and accident insurance).
   - Improving the link between what workers and employers are required to contribute to social insurance and the benefits and services they receive in return.
   - Launching a citizen awareness programme, especially in rural areas, on the importance of formal employment, benefits of social insurance and workers' rights.
2. Protect labour rights of subcontracted workers by:
   - Strengthening the legal framework, as appropriate, to prohibit all forms of abusive subcontracting, including through the use of cooperatives, union service contracts and simplified stock companies.
   - Ensuring investigations of all abusive subcontracting, especially in rural areas, and publishing on an ongoing basis notifications of complaints, investigations, and outcomes.
   - Resolving existing investigations regarding abusive subcontracting in a timely manner, imposing fines where appropriate and publishing the results on an ongoing basis.
   - Collecting all outstanding fines for subcontracting violations within the legally mandated time frames.
   - Requiring firms to formalise employees working under abusive subcontracting through regular employment contracts that provide access to all basic labour rights.

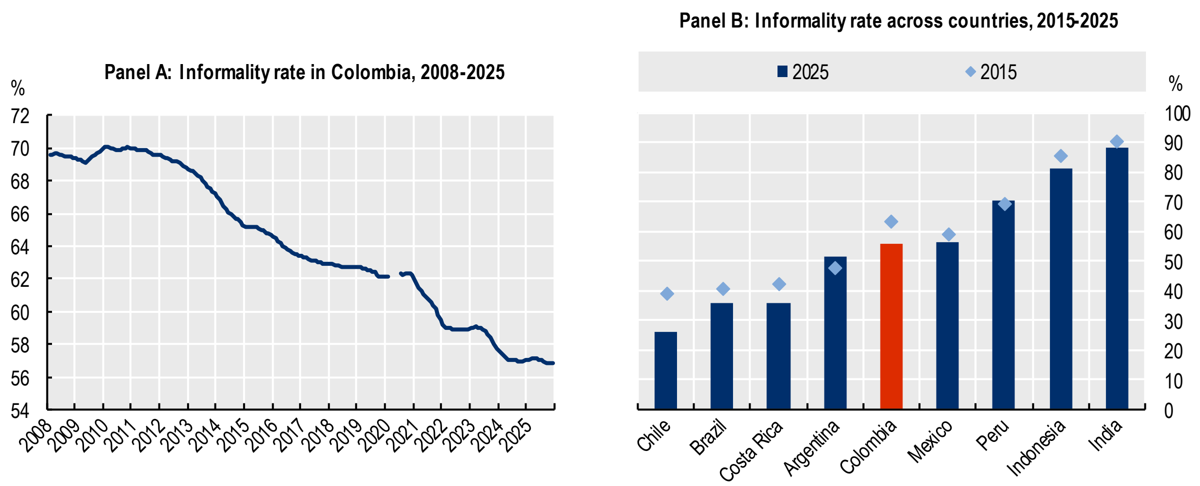
Source: OECD (2018[4]), Accession of Colombia to the OECD: Formal Opinion of the Employment, Labour and Social Affairs Committee (ELSAC), *unpublished document*.

Trends in informality

21. At the end of 2025, 56.9% of workers in Colombia were not contributing to the pension system, the standard definition used by the OECD and the International Labour Organization (ILO). A broader definition of informality used by Colombia's Statistical Office (DANE), which also considers affiliation to the contributory health system, shows an informality rate of 55.7% in December 2025. Irrespective of the definition used, informality has decreased considerably since the start of Colombia's accession process to the OECD in 2013, when 69.3% of workers were not contributing to the pension system (Figure 1.1, Panel A). The reduction in informality was particularly strong between 2020 and 2024, despite a slowdown in 2022. However, since mid-2024, the informality rate has stabilised around 56-57%. In rural areas, informality remains much higher, at 83.5% at the end of 2025, compared to 91.3% at the beginning of the accession process.

22. Compared with other OECD Latin American countries and accession countries, Colombia has seen one of the largest declines in informality over the past decade (after Chile), bypassing Mexico in the ranking since 2023 (Figure 1.1, Panel B).

Figure 1.1. The decline in informality in Colombia paused in the past two years



Note: Informality is defined as the percentage of workers not contributing to the pension system. Panel A: 12-months moving averages. Panel B: The data for Argentina refer to 2014 and 2024, for Mexico to 2024, for Indonesia to 2016 and 2023, and for India to 2012 and 2024.
Sources: Panel A: Gran Encuesta Integrada de Hogares (GEIH) of Colombia's Statistical Office (DANE). Panel B: ILOSTAT.

Labour reform

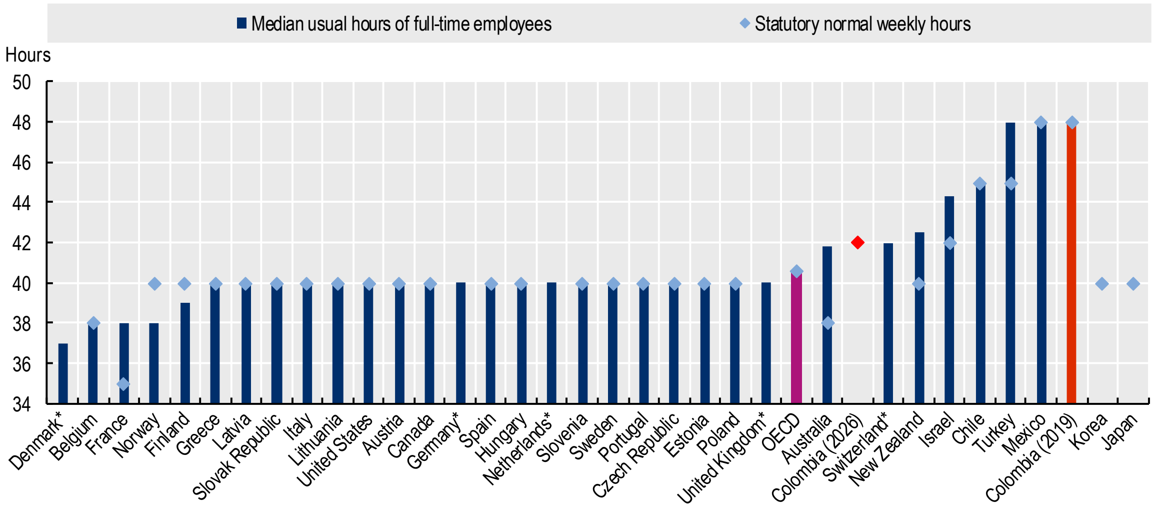
23. A major labour market reform took place in Colombia in 2025, aligning Colombia's labour market regulation more closely with OECD standards. Law 2466 of 25 June 2025 represents a comprehensive overhaul of the country's labour framework, aimed at strengthening labour law compliance and aligning working conditions with international standards. The reform is explicitly framed around the principles of decent work, legal certainty and social justice, and introduces structural changes related to employment relationships and enforcement practices.

24. A central pillar of the reform is the rebalancing of employment contracts and job stability. The law establishes open-ended contracts as the default form of employment, significantly restricting the use of fixed-term and task-based contracts to genuinely temporary situations, with the aim to reduce precarious

employment and abusive subcontracting practices – two aspects that are of high importance to ELSAC's post-accession process. In parallel, the reform strengthens working-time regulation and remuneration, redefining day and night work (with night surcharges starting earlier) and progressively increasing premium pay for work on Sundays and public holidays. These regulatory changes bring Colombia closer to OECD practices (Figure 1.2).

Figure 1.2. The labour reform brings working time regulations in Colombia closer to OECD standards

Median usual hours of full-time employees and statutory normal weekly hours in OECD countries (2019) and Colombia (2019 and 2026)



Note: For Colombia, the standard workweek is gradually reduced from 48 to 42 hours between July 2023 and July 2026. For Australia, Israel, New Zealand and Turkey data represent the average usual hours for full-time employees. Usual hours in Norway and Australia refer to 2018. Countries marked with a (*) do not have a statutory limit on normal weekly hours. OECD is the unweighted average of OECD countries shown in this chart.

Source: OECD (2021[5]), OECD Employment Outlook 2021: Navigating the COVID-19 Crisis and Recovery, https://doi.org/10.1787/5a700c4b-en.

25. Another key aspect of the labour law is the regulation of emerging and previously weakly regulated forms of work, particularly digital platform work. The law creates clearer categories of platform workers (dependent or independent) and imposes obligations on companies regarding social security contributions and algorithmic transparency to address compliance gaps in new sectors of the labour market. The explicit distinction between dependent versus independent platform workers in legislation is a more structured and proactive approach than in many OECD countries, though in line with Italy, Spain and Canada (Lane, 2020[6]). Additionally, sector-specific measures—such as the formalisation of agricultural labour contracts—aim to adapt labour law enforcement to contexts traditionally characterised by informality.

26. Beyond contractual aspects, the reform also introduces stronger guarantees for labour rights and enforcement, particularly regarding freedom of association and workplace conduct. It limits abusive employer authority, mandates preventive measures against workplace violence and discrimination, and establishes expedited judicial mechanisms to protect workers' rights, including in cases of anti-union practices. However, key provisions related to collective labour rights and freedom of association, while initially included, were dropped during the legislative process (see Chapter 3 of this report for a discussion).

27. Even though the promotion of formalisation is stated as one of the primary objectives of the reform, the increases in labour costs and regulations risk discouraging formal job creation. While measures such as higher surcharges for night and weekend work, stricter limits on fixed-term contracts, and expanded benefits benefit workers with a formal job, they also raise hiring costs and administrative burdens and can potentially lead to layoffs, particularly in small and medium-sized enterprises. Fedesarrollo, an independent research institute in Colombia, estimated the increase in payroll costs at 9% to 15%, and the loss of formal jobs between 1.3% and 3.6% (Fedesarrollo, 2025[7]).

Formalisation of workers

High labour costs

28. One of the key drivers of informality in Colombia, the high cost of formal labour, is not being addressed. Costs are even growing, not only as a result of the labour reform but also due to subsequent significant increases in the minimum wage (see Chapter 3 of this report for an in-depth discussion on the minimum wage evolution). High non-wage costs further raise the price of formal jobs.

29. An example of such costs are the mandatory contributions to family compensation funds (*Cajas de Compensación Familiar*), to which employers contribute 4% of their wage bill. The family compensation funds were originally introduced in 1957 to redistribute income from high-wage to low-wage formal employees through family allowances for workers with (large) families earning less than four times the minimum wage. Since then, the funds have increasingly been mandated by the government to provide benefits and services to non-affiliates. As a result, a growing part of the contribution to the family compensation funds is in reality a tax to finance social policy programmes for which formal workers are not eligible. In addition, many of the funds' services (such as cultural and recreational services, training and education) are only delivered in the regional capitals and thus not available to formal employees in smaller cities. For these workers, the benefits of contributing into the formal social security system are therefore not necessarily clear, hence reducing their incentives to formalise.

30. To bring down informality and improve social protection coverage in a sustainable way, additional reforms needed, as discussed in detail in the OECD's accession review of Colombia (OECD, 2016[8]) and the 2022 OECD Economic Survey on Colombia (OECD, 2022[9]). Reducing the cost of formal employment while ensuring basic social protection for all is crucial in this process.

Economía Popular

31. Instead, the current government has made the strengthening of the "Economía Popular"—a terminology that refers to a diverse array of grassroot economic organisations, both individual and communal, and often informal—a central pillar of its social and economic policy. This effort combines structural reforms, targeted programmes, and new institutional frameworks.

32. First, within the 2022–2026 National Development Plan, the government formally recognised the *Economía Popular* as a distinct sector and committed to a comprehensive public policy. Key measures include support for productivity and commercialisation (e.g. local markets and short supply chains), access to finance and training, and the promotion of associative forms of organisation. The Plan also created a National Council for the Popular Economy to coordinate policy and advise the government, alongside a dedicated statistical system led by DANE to improve targeting and data availability. A major innovation has been the use of public procurement to support the sector. Public-Popular Associations (*Asociaciones Público-Populares*) allow public entities to contract directly with actors in the popular economy for small-scale infrastructure, food provision, and local services—thereby integrating them into formal economic circuits.

33. Second, several programmes provide direct financial and technical support. The flagship programme *Economía Popular para el Cambio* offers grants, productive assets, and technical assistance to informal workers, microbusinesses, and community organisations, with differentiated support for individual and collective initiatives. Other initiatives (e.g. FortaleSER or cultural economy programmes) focus on training, business development, and territorial inclusion.

34. Third, recent legislation has targeted microbusinesses explicitly. Law 2470 of 2025 and subsequent regulations promote neighbourhood microenterprises (e.g. small shops), including access to seed capital, inclusion in business support programmes, skills certification, and incentives for associativity and participation in public procurement.

35. Finally, the 2025 labour reform (Law 2466) complements these efforts by extending elements of social protection and formalisation to non-standard and independent workers—such as platform workers—and by mandating policies to support sectors like agriculture where popular economy actors are concentrated. Similarly, a major pension reform—which was approved in July 2024 but afterwards suspended by the Constitutional Court for further investigation – would have unified the current two competing pension systems into a multi-tier system with basic benefits going to a larger share of the population – see the OECD's second post-accession review on Colombia for an overview (OECD, 2024[10]).

One-stop-shop for the registration of companies

36. The one-stop-shop called "Ventanilla Única Empresarial" (VUE) has been operational since 2018. The VUE integrates tax, commercial and social security administrative procedures to facilitate company openings. Currently, it integrates a total of 40 procedures, including the insurance of workers in health and occupational risks, and the affiliation and registration in Family Compensation Funds and Pensions. In 2025, nearly 84 000 companies were created through the VUE portal, raising the total number of active companies to 1.8 million, approximately 15% higher than in 2017. The geographical reach of the VUE portal also expanded, from 72 cities and municipalities at the beginning of 2024 to 129 at the end of 2025.

Single affiliation system for social security

37. The single Transactional Affiliation System (SAT), launched in March 2020, aims to digitalise and integrate all social security subsystems. Currently, the social security procedures related to health, occupational risks and family subsidies are available through the platform. The discussions on the integration of the general pension system into SAT were suspended in 2023 as it is pending on the approval of the pension reform. In 2025, around 5.4 million users were registered in the SAT system, which is about 60% of the 9 million workers who are actively contributing to social security, and nearly 32 000 companies. The SAT system will eventually connect with the VUE, but technical discussions stalled between 2023 and 2025. Since October 2025, the discussions between the Ministry of Commerce, Industry and Tourism (which managed the VUE portal) and the Ministry of Health (which administers the SAT system) have picked up again.

Citizen awareness programme

38. The National Network for Labour Formalisation (*Red Nacional de Formalización Laboral*, RNFL) an inter-institutional coordination strategy led by the Ministry of Labour. It brings together public institutions, employers' organisations, trade unions and employment-service providers to promote the transition from informal to formal work. In practice, the Network functions as a platform for joint action, combining policies, resources and programmes aimed at improving working conditions and expanding access to social security. Its activities include outreach, training, guidance, support for formal hiring, and follow-up of formalisation initiatives, often implemented through regional and local "tables" or coordination spaces. In 2025, 300 such activities were organised, reaching 17 600 people spread over 30 departments.

Subcontracting through civil-law provisions

39. As discussed in previous (post-)accession reports of the OECD on Colombia, there is a tendency among employers in Colombia to rely on contracts regulated under civil-law provisions for their employment relations, such as dependent self-employment and third-party contracting through associated work cooperatives, simplified joint stock companies and union service contracts (see Box 1.2 for a description). These different forms of contracts have in common that the workers involved do not benefit from the rights stipulated in the labour code (such as minimum wage, hiring and firing rules, affiliation to trade union, and collective bargaining rights and social security rights), even though working conditions are often similar to those of regular employees.

Box 1.2. Different forms of civil-law contracts used in Colombia to circumvent labour rights

- **Associated work cooperatives** (*Cooperativas de Trabajo Associado*, CTAs) are, in principle, non-profit ventures in which workers own and manage its operation. As associated workers are considered owners and not employees, they are not covered by the labour law. As such, they receive a compensation instead of a salary and are not entitled to health care, pension payments or other benefits outlined in the labour law, nor do they have the possibility to establish a trade union (because the workers are the owners of the co-operative). The resulting cost reduction opportunities stimulated the expansion of associated work cooperatives in the 2000s.
- **Union service contracts** (*contratos sindicales*) are civil-law contracts under which trade unions agree to supply their members' labour to employers for certain activities. These contracts allow unions to ensure good working conditions for their members, but trade union federations continue to denounce the ongoing use of such contracts by false unions as a mean to circumvent the labour law, undermine collective bargaining rights and fragment trade union organisation (ILO, 2026[11]). While union service contracts have been in place for a long time, misuse for employment relations was facilitated in 2010 when the authority of signing a service contract was transferred from the union's general assembly to the union's president. This change in the law implied that it was no longer necessary to obtain the workers' agreement, allowing businesses to construct fake unions and contract out their services.
- **Simplified stock companies** (*Sociedades por Acciones Simplificada*, SAS) are commercial entities that were introduced in 2008 to stimulate the formalisation of micro firms by simplifying the administrative and legal procedures to register, manage and dissolve a firm. While the impact of this commercial entity on reducing informality is unclear, anecdotal evidence suggests that simplified stock companies are used to disguise employment relations. Like associated work cooperatives, workers are considered as partners in a simplified stock company and then contracted out to user firms. As such, these workers are not covered under Colombian labour laws.

Source: OECD (2016[8]), OECD Reviews of Labour Market and Social Policies: Colombia 2016, https://doi.org/10.1787/9789264244825-en.

40. While the new labour law has specific provisions on outsourcing, subcontracting and labour intermediation (see Box 1.3 for an overview), there are no provisions to address the misuse of civil-law contracts for regular labour relations. The provision to eliminate trade union contracts, which was part of the draft reform submitted in 2023, was withdrawn during the legislative process in Congress. Instead, a central element in Colombia's strategy to tackle such misuse is the reinforcement of labour inspection, with a focus on identifying disguised employment relationships combined with stricter enforcement and sanctions. In recent years, the Ministry of Labour elaborated clearer legal criteria and guidelines to

distinguish legitimate forms of organisation from abusive practices, supported by training and coordination among inspection authorities. The use of data-sharing and inter-institutional cooperation also helps detect irregularities, especially in the case of SAS structures.

Box 1.3. The provisions the new labour law on outsourcing, subcontracting and labour intermediation

Law 2466 of 2025 significantly tightens the regulation of outsourcing, subcontracting and labour intermediation by reinforcing the principle that the reality of the employment relationship prevails over its formal structure. This approach means that when a worker performs core and permanent activities of a company under conditions of subordination (e.g. receiving orders, working fixed schedules), they must be recognised as a direct employee, even if formally hired through a contractor or intermediary.

Outsourcing and subcontracting remain permitted under the new labour law, but only under strict conditions. Contractors must be genuinely autonomous, with their own technical and managerial capacity, and must assume business risks. The use of outsourcing to carry out core business activities in a way that undermines labour rights is prohibited. In such cases, the contracting company may be deemed the true employer. Similarly, labour intermediation is allowed only through authorised temporary service companies and for limited, clearly defined situations, such as replacing absent workers or meeting short-term production needs. Any form of intermediation that supplies workers on a permanent basis or for core functions is considered illegal.

The law also strengthens enforcement by introducing joint liability between companies and contractors and granting greater powers to labour inspectors.

41. Over the past decade and a half, the number of newly registered associated work cooperatives declined radically, from more than 2 000 in 2010 to 187 in 2025, as did the number of workers in such constructions (Figure 1.3). In contrast, the number of newly signed union services contracts increased rapidly over the same period, though in a very volatile manner since many of such contracts last less than a year. In 2025, 89% of the 1 913 newly signed union services contracts were in the health sector. The strong use in this sector is related to a combination of factors, including a fragmented service delivery model, tight and often uncertain budgets, and hiring constraints in the public sector.

42. In 2024, there were 150 administrative actions for abusive subcontracting and in 2025, the labour inspectorate carried out 17 inspections of union services contracts, of which 16 in the health sector and 1 in the palm cultivation sector. For 4 of them, the labour inspectorate started a preliminary inquiry, leading to a total of 29 preliminary inquiries over the period 2022-2025 related to the use of union services contracts for labour intermediation practices.

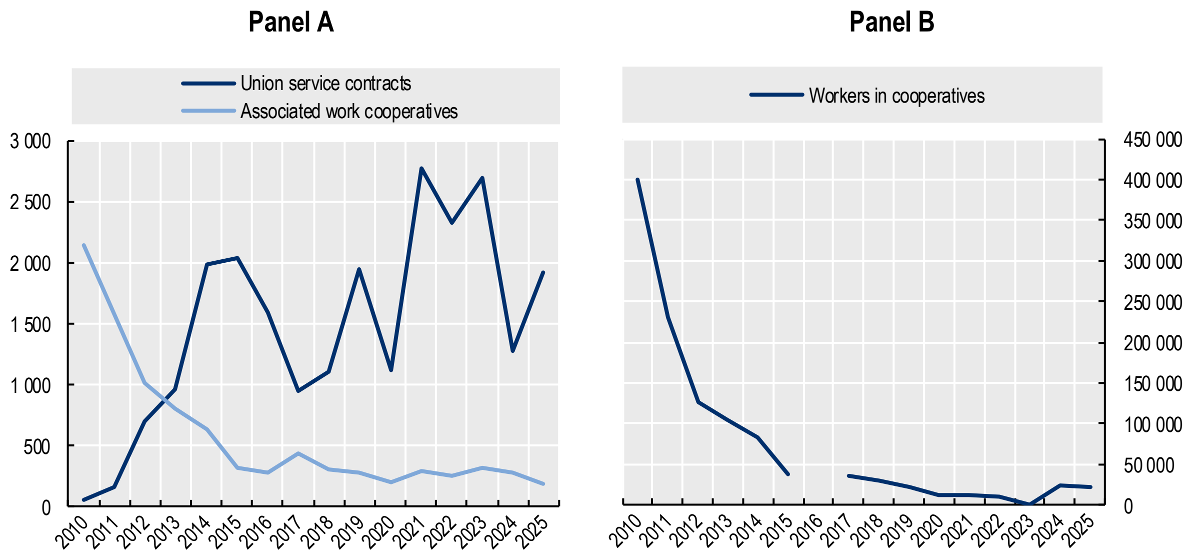
43. Labour Formalization Agreements (*Acuerdos de Formalización Laboral*) are another important tool for the labour inspectorate to formalise workers. They are voluntary arrangements between the Ministry of Labour and employers through which the latter commit to regularising employment relationships—typically by converting informal or outsourced workers into formal employees with contracts, social security coverage, and labour rights. In return, authorities may suspend or refrain from sanctions during the process, encouraging compliance while promoting job quality and formal employment.

44. In 2025, a total of 4 179 workers were formalised through the Labour Formalisation Agreement programme, one of the highest numbers in the past nine years (Figure 1.4, Panel A). The number of signed agreements also increased considerably, reaching 78 agreements in 2025. To verify compliance with the terms of the formalisation agreements signed, the labour inspectorate carried out 225 verification visits (Figure 1.4, Panel B). While in 2025, the focus of the Labour Formalisation Agreement programme were

the export sectors and key economic areas that have a significant impact on the national economy, the focus for 2026 shifted to the health sector, and in particular hospitals where union service contracts are widely used.

Figure 1.3. While the number of newly registered associated work cooperatives continues to decline, the number of newly signed union service contracts remains high

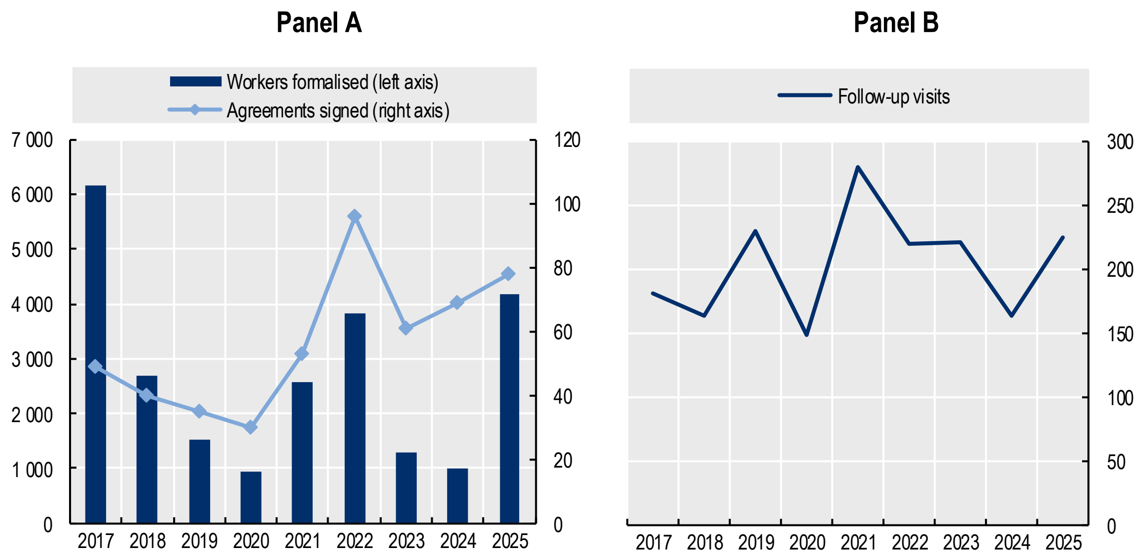
Number of newly signed union services contracts and newly registered associated work cooperatives (Panel A) and number of workers in associated work cooperatives (Panel B), 2010-2025



Source: Data provided by the Ministry of Labour.

Figure 1.4. The use of labour formalisation agreements increased in recent years

Number of signed agreements and formalised workers (Panel A) and number of follow-up visits (Panel B), 2017-25



Source: Data provided by the Ministry of Labour.

Conclusion

45. Colombia enacted a major labour market reform in 2025, reflecting a shift toward a more protective and compliance-oriented labour regime, by combining stricter rules on employment relationships with enhanced enforcement tools and coverage of new forms of work. The reform does not only aim to improve compliance ex post, but also to prevent violations structurally by reshaping incentives and closing regulatory gaps in the labour market.

46. In addition, the government made the strengthening of the *Economía Popular* – small-scale, informal productive activities – a central pillar of its social and economic policy through financial support, training, and public procurement access, alongside institutional recognition. Further progress has also been made in the functioning of the VUE one-stop-shop for the registration of companies and the expansion of the SAT affiliation system for social security.

47. However, one of the key drivers of informality in Colombia, the high cost of formal labour, remains largely unaddressed, and costs are even growing. With a halt in the decline of informality in recent years and persistently high levels of informality in rural areas, renewed efforts are needed to bring down the cost of formal labour.

48. On enforcement, the labour inspectorate increasingly targets disguised employment and has scaled up labour formalisation agreements. Even so, the misuse of civil-law contracts—especially union service contracts in health—persists and demands more systematic detection, transparent follow-up, and timely sanctions.

2 Labour law enforcement

Recommendations in the Formal Opinion of ELSAC

49. The OECD accession review of labour market, social and migration policies in Colombia (OECD, 2016[3]) noted a high frequency of labour law violations in the country and areas for improvement in the labour inspection system. Despite considerable advances in the functioning of labour inspection in the 2010s, further improvements were considered necessary. Box 2.1 provides an overview of the recommendations made by the Employment, Labour and Social Affairs Committee (ELSAC) in its Formal Opinion on Colombia's accession to the OECD (OECD, 2018[12]).

Box 2.1. OECD recommendations to strengthen labour inspection in Colombia

1. Ensuring the adequacy of resources and enabling policy initiatives for the labour inspectorate to:
   - Allow labour inspectors to properly execute their tasks.
   - Continue offering regular training programmes for all labour inspectors (irrespective of their contract type).
   - Ensure investigations in rural areas.
2. Finalising the permanent hiring process for labour inspectors who passed the career exam and maintaining the number of labour inspectors in line with international standards.
3. Using the new electronic case management system nationwide and connecting it to the electronic fine collection system.
4. Strengthening the deterrence effect of labour inspection by:
   - Increasing the number of inspections and investigations per year, and making this information available to the public on a yearly basis.
   - Completing labour inspections within the established timeframes.
   - Improving the collection of fines.
   - Developing and implementing a national inspection strategy.

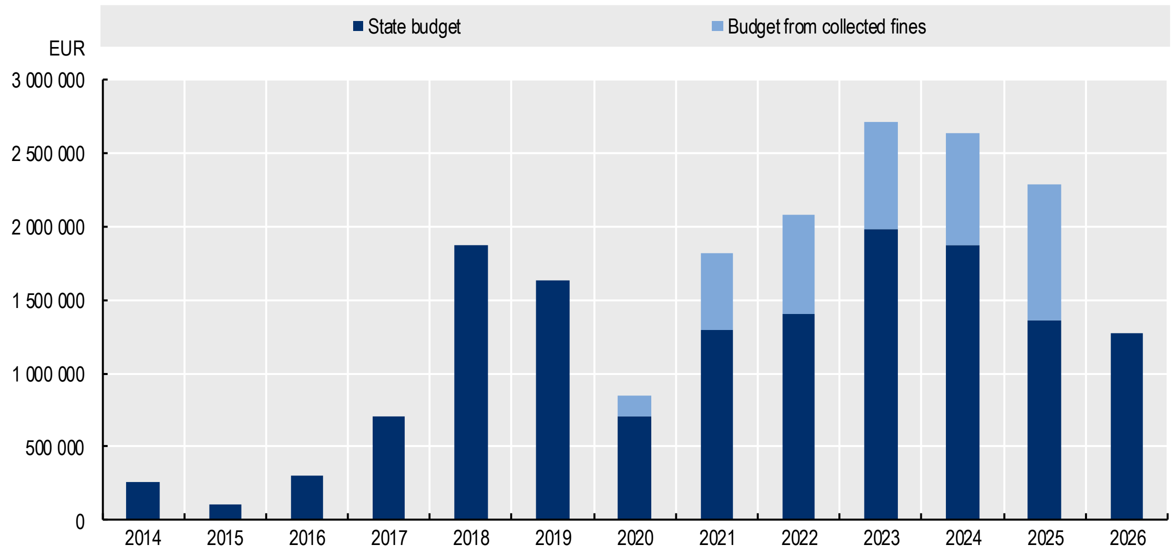
Source: OECD (2018[4]), Accession of Colombia to the OECD: Formal Opinion of the Employment, Labour and Social Affairs Committee (ELSAC), *unpublished document*.

Labour inspection resources

50. The total budget for labour inspection, surveillance and control in Colombia has been declining in recent years, from its highest point of EUR 2.71 million in 2023 to EUR 2.29 million in 2025 (Figure 2.1). Thanks to the proceeds from collected fines – which are allocated to the Ministry of Labour since 2020[1] – the available budget still exceeds the labour inspection budget prior to the global pandemic. Proceeds from collective fines have gradually increased over the years, reaching EUR 0.94 million in 2025 and accounting for 41% of the total budget. For 2026, the allocated state budget (EUR 1.27 million) is slightly lower than the budget in previous years (EUR 1.36 million in 2025).

Figure 2.1. The budget for labour inspection has seen a decline in recent years

Budget allocated to labour inspection, surveillance and control, 2014-2026



Source: OECD calculations based on data provided by the Ministry of Labour.

51. The number of labour inspectors has also seen a slow decrease the past few years, from 1 171 inspectors in 2022 to 1 130 inspectors in 2025 (Table 2.1). About half of all labour inspectors are civil servants, with the last civil career exam organised in August 2025. Contrary to the general career exam in 2018, the exam last year was organised specifically for the Ministry of Labour, allowing for better targeting to the needs of the Labour Inspectorate. However, the salary of labour inspectors compared to similar posts in the private sector or other ministries (for instance, tax inspectors earn about 25% more) remains an issue. High turnover among labour inspectors leads to a continuous loss of knowledge and complicates the functioning of labour inspection.

52. The government aims to increase the number of labour inspectors to bring them closer to international standards. There are currently 129 open vacancies, and a recently published decree (Decree 052 of 22 January 2026) allows the Ministry of Labour to hire 460 additional labour inspectors in

[1] Prior to 2020, revenues from fines collection remained at the disposal of the National Training Service (SENA, *Servicio Nacional de Aprendizaje*), the institution attached to the Ministry of Labour that was responsible for collecting the fines at that time.

2026. If all open positions (i.e., 589) were to be filled, Colombia would reach a ratio of 0.68 labour inspectors per 10 000 workers, a ratio close to the OECD average of 0.79 (Figure 2.2).

Table 2.1. The number of labour inspectors is slowly decreasing

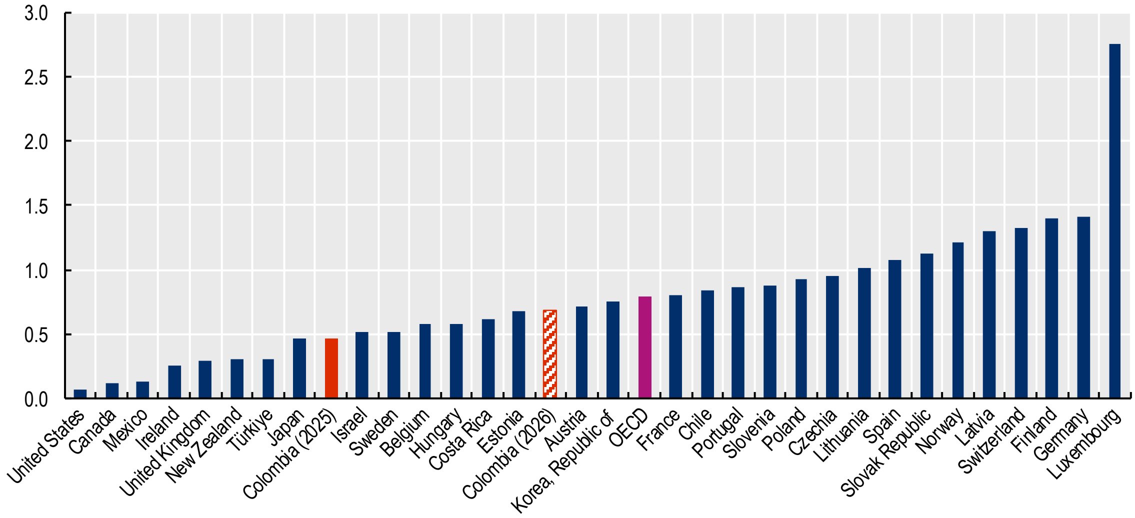
Number of labour inspectors by type of contract, 2017-2025

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Civil servant	68	68	206	600	581	583	581	567	539
Assignment based	22	22	20	8	9	13	17	18	18
On probation	-	6	404	19	36	31	-	-	-
Provisional	766	751	239	205	256	544	561	565	573
Total	**856**	**847**	**869**	**832**	**882**	**1 171**	**1 159**	**1 150**	**1 130**

Source: Data provided by the Ministry of Labour.

Figure 2.2. The foreseen hiring of labour inspectors would bring Colombia closer to the OECD average

Ratio of labour inspectors per 10 000 employed workers, 2025 or latest available year, and estimation for 2026



Note: The data for Colombia for 2025 are based on the current number of labour inspectors and employed workers, while the data for 2026 are an estimation based on the foreseen hiring of labour inspectors under Decree 052 of 2026 and a forecasted number of employed workers for the end of 2026 based on the Gran Encuesta Integrada de Hogares (GEIH). The OECD average is an unweighted average of the 32 countries shown in the figure.
Source: Data on labour inspectors provided by the Colombian Ministry of Labour and ILO (2024[13]), Safety in numbers: What labour inspection data tells us, https://ilostat.ilo.org/safety-in-numbers-what-labour-inspection-data-tells-us/

53. The ministry continues to invest in training for labour inspectors. In 2025, 5 400 inspectors participated in trainings (inspectors can participate in multiple trainings), a significant increase from previous years (Table 2.2). A virtual campus platform, which was launched and implemented in 2019 with support of the ILO, offers a series of online training modules on key aspects related to labour law and workers' rights.

Table 2.2. The number of inspectors trained has significantly increased

Number of inspectors who participated in trainings, 20217-2025

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Face-to-face	869	1 395	1 164	254					
Online			6 726	2 261	1 376				
Mixed						1 911	3 782	4 498	5 395

Note: Inspectors can participate in multiple trainings.
Source: Data provided by the Ministry of Labour.

54. An electronic inspection case management system for the labour inspectorate (SISINFO) has been operational since 2018. Since then, the system has been steadily expanded and improved. It was rolled out more widely across local inspection offices and upgraded with new versions that added useful features and simplified processes. From 2020 onwards, efforts focused on strengthening the underlying infrastructure, improving prevention work, and making tools easier to use. More recent updates have enhanced data management, communication, and support functions. Overall, the system has become more efficient, user-friendly, and better integrated into daily inspection work.

The work of the labour inspectorate

55. Labour inspection has received a strong push under the current government, with targeted inspections in a few emblematic cases (in the retail sector and two ports) and improved fines collection. The Labour Minister and Vice-Minister personally participated in several inspection visits and the actions were widely published on social media – which might generate a stronger deterrence effect for companies who do not respect labour laws than the lengthy and sometimes unsuccessful administrative sanction processes. The renewed efforts already show up in the data, with an increase in the number of inspections, more and higher imposed sanctions, and larger amounts of collected fines (especially in 2024).

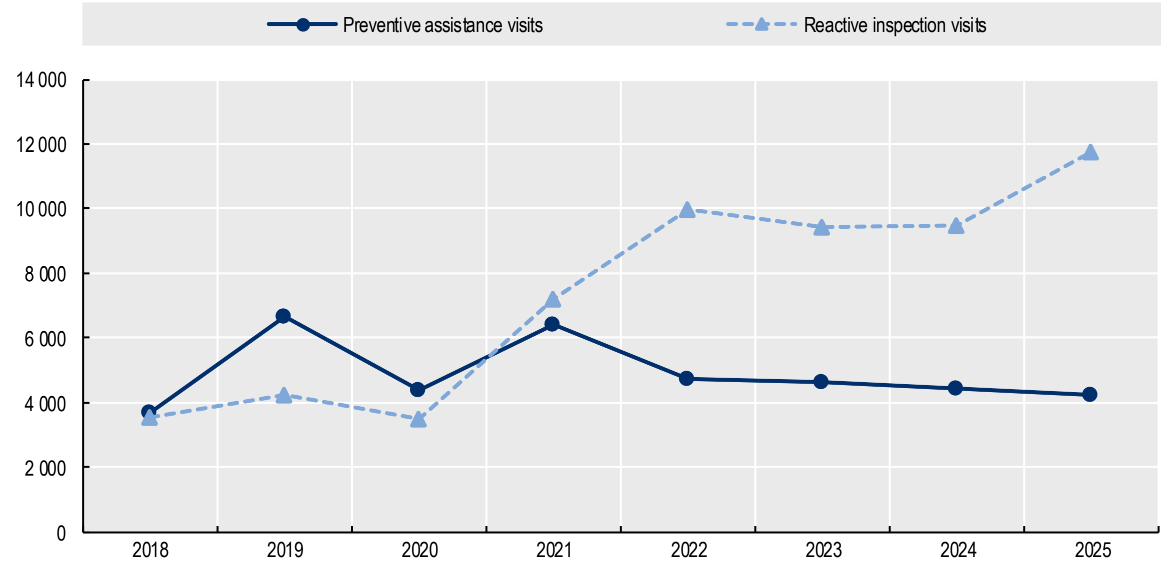
56. Labour inspectors undertake both preventive visits and reactive inspections in line with predetermined yearly goals defined by the Ministry of Labour. Preventive assistance follows a proactive approach and mostly focuses on companies operating in priority sectors in rural areas (see discussion on the Rural Inspection Model below). Reactive inspections, instead, are carried out following a complaint and focus on specific situations. Over the past years, there has been a surge in the number of reactive inspections, rising from about 3 500 visits per year in 2020 to more than 11 700 in 2025 (Figure 2.3). Their share in the total number of inspections also rose to 74%, reflecting a clear shift in the purpose of inspections. Preventive assistance visits have remained roughly stable at around 4 000 visits per year, with the exception of two hikes in 2019 and 2021.

57. When comparing the number of inspection visits per labour inspector with other countries, Colombia sits at the bottom of the OECD ranking. With a total of 15 952 inspection visits in 2025 for 1 130 labour inspectors, Colombia registers a ratio of 14 visits per inspectors, which is more than five times lower than the OECD average (Figure 2.4). That said, the ILO estimates the number of workplaces liable to inspection at about 12 400 only,[2] which implies that the number of annual inspection visits is higher than the number of workplaces liable to inspection. Considering the specificities of the Colombian labour market context, with high informality and rather large companies in the formal sector, is therefore an important element in the evaluation of the work of the labour inspectorate.

[2] The ILO definition refers to economic units that are subject to labour inspection according to national legislation and is based on administrative registries rather than statistical surveys.

Figure 2.3. The number of reactive inspections surged in recent years

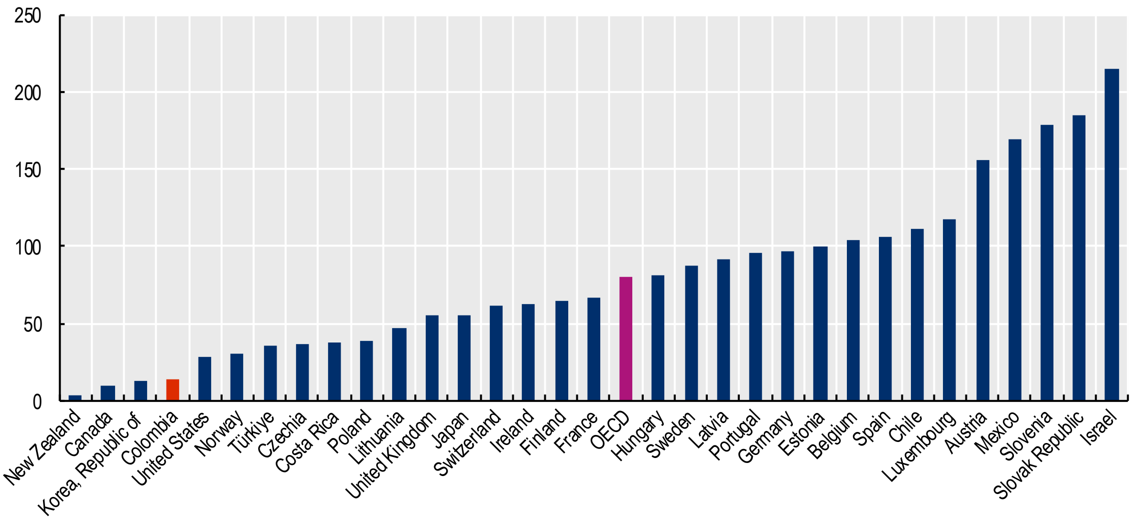
Number of preventive assistance and reactive inspection visits, 2018-2025



Source: Data provided by the Ministry of Labour.

Figure 2.4. The ratio of inspection visits per labour inspector is very low in Colombia compared with other OECD countries

Number of inspection visits per labour inspector, 2025 or latest available year



Note: The data for Colombia are for 2025 and include both preventive assistance visits and reactive inspections. The OECD average is an unweighted average of the 32 countries shown in the figure.
Source: Data provided by the Colombian Ministry of Labour and ILO (2024[13]), Safety in numbers: What labour inspection data tells us, https://ilostat.ilo.org/blog/safety-in-numbers-what-labour-inspection-data-tells-us/

58. In 2024, the Labour Inspectorate reformed its mobile labour inspection system into a “Rural Inspection Model”. The new model combines inspection visits with preventive assistance to help companies in rural areas comply with regulations. The Rural Inspection Model is applied to areas without a labour inspection office and where there has been a need to implement and strengthen the culture of compliance with labour standards. Priority has been given to both the formal rural sector (including mining, hydrocarbon, palm, flowers, ports, sugar, security and surveillance, transport and trade) and the informal rural sector (including agricultural activities such as coffee, banana, cocoa, artisanal fishing, and poultry, as well as rural tourism). The application of the new Rural Inspection Model allowed for an increased reach of the labour inspectorate in remote areas (Table 2.3).

Table 2.3. The new Rural Inspection Model increased the reach of the labour inspectorate

Number of rural municipalities where labour inspectors intervened and number of people assisted, 2022 and 2025

	Preventive assistance		General inspection	
	2022	2025	2022	2025
Number of municipalities intervened	18	274	38	273
Number of people assisted	1 126	18 636	1 855	137 487

Source: Data provided by the Ministry of Labour.

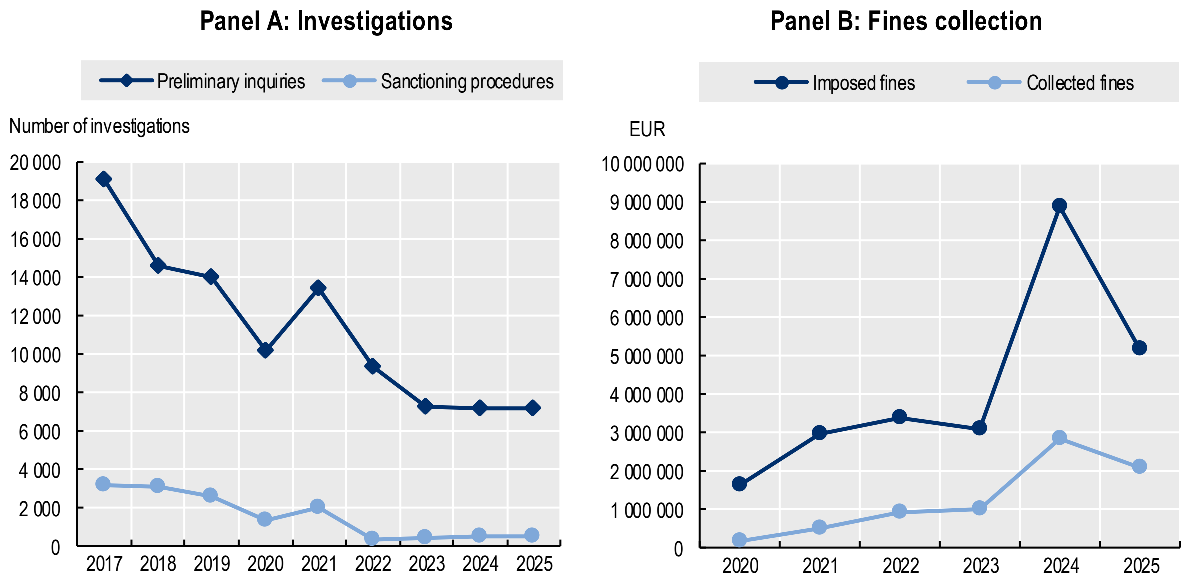
59. Contrary to the increase in inspection visits, the number of investigations and sanctioning procedures have both seen a strong declining trend over the past decade (Figure 2.5, Panel A). In 2017, labour inspectors still conducted around 19 000 preliminary inquiries per year, dropping initially to 14 000 in 2019 and then further to about 7 200 since 2023. There was a similarly large reduction in the number of administrative sanctioning procedures, from 3 177 in 2017 to 356 in 2022. Since then, the number increased again slightly, to 510 in 2025.

60. Since 2020, Colombia has made important institutional and procedural improvements to the fines collection process, mainly through the consolidation of a unified and structured system. A key step was the regulation and operationalisation of the FIVICOT fund, to which all labour fines have been allocated since January 2020. The fund created a direct link between sanctions and labour inspection resources. In addition, the Ministry of Labour adopted an internal regulation for portfolio collection (Resolution 2628 of 2020), which standardises procedures, timelines and responsibilities for both persuasive and coercive collection. This methodology has been complemented by clearer institutional roles, particularly the work of the coercive collection group – whose size increased from 5 to 14 staff members – and the development of operational tools such as manuals and guidelines to ensure consistent application. Overall, these measures have improved the organisation, traceability and effectiveness of the collection process, moving towards a more coherent and systematic framework.

61. The value of the fines imposed by labour inspectors nearly tripled between 2023 and 2024, from about EUR 3.1 million to EUR 8.9 million. In 2025, the value stood at EUR 5.2 million. A similar trend holds for the value of collected fines, which rose from EUR 0.9 million in 2023 to EUR 2.8 million in 2024 and EUR 2.1 million in 2025 (Figure 2.5, Panel B).

Figure 2.5. While investigations and sanctioning procedures declined drastically, the amount of imposed and collected fines increased in recent years

Number of investigations and value of fines imposed and collected, 2017/2020-2025



Source: Data provided by the Ministry of Labour

Conclusion

62. Colombia has made meaningful progress in strengthening labour law enforcement, though important structural challenges persist. Recent years have seen a marked increase in inspection activity—particularly reactive inspections—and a significant expansion of the Rural Inspection Model, which has extended the inspectorate's presence in remote areas. Training expanded substantially, and the continued upgrading of the electronic case management system (SISINFO), together with reforms to the fines collection process and the consolidation of the FIVICOT fund, has improved administrative efficiency and the traceability of sanctions.

63. Despite these advances, the overall capacity of the labour inspectorate remains constrained. The number of inspectors has gradually declined since 2022, and although new hiring is planned, current staffing levels still fall short of international standards. Budget reductions further limit operational reach. In parallel, while inspection visits have increased, the number of investigations and sanctioning procedures has fallen sharply over the past decade, raising concerns about the effectiveness and deterrence power of enforcement. Colombia also continues to show one of the lowest ratios of inspection visits per inspector among OECD countries.

64. To consolidate progress, Colombia would benefit from sustained investment in staffing and resources, stronger alignment between preventive and corrective actions, and a renewed focus on investigations and timely sanctions. Continued efforts are essential to ensure that labour law enforcement becomes sufficiently robust to guarantee workers' rights across all regions and sectors.

3 Collective bargaining

Recommendations in the Formal Opinion of ELSAC

65. As discussed in the OECD accession review of labour market, social and migration policies in Colombia (OECD, 2016[3]), Colombia has ratified all fundamental ILO conventions and recognises freedom of association in the Constitution and Labour Code. However, trade union density and collective bargaining coverage are very low compared to OECD standards and significant obstacles remain to the free association of workers in trade unions and the recognition of unions by employers. The Employment, Labour and Social Affairs Committee (ELSAC) made a series of recommendations in its 2018 Formal Opinion on Colombia's accession to the OECD to strengthen collective bargaining in the country, see Box 3.1 for an overview.

Box 3.1. OECD recommendations on collective bargaining

1. Build a constructive framework for social dialogue, by:
   - Promoting a two-tier system of sectoral and firm-level bargaining, by elaborating the regulations on sectoral bargaining in the Labour Code.
   - Eliminating the option to negotiate collective pacts.
   - Extending collective agreements automatically to all employees of a company, not only to the members of the signatory trade unions (*erga omnes*).
   - Requiring multiple trade unions in the same company to form a bargaining team to ensure a single collective agreement.
   - Giving the right to strike to higher-level trade union organisations.
   - Ensuring that all workers, irrespective of the legal status under which they work, can join trade unions in practice.
   - Systematically collecting data on collective bargaining to track evolution.
2. In addition, Colombia should reflect on alternatives to the full prohibition of strikes in essential services (e.g., strikes conditioned on a minimum-service requirement) and consider reintroducing mediation in the collective dispute resolution process.
3. With better social dialogue and reinforced collective bargaining, Colombia could consider a gradual adjustment of the very high minimum wage to bring it back to its original role of wage floor instead of wage norm.

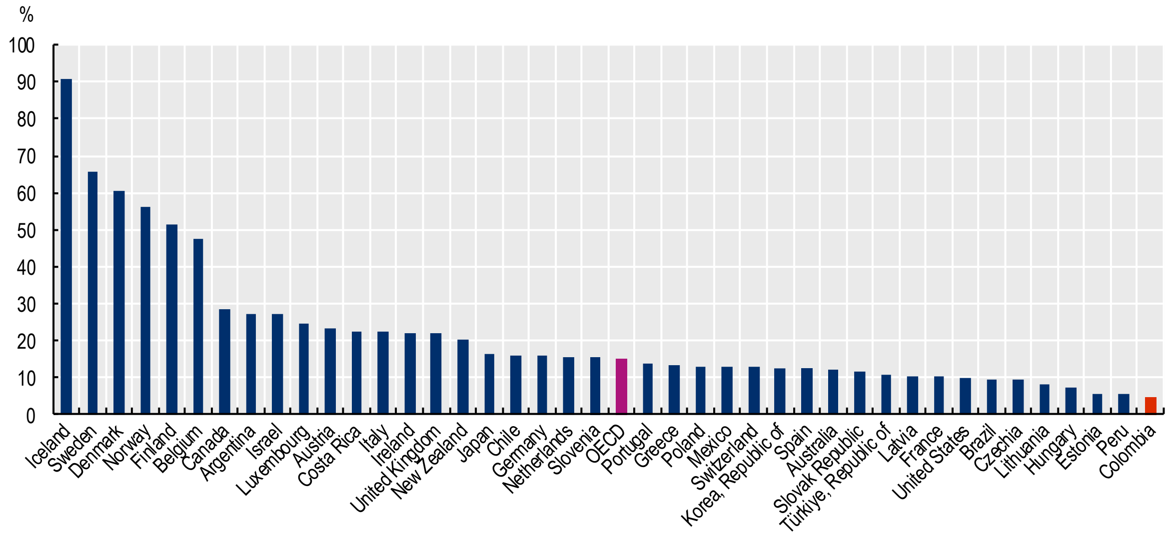
Source: OECD (2018[4]), Accession of Colombia to the OECD: Formal Opinion of the Employment, Labour and Social Affairs Committee (ELSAC), *unpublished document*.

Trade union density

66. Trade union density in Colombia was 4.7% in 2024, the lowest among OECD countries, and even lower than in the Latin American OECD accession candidate countries Peru, Argentina and Brazil (Figure 3.1). About half of all trade union members in Colombia (52%) are public sector workers, which brings the trade union density in the public sector (34%) relatively close to the OECD average for that sector (41%). In contrast, the difference is starker for the private sector, which has a trade union density of 2.4% in Colombia, compared to 10.1% in the OECD on average (OECD, 2025[14]).

Figure 3.1. Colombia has the lowest trade union density among OECD countries

Union membership as a proportion of employees, 2024 or latest available year



Note: Union density is either derived from household labour force surveys, social surveys or employer-employee data surveys, or based on the compilation of trade union membership statistics.
Source: OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS), Version 2.0, https://www.oecd.org/en/data/datasets/oecdaias-ictwss-database.html

Provisions in the new labour law related to social dialogue

67. As described in detail in the OECD's second post-accession review on Colombia (OECD, 2024[10]), an early version of the labour market reform proposal that was submitted in August 2023 contained a series of provisions on collective bargaining in Colombia, including the regulation of sectoral bargaining, the right to strike for higher-level trade union organisations (federations and confederations), the prohibition of collective pacts, and the requirement for multiple trade unions in the same company to form a bargaining team. Those provisions were however dropped during the debates in the House of Representatives before the project continued to its second legislative stage, the Senate.

68. That said, the final version of the new labour law (Law 2466 of 2025, see Chapter 1 for an overview) does incorporate a few elements relevant to reduce anti-union practices, even if only in an indirect and preventive manner. For instance, Article 16 limits employers' powers of subordination by requiring respect for workers' dignity and explicitly prohibiting discrimination, including on the basis of trade union activity. This provision is important in tackling early forms of anti-union hostility, such as harassment or retaliation, and enables labour authorities to investigate and sanction such practices. Article 18 reinforces this

approach by embedding protections against workplace violence, harassment, and discrimination, thereby contributing to a safer environment for union activity. Articles 62 and 67 play a more indirect role. Article 62, on statutes of limitations, can improve access to justice for workers facing anti-union discrimination by allowing more time to bring claims, while Article 67 strengthens enforcement and oversight capacities, supporting more effective detection and sanctioning of anti-union practices.

Trade union fragmentation and multi-sectoral bargaining

69. According to the OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS),[3] there were 5 857 individual trade unions registered in Colombia in 2022, a doubling from 2010, when 2 936 trade unions were active. Over the same period, trade union membership increased by only one fourth, revealing considerable union fragmentation. Such fragmentation is to some extent driven by competition among trade unions, but mostly the result of trade union members searching for protection against dismissal (OECD, 2016[8]). Trade union immunity (*fuero sindical*) is granted to the trade union's founders and initial members for a maximum of six months, as well as to elected board members of trade unions and higher-level trade union organisations. It implies that they cannot be fired or transferred, and their working conditions cannot be downgraded, without just cause as determined by a labour judge.

70. To avoid the adverse effects of having multiple collective bargaining processes, the OECD recommended regulations to encourage multiple trade unions in the same company to form a bargaining team and strive for a single collective agreement (Box 3.1). This approach is now mandatory for the public sector collective bargaining process since February 2024, through Decree 243 on the procedures for negotiation and dispute resolution with public employee organisations (Función pública, 2024[15]). Under this decree, multiple public employee organisations are obligated to unify their demands into a single request (*pliego*) before negotiations can proceed.

71. The decree also establishes a multilevel negotiation structure—national, sectoral, territorial, and singular—and clarifies negotiation competencies across different levels of government. Salaries and benefits, for instance, can only be negotiated at the national level, while working time and employment conditions can be discussed at all levels. Representativeness becomes a central requirement: unions must provide certified membership information, and failure to do so suspends participation rights until compliance. Overall, the decree seeks to enhance coherence, transparency, and democratic legitimacy in public-sector bargaining by standardising procedures, consolidating union representation, and clarifying negotiation competencies across different levels of government. Since the publication of Decree 243 in 2024, there has been an increase in the number of collective agreements signed in the public sector (Table 3.1), both at the national and regional level. As a result of collective agreements signed in 2025, more than 1.25 million public sector workers benefited from a 7% salary increase in 2025 (Ministry of Labour, 2026[16]).

72. More recently, on 6 March 2026, sector-level collective bargaining was also introduced in the private sector. Decree 234 follows OECD recommendations to elaborate regulations on sectoral bargaining (see Box 3.1) and allows unions and employers to negotiate labour conditions across entire industries rather than only company by company. Under the new framework, unions and employer organisations can negotiate agreements at sector level to establish minimum wage levels above the legal minimum, working conditions, benefits and protections, and sector-wide labour standards. The aim is to increase the bargaining power of workers and unions and standardise labour conditions across industries. The decree also allows for mechanisms where workers who benefit from sectoral agreements can contribute financially

[3] https://www.oecd.org/en/data/datasets/oecdaias-ictwss-database.html

to unions, even if they are not members. The government argues that this ensures unions can finance negotiations that benefit the whole sector, while critics say it may affect the freedom not to join a union.

Table 3.1. Many collective agreements have been signed in recent years, especially in the public sector

Number of collective agreements in the private and public sector, 2017-2025

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Private sector	380	490	572	194	273	372	340	413	365
Public sector	431	314	314	314	311	40	246	2 071	2 304

Source: Data provided by the Ministry of Labour.

Remaining challenges in collective bargaining and social dialogue

Systematic data collection on social dialogue

73. Internationally comparable statistics on social dialogue and collective bargaining for Colombia remain scarce as the country's information available in the OECD/AIAS database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS) is limited. Colombia has been working on an electronic trade union registration system (*Sistema de Información de Archivo Sindical,* SIAS), but it is still not fully operational.

Extension of collective agreements within firms

74. Unlikely in many OECD countries, collective agreements in Colombia are only extended to all employees of a company if the trade union that negotiated the contract represents more than one-third of the company's workforce. This issue was highlighted in the OECD Review of Labour Market and Social Policies in Colombia in 2016 (OECD, 2016[8]) and has been reiterated in each post-accession review.

75. *Erga omnes* clauses (literally in Latin, "towards everybody") are used in 22 OECD countries to extend the terms set in a collective agreement to all workers, and not only to the members of signatories unions (OECD, 2017[17]). Such clauses are usually embedded in the law. Even in countries where agreements are legally binding only for members of the signatory trade unions, employers often voluntarily provide the same or similar conditions for all employees within the company (sometimes because employers do not know who is a union member). *Erga omnes* clauses simplify the system (since the same terms apply to all workers), increase fairness, limit rivalries and help social peace and reduce transaction costs. Yet, they may represent a disincentive for workers to become members of a union (a typical free-rider problem). In Colombia, this issue is addressed by a clause in the law that obliges non-unionised workers who benefit from collective regulations to pay a fee to the unions for the duration of the collective agreement.

Collective pacts

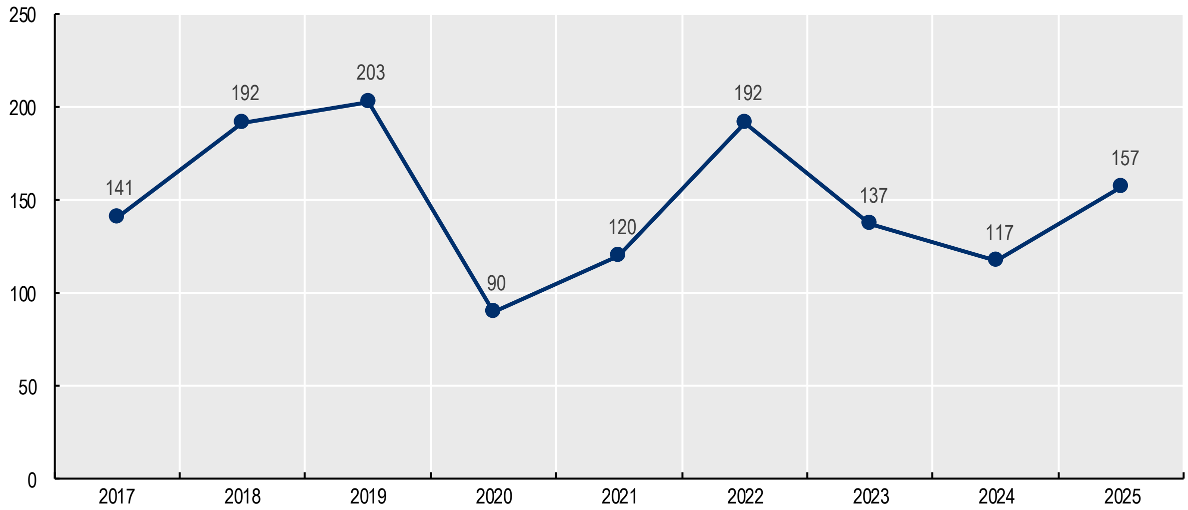
76. The Colombian legal framework allows employers to negotiate and reach collective pacts with non-unionised workers as long as the trade unions that are present in the company represent less than one-third of the company's workforce. While employers are not allowed to offer better conditions in the collective pacts than those already agreed upon in the collective agreements with the trade unions in their company, the potential misuse of collective pacts with non-unionised workers can undermine the work of trade unions in companies and prevent the emergence of new unions. For instance, employers have used the promise

of a collective accord to entice workers to resign from the union, leaving membership below the one-third threshold and making such agreements legal (OECD, 2016[8]).

77. Despite several attempts to prohibit the use of collective pacts as requested by ELSAC (Box 3.1) – a first time in 2017, as described in the OECD's first post-accession review (OECD, 2022[18]) and a second time with an earlier version of the labour reform, see discussion above – collective pacts continued to be used in Colombia. Over the period 2017-2025, an average of 150 collective pacts per year were signed with non-unionised workers (Figure 3.2).

Figure 3.2. Collective pacts continue to be used

Number of collective pacts signed with non-unionised workers, 2017-2025



Source: Data provided by the Ministry of Labour.

78. The misuse of collective pacts remains an issue. Over the past four years, the Labour Inspectorate took a total of 47 administrative actions for the improper use of collective pacts (Table 3.2). The use of a collective pact or a voluntary benefit plan to directly or indirectly prevent union membership was observed in 44 cases, while the signing of a collective pact when the company has a union or unions that bring together more than one third of the workers was registered in 3 cases.

Table 3.2. The misuse of collective pacts is closely monitored by the Labour Inspectorate

Number of administrative actions for the improper use of collective pacts, 2022-2025

	2022	2023	2024	2025	Total
For the use of a collective pact or a voluntary benefit plan to directly or indirectly prevent union membership	7	24	11	2	44
For the signing of a collective pact when the company has a union or unions that bring together more than one third of the workers	1	1	1	0	3
Total	8	25	12	2	47

Source: Data provided by the Ministry of Labour.

Right to strike

79. The 2016 OECD Review of Labour Market and Social Policies in Colombia noted that the right to strike in Colombia is overly strict due to the existence of legal prohibitions and restrictive clauses in labour legislation (OECD, 2016[8]). First, in contrast to most OECD countries where strikes can be declared in an industry, the Colombian Labour Code forbids trade union federations and confederations to organise strikes. Second, Colombia falls into the group of the more restrictive OECD Member countries that consider strikes are illegal when disputes arise in services considered essential. Other OECD countries tend to have a less restrictive list of sectors of public interest or have introduced the principle of minimum service provision in essential services. Third, a provision in the Labour Code gives the Ministry of Labour the right to exert pressure on the bargaining parties to set up arbitration and, after 60 days of strike action, a compulsory arbitration tribunal is set up. Such compulsory arbitration is in contrast with practices in many OECD countries (see next section).

80. The Ministry of Labour does not keep a record of the strikes carried out by trade unions. However, the labour inspectorate certifies the existence or not of a collective cessation of activities that generates a disturbance in the ordinary course of a company's operations (Table 3.3).

Table 3.3. About half of all requests for the cessation of activities are approved

Requests for collective cessation of activities registered by the Labour Inspectorate, 2020-2025

	Total requests	Approved requests	Share approved
2020	249	126	51%
2021	127	49	39%
2022	138	37	27%
2023	74	38	51%
2024	72	45	63%
2025	47	29	62%
Total	**707**	**324**	**46%**

Source: Data provided by the Ministry of Labour.

Mediation in industrial disputes

81. Colombia has a well-functioning conciliation body to solve large labour conflicts, but the broader dispute resolution system continues to focus solely on mandatory arbitration and labour courts, while more constructive conflict management through conciliation and mediation is missing.

82. Large-scale disputes in the areas of freedom of association, right to organise and collective bargaining (related to ILO Conventions 87, 98, 151 and 154) can be submitted to the Special Committee for the Handling of Conflicts referred to the ILO (CETCOIT). It is a well-respected committee, composed of representatives of trade union federations, employer organisations and the government, and chaired by an independent facilitator appointed by the Permanent Commission for the Coordination of Wage and Labour Policies. The function of CETCOIT is to seek formulas for settlement and rapprochement between the parties based on mutual understanding and respect among the actors of tripartism who have conflicts related to the right to freedom of association. Of the 285 cases that were closed between 2012 (when a first independent facilitator was appointed) and 2022, an agreement was reached in 67% of cases (Ministry of Labour, 2024[19]). Between 2022 and 2024, the process stalled due to the delay in the appointment of a new facilitator, which resulted in an increase in the number of open cases from 45 in 2023 to 88 at the end of 2025. Since the appointment of a new facilitator in September 2024 and two additional lawyers to strengthen the committee, 10 cases have been closed.

83. For conflicts related to public and essential services and for conflicts that did not obtain the absolute majority vote of the company's workforce (a requirement to organise a strike, see previous section), arbitration is the only option if the conflict cannot be solved through direct negotiation. Arbitration is also mandatory after 60 days of strike action. The arbitration tribunal for collective conflicts is composed of three members: a representative from the trade union, a representative from the company and a third person, the arbiter. In the past three years, the arbitration tribunal received an average of 171 requests per year. While the number of tribunals convened increased radically, the share of reached agreements has seen a decrease (Table 3.4).

84. As recommended during Colombia's accession process (see Box 3.1) and recently reiterated by Le Bouthillier, Torres and Ovalle Diaz (2022[20]), the elaboration of a broader dispute resolution system beyond CETCOIT could help to build more productive and sound labour relations in Colombia. Conciliation and mediation are frequently used in OECD countries to solve collective labour conflicts. While the terms conciliation and mediation are frequently used as synonyms, there is a slight difference in that conciliation tends to be a more informal process, where conflicting parties participate voluntarily and search with support of a third party for solutions (Euwema et al., 2019[21]). Mediation is often considered as a next step, more formal and typically used when conflicts are more escalated and previous attempts to facilitate were unsuccessful. A neutral third party (the mediator) helps the parties communicate, clarify their positions, and explore compromise solutions. The mediator does not impose a decision—rather, the goal is to rebuild trust and enable a mutually acceptable outcome. This step is especially useful in preserving long-term working relationships. Arbitration, by contrast, is more decisive. An independent arbitrator (or panel) hears the arguments from both sides and then issues a binding (or sometimes non-binding) decision. Its purpose is to resolve disputes when negotiations and mediation have failed, ensuring that conflicts do not escalate or lead to prolonged strikes or disruptions.

85. Euwema et al. (2019[21]) described in great detail the different systems of conciliation and mediation in 12 European countries and 5 non-European countries, which can provide inspiration for the Colombian government to develop conciliation and mediation procedures. The authors observe a clear trend towards the promotion of voluntary approaches, in part related to the lower costs and fast resolution that these practices often achieve, but also because they facilitate the building, restoration and maintenance of constructive relations between the parties in the long run. Trade union federations in Colombia also mentioned a collaboration with Norway and the Universidad Javeriana to develop protocols for an improved dialogue between employers and trade unions, reflecting the desire to build more constructive relations.

Table 3.4. Just above half of the arbitration tribunals convened in 2023-2025 were resolved

Number of arbitration tribunals for collective conflicts convened and resolved, 2023-2025

	Demands received	Tribunals convened	Arbitration awards (resolved)	Share of reached agreements
2023	177	77	51	66%
2024	172	128	63	49%
2025	163	149	76	51%
Average 2023-2025	171	118	63	55%

Source: Data provided by the Ministry of Labour.

The role of the minimum wage

86. In January 2026, Colombia implemented a substantial increase in the statutory minimum wage, raising it by 23% to COP 1 750 905 (around EUR 403) – the largest annual increase in two decades

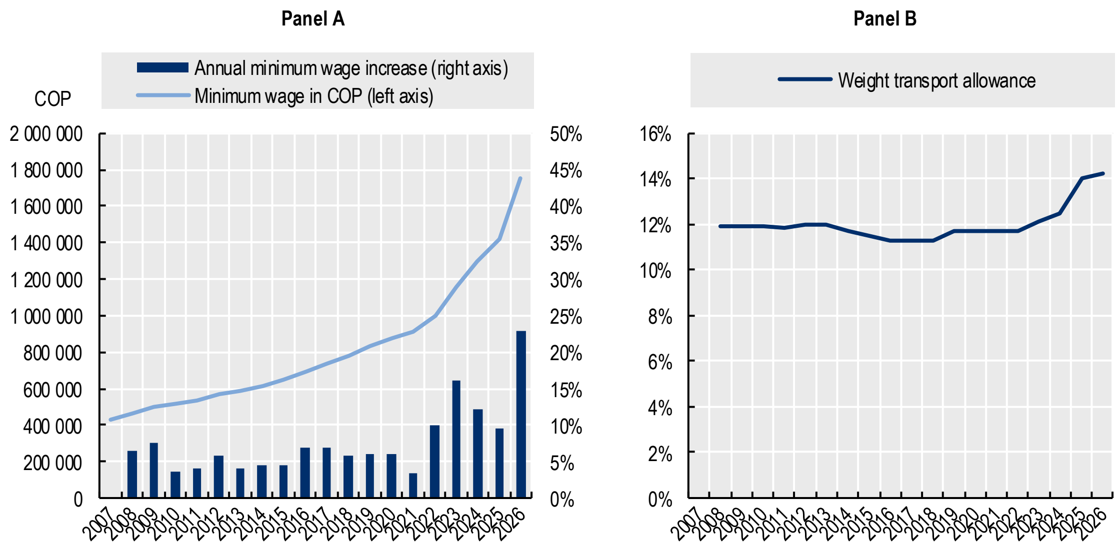
(Figure 3.3, Panel A). The magnitude of the adjustment was significantly higher than what would typically be expected based on the usual determinants used in Colombia's minimum wage negotiations, such as inflation, productivity and economic growth, as well as the wage contribution to national income (see Box 3.2 for a description of Colombia's annual minimum wage setting process). In 2025, inflation stood at around 5.3%, total factor productivity growth and the wage contribution to national income were estimated at approximately 0.91% and 4.46%, while economic growth reached 2.9% in 2025. The increase in the minimum wage was thus significantly above the sum of the regular indicators (13.6%), it was also higher than the increase proposed by employers (7.1%) and trade unions (16%). Instead, the 2026 adjustment closely followed estimates of a "living wage" presented by the ILO to the Permanent Commission for the Coordination of Wage and Labour Policies at the beginning of the yearly negotiation process around the minimum wage – following a methodology the ILO has used in several other countries to estimate the needs of workers and their families (ILO, 2025[22]).

87. The recent increase is part of a broader pattern of strong minimum wage growth in recent years. Between 2023 and 2026, the minimum wage rose by an accumulated total of approximately 75% (Figure 3.3, Panel A). The increase in the transportation allowance – a benefit granted to employees who earn up to two monthly minimum wages and intended to help them cover transportation costs from home to the workplace – was even stronger, at 113% cumulatively over the period 2023-26, raising its relative weight in the workers total labour income (Figure 3.3, Panel B).

88. Despite these large increases, the level of the Colombian minimum wage remains relatively low in international comparison when expressed in USD purchasing power parity. Compared with OECD countries, Colombia's nominal hourly minimum wage still ranks among the lowest (Figure 3.4).

Figure 3.3. The minimum wage increased by 75% over the past four years

Panel A: Minimum wage in Colombian pesos (left axis) and annual increases (right axis) and Panel B: Weight of the transport allowance in the total salary of minimum wage workers, 2007-2026



Note: The transportation allowance is a benefit granted to employees who earn up to two monthly minimum wages and intended to help them cover transportation costs from home to the workplace. The annual increase is negotiated simultaneously with the minimum wage.
Source: Data provided by the Ministry of Labour.

Box 3.2. Minimum wage setting process in Colombia

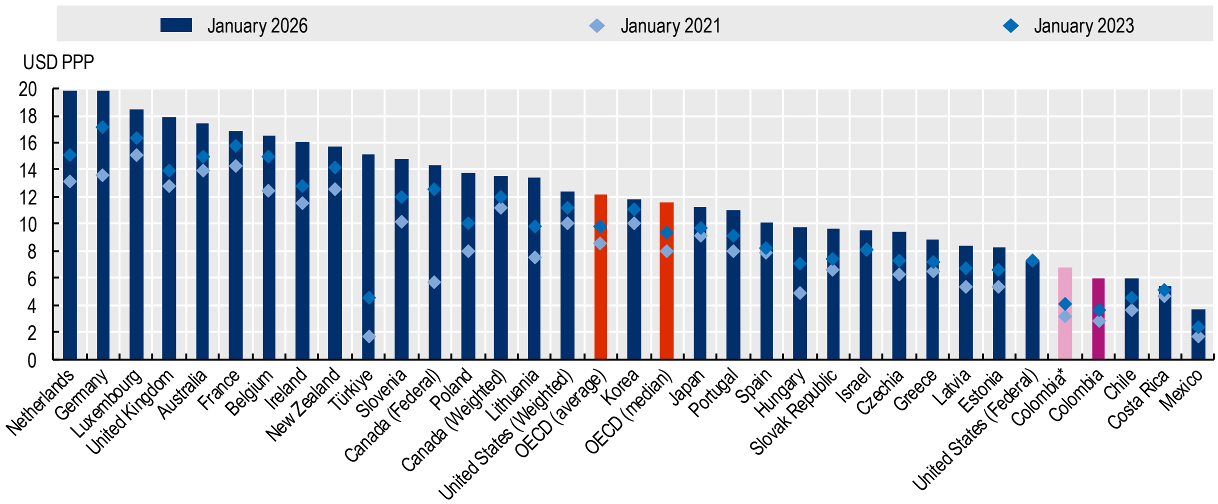
Colombia determines its minimum wage annually through tripartite negotiation in the Permanent Commission for the Coordination of Wage and Labour Policies, consisting of government representatives, trade union federations and employment associations. Several macroeconomic and labour-market indicators are considered in the negotiations, including inflation, productivity and economic growth, as well as the wage contribution to national income.

The inclusion of the wage share as a statutory parameter of the minimum wage setting is uncommon among OECD countries and explicitly embeds a functional distribution objective (labour versus capital share) into Colombia's minimum wage. In contrast, minimum wage setting mechanisms in other OECD countries usually include a combination of price developments (inflation), general wage trends (average/median wage growth and collective bargaining outcomes), labour market conditions (employment/unemployment and productivity developments), as well as expert recommendations (like the Low Pay Commission in the United Kingdom and Ireland or the Fair Work Commission in Australia) (Eurofound, 2022[23]).

If no consensus is reached by Colombia's tripartite body by the end of the year, the government sets the wage by decree, which must be technically justified to comply with legal standards. Since 1999, the yearly increase cannot be lower than the inflation rate of the past year by constitutional mandate. Courts can review or suspend decrees if the government is judged to have exceeded its authority, which happened in early 2026 when the 23% increase was suspended, yet reinstated through the publication of a new presidential decree in February 2026.

Figure 3.4. Colombia's minimum wage remains very low compared with OECD countries

Nominal hourly minimum wage in 2024 USD PPP for Jan 2021, Jan 2023, and Jan 2026



Note: Purchasing power parity (PPP) is based on household final consumption expenditure. Minimum wages are converted on an hourly basis by assuming employees usually work 40 hours per week for Belgium, Latvia, Poland, Portugal, Slovenia, and Türkiye, 45 hours per week for Chile, 48 hours per week for Costa Rica, and 8 hours usually work per day for Greece, Mexico and Spain. For Colombia, the hourly minimum wage is derived from the statutory monthly minimum wage by applying the legal maximum weekly working time as set out in Law 2101 of 2021 (amending Article 161 of the Labour Code), which gradually reduces the standard workweek from 48 to 42 hours between July 2023 and July 2026. For details about Canada (weighted) and United States (weighted), see The OECD wage bulletin (OECD, 2026[24]). OECD (Median) is the median values across the 30 OECD countries shown except Colombia* and the United States (weighted).

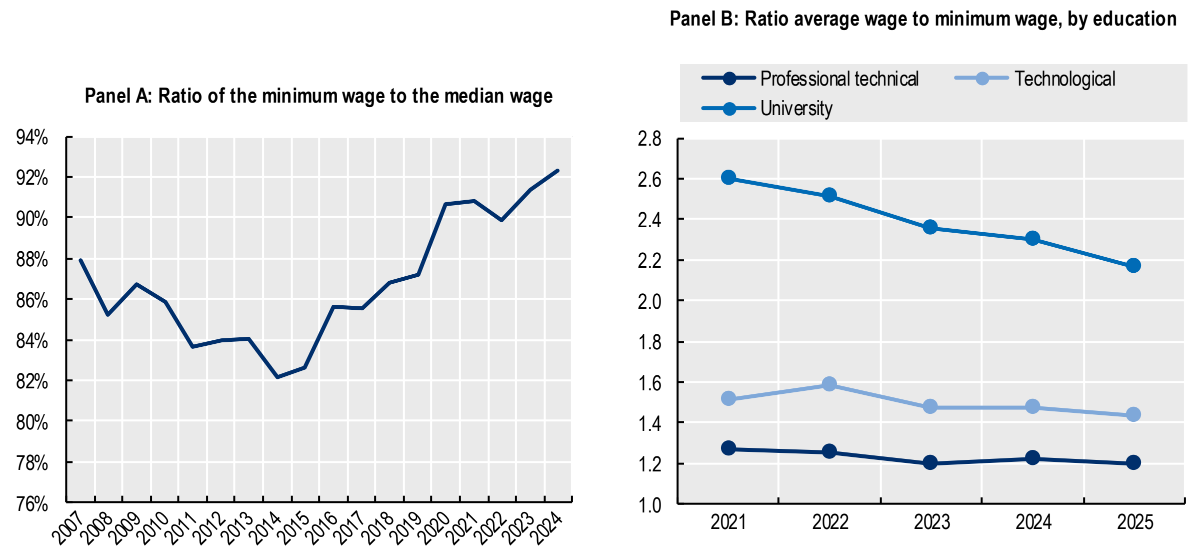
*: minimum wage including the transport allowance (*auxilio de transporte*).
Source: OECD calculations based on national data; OECD Data Explorer, and OECD Data Explorer, "Annual Purchasing Power Parities and exchange rates", https://data-explorer.oecd.org/s/41e (accessed on 26 February 2026).

89. The low absolute level of the minimum wage compared to other OECD countries and its potential role in reducing poverty is the main argument of the government for the considerable yearly increases (Ministry of Labour, 2026[16]). While minimum wage increases can indeed play an important role in protecting workers' purchasing power – especially during periods of high inflation as discussed in OECD (2022[25]) – the database with Key Indicators of Informality based on Individuals and their Household (KIIbIH) compiled by the OECD Development Centre and forthcoming report on *Securing the livelihoods of informal workers in times of global changes* shows that more than 80% of the working poor in Colombia are informal workers (OECD Development Centre, 2026[26]). They are thus not covered by minimum wage increases. Instead, recent reductions in poverty mostly result from solid economic growth and an expansion and maturation of social policies.

90. The strong focus on the minimum wage in Colombia should be understood in the broader institutional context of limited collective bargaining. With few alternative channels available to improve wages and working conditions, trade unions often view the minimum wage as the main policy lever through which they can raise labour standards. As a result, minimum wage negotiations carry particularly high stakes in Colombia.

91. However, the impact of strong repeated increases on the wage distribution is overlooked in this process. The ratio of the minimum wage to the median wage (see Box 3.3 for a discussion on the indicator) is very high and has increased significantly in recent years, rising from around 82% in 2014 to approximately 92% in 2024 (Figure 3.5, Panel A). Colombia's minimum-median wage ratio is the highest among OECD countries (Figure 3.6).

Figure 3.5. There is clear evidence of wage compression in Colombia

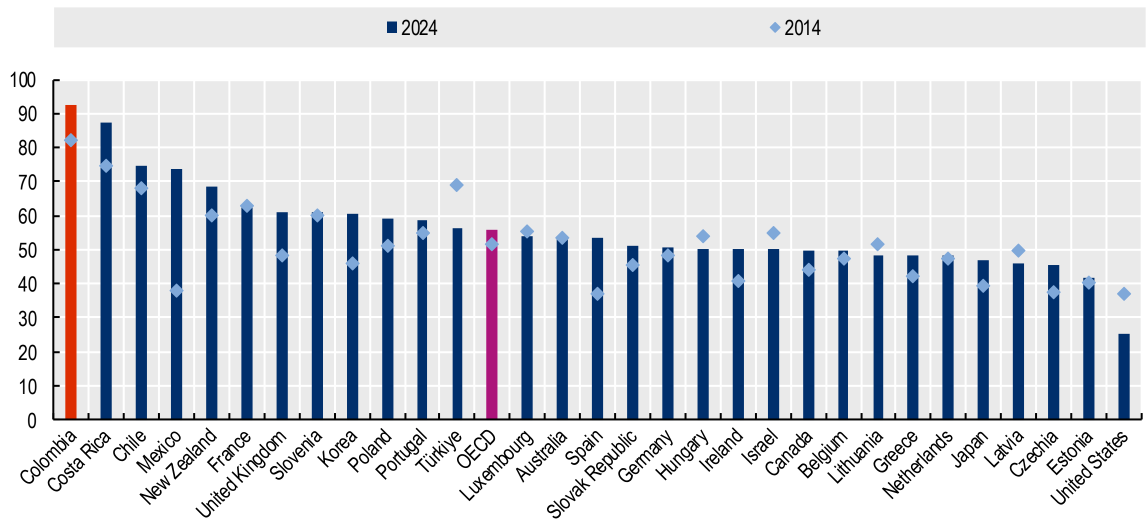


Note: Panel A: Full-time workers only. Panel B: All workers.
Source: Panel A: Extractions from the OECD Earnings Distribution Database (EDD) based on monthly earnings from the Gran Encuesta Integrada de Hogares (GEIH) of Colombia. Panel B: Data presented by the Ministry of Labour in its 6th post-accession review (Ministry of Labour, 2026[16]).

92. The high ratio suggests a significant compression of the wage distribution at the lower end and reflects structural features of the labour market, including the weak bargaining power of many workers and the limited coverage of collective bargaining agreements in the private sector. Negotiated wage scales above the minimum wage therefore adjust more slowly to inflation than the statutory minimum wage, which implies an outsized role of the minimum wage in shaping the overall wage structure. By narrowing pay differentials among low-paid jobs, this compression may also reduce incentives for early career progression and skill acquisition. Such risk is clearly visible among university graduates, who have seen a relative decrease in their wage compared to the minimum wage between 2021 and 2025 (Figure 3.5, Panel B). The same observation holds with graduates with technological and professional technical degrees, though to a lesser extent.

Figure 3.6. The ratio of the minimum wage to median wage is highest in Colombia

Gross minimum wage as a percentage of gross median wage of full-time workers, 2014 and 2024



Note: The Gross minimum wage as a percentage of gross median wage of full-time workers for the United States is an estimate based on a Laspeyres index of applicable minimum wages across US states. The minimum wage used for Canada is an average of the provinces' minimum wages (not including territories) weighted by employment shares. OECD is the unweighted average of the 30 OECD countries shown.
Source: OECD Data Explorer, "Minimum relative to average wages of full-time workers", http://data-explorer.oecd.org/s/2ay.

93. A further concern relates to the potential impact of a high minimum wage on labour market formalisation. A growing body of academic research for Colombia finds that relatively high minimum wages can have negative effects on employment prospects for workers whose productivity lies close to or below the wage floor (OECD, 2022[9]). In such cases, firms may be reluctant to hire these workers formally, which can push employment into informality. This aspect is particularly relevant in Colombia, where a significant share of the workforce earns less than the minimum wage and where informality remains widespread (see Chapter 1), especially among young workers, women, the low-skilled and workers in rural areas. In the past, strong increases in the minimum wage were combined with reductions in non-wage costs (like the reduction in payroll taxes in 2013 and the reduction of employers' health contributions in 2014) or hiring subsidies introduced in 2021 to promote formal employment creation. During the last years, in contrast, non-wage labour costs have increased as a result of the labour reform and reductions in working hours. Further increases in the minimum wage should therefore be carefully assessed and their effects on employment and informality closely monitored, especially given the stabilisation in the informality rate over the past two years (see Chapter 1).

Box 3.3. The ratio of the minimum wage to the median wage / average wage

Comparing the minimum wage to the median wage is generally more informative than comparing it to the average (mean) wage because it better reflects the position of low-paid workers within the wage distribution.

The median wage represents the wage of the "typical" worker: half of workers earn less, and half earn more. This makes it a robust benchmark for assessing how binding or restrictive the minimum wage is. If the minimum wage is close to the median, it indicates that a large share of workers are directly or indirectly affected by it, which can signal wage compression at the lower end of the distribution.

By contrast, the average wage can be misleading because it is strongly influenced by very high earners. In countries with high income inequality, a small number of top earners can pull the average wage upward, making the minimum wage appear relatively low even when it is high for most workers. As a result, comparing the minimum wage to the average wage may underestimate how binding the wage floor is for the majority of the workforce.

Using the median wage is therefore particularly important in countries like Colombia, where wage inequality and informality are significant. A high ratio of the minimum wage to the median wage suggests that the wage floor is close to what a typical worker earns, which can have important implications for employment, informality, and wage-setting mechanisms.

Conclusion

94. Colombia has made important advances towards a two-tier system of sectoral and firm-level bargaining through the elaboration of regulations on sectoral bargaining for the public sector (in 2024) and the private sector (in 2026). Measures to address trade union fragmentation have also been introduced, by encouraging multiple trade unions in the same company/government branch to form a bargaining team and strive for a single collective agreement. The new labour law of 2025 also incorporates a few elements relevant to reduce anti-union practices, even if only in an indirect and preventive manner.

95. Other challenges related to collective bargaining and social dialogue remain unaddressed. In line with the recommendations in ELSAC's Formal Opinion on Colombia's accession to the OECD (see Box 3.1), the OECD encourages the government to operationalise its electronic trade union registration system so that data on collective bargaining can be systematically collected to track its evolution and facilitate comparison with other OECD countries. The OECD also reiterates its recommendations to eliminate the option to negotiate collective pacts, give the right to strike to higher-level trade union organisations, and reflect on alternatives to the outright prohibition of strikes in public and essential services, such as introducing a requirement of minimum service. In addition, the OECD suggests to automatically extend the collective agreements to all employees of a company, including when trade unions represent less than one-third of the company's workforce, and expand the existing dispute resolution system with conciliation and mediation mechanisms, to promote constructive conflict management and reduce the focus on arbitration and labour courts. With better social dialogue and reinforced collective bargaining, Colombia could consider a gradual adjustment of the very high minimum wage compared to the median level and bring it back to its original role of wage floor instead of wage norm.

4 Crimes against trade unionists

Recommendations in the Formal Opinion of ELSAC

96. The OECD accession review of labour market, social and migration policies in Colombia (OECD, 2016[3]) highlighted significant concerns regarding the prevalence of violence against trade unions and the levels of impunity for such incidents and criminal violations of workers' rights. Five key recommendations were made by ELSAC, aimed at eradicating violence against trade unionists, ensuring their protection, decreasing impunity, and preventing the excessive use of force by the police against them (Box 4.1).

Box 4.1. OECD recommendations to tackle crimes against trade unionists in Colombia

1. Draw up a zero vision for violence and homicides against trade unionists through an adequate plan of further reforms and actions in line with ratified ILO-conventions.
2. Further strengthen the protection programme for trade union members and leaders by:
   - Maintaining adequate financial resources for the National Protection Unit.
   - Implementing, in close collaboration with trade unions, the recently developed collective protection mechanism for at-risk trade unionists.
3. Demonstrate progress in reducing impunity rates for both violence and threats against trade unionists and crimes against the right to freedom of association and collective bargaining by:
   - Ensuring that investigations of crimes against trade unionists are a priority for the government and maintaining the Elite Group responsible for the investigation of crimes against trade unionists in the Prosecutor General's Office.
   - Demonstrating tangible progress in the resolution of all crimes against trade unionists, securing convictions where appropriate.
   - Ensuring the timely resolution of cases of violence and threats against unionists, including by hiring a third labour judge.
   - Publically releasing on a yearly basis statistics on the investigation and prosecution of crimes, as well as the case timelines.
4. Evaluate the effectiveness of the mandatory conciliation phase as required by the criminal proceedings for Article 200 of the Criminal Code.
5. Critically and independently examine the role of the Mobile Anti-Disturbances Squadron (*Escuadrón Móvil Antidisturbios*, ESMAD) and their use of excessive force. In cooperation with the social partners, taking measures to address the pending recommendations on serious and urgent cases at the ILO Committee of Freedom of Association regarding violence against trade unions.

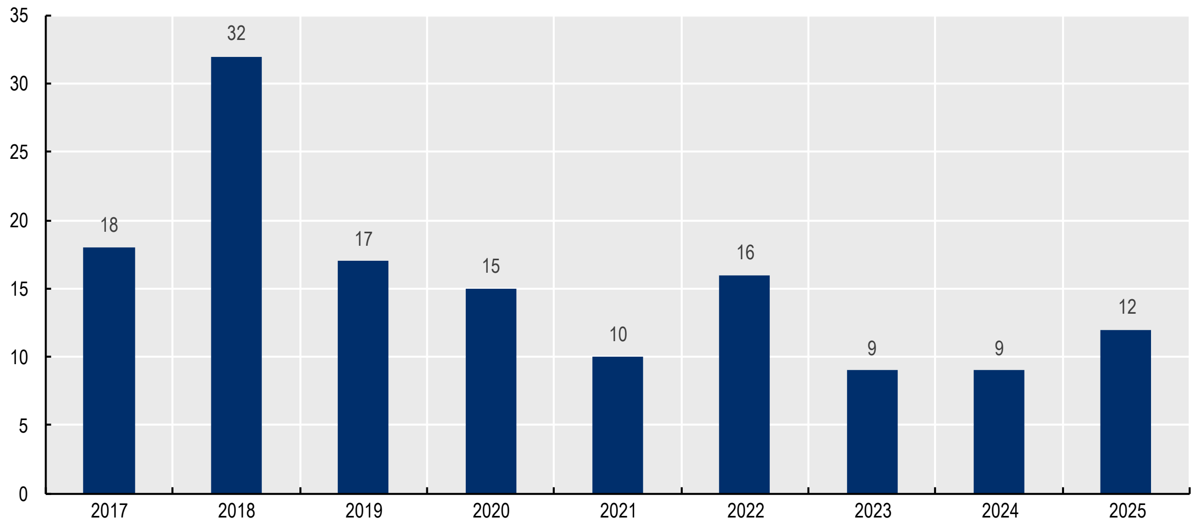
Source: OECD (2018[4]), Accession of Colombia to the OECD: Formal Opinion of the Employment, Labour and Social Affairs Committee (ELSAC), *unpublished document.*

Violence against trade unionists

97. In 2025, the Prosecutor General's Office (*Fiscalía*) registered 12 homicides of trade unionists, an increase from 9 victims in 2024 and 2023, though still considerably below the 32 victims reported in 2018 (Figure 4.1). Additionally, the National Working Group for Threats (GTNA, *Grupo de Trabajo Nacional para Amenazas*) – a specialised unit in the Prosecutor General's Office created in 2018 to investigate and prosecute threats against human rights defenders, social leaders and union leaders – registered 52 victims of threats among trade union leaders (Table 4.1), a decrease from 2024 when 76 threats were reported.[4]

Figure 4.1. Recent increase in homicides of trade unionists in Colombia

Number of trade union homicides, 2017-2025



Source: Data provided by the Prosecutor General's Office.

Table 4.1. Threats against trade union leaders take various forms

Threats to trade union leaders reported to the Prosecutor General's Office by type, 2025

Type of threat	Total victims
Written messages (WhatsApp, email, text)	22
Physical pamphlets or another format	10
Social media (Facebook, Twitter-X)	8
Phone calls	5
In-Person	3
Intimidating objects (Obituaries, funeral arrangements, dolls, dead animals, videos, other)	2
Rumor	1
Not Reported	1
Total	**52**

Source: Data provided by the Prosecutor General's Office.

[4] The National Trade Union School (ENS, *Escuela Nacional Sindical*) – a source often cited in previous OECD reports on Colombia – no longer collects data on violence against trade unionists.

98. The increase in the number of trade union homicides reflects a broader deterioration in Colombia's security context, driven not only by tensions surrounding the 2026 presidential elections but more fundamentally by escalating confrontations between state security forces and armed groups and intensifying intra-group violence among criminal actors (International Committee of the Red Cross, 2025[27]). Regions such as Cauca, Antioquia and North Santander are particularly affected, as are trade unions active in the education, health, mining and agro-industry (ILO, 2026[11]).

99. The Inter-American Commission on Human Rights emphasises that implementation of the 2016 Peace Agreement remains slow and incomplete, hindered by political polarisation, weak territorial state presence, and delays in fulfilling key commitments (IACHR, 2025[28]). Despite some progress in areas such as comprehensive rural reform and transitional justice, the fragility of the peace process has persisted. Structural weaknesses have allowed multiple armed actors—including dissidents of the FARC (Revolutionary Armed Forces of Colombia), the ELN (National Liberation Army), paramilitary successors, and criminal organisations—to re-establish themselves in areas once influenced by the FARC. This fragmentation has fuelled competition over land and illicit economies—such as record-high cocaine production, trafficking routes, and illegal mining—particularly in rural regions where the state remains largely absent and governance vacuums persist. Negotiations with armed groups have stalled amid renewed confrontations and persistent incentives linked to the profitability of illicit economies (Human Rights Watch, 2025[29]).

Protection of trade unionists

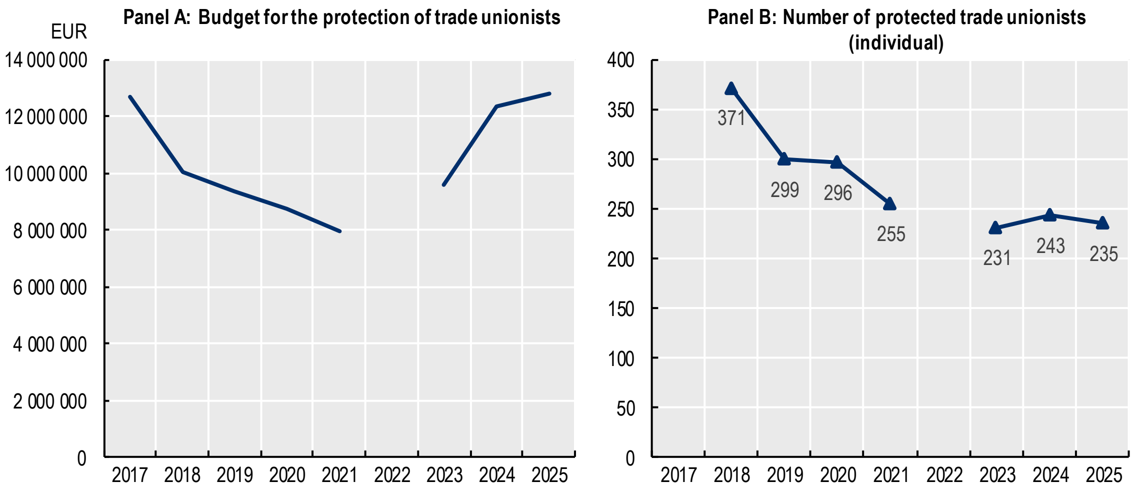
100. To offer people under threat (including trade union leaders and members) appropriate protection, Colombia has a national protection system in place, managed by the National Protection Unit (*Unidad Nacional de Protección*, UNP). In recent years there has been a considerable increase in the budget devoted to the protection of trade unionists, from COP 33.9 billion (EUR 7.9 million) in 2021 to COP 54.7 billion (EUR 12.8 million) in 2025 (Figure 4.2). The increase is to some extent related to years of high inflation but also a response to the increase in violence. Even so, the number of trade unionists receiving protection has been gradually declining, from 299 in 2018 to 235 in 2025 (Figure 4.2). Trade union federations complain that the security risks have not necessarily declined, while the National Protection Unit notes that other people, in particular indigenous populations and human right defenders in rural areas, face higher risks.

101. Since 2017, the Colombian government also has a collective protection programme. Decree 2078 of 2017 established a formal collective protection scheme within the National Prevention and Protection Programme to safeguard groups and communities—such as trade unions—facing extraordinary or extreme risk. The mechanism operates through the CERREM Colectivo, a specialized committee tasked with evaluating collective risks and recommending tailored protection measures, while the Ministry of the Interior and the UNP coordinate their implementation and monitor their effectiveness. The programme provides a structured framework for assessing threats and delivering collective security responses in contexts where entire groups, rather than individuals, are targeted due to their social, labour, or political activities.

102. Currently, three trade union organisations benefit from such collective protection measures, including Sintrainagro (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria*), Fecode (*Federación Colombiana de Trabajadores de la Educación*), and USO (*Unión Sindical Obrera de la Industria del Petróleo*). These three unions are among the most historically targeted by anti-union violence, one of the key criterion used by the UNP and the CERREM Colectivo for granting collective protection under Decree 2078 de 2017. Collective protection measures mainly include hard measures, like vehicles and bodyguards (Table 4.2), and are assigned for a period of 12 months, with possibility of renewal (Sintrainagro has been receiving such collective protection measures since 2021). Such hard protection

measures are also frequently used for individual protection schemes, in addition to soft measures, like bulletproof vests or mobile phones that trade unionists can use to alert the UNP in case of immediate danger (Table 4.2).

Figure 4.2. The number of trade unionists receiving protection has been gradually declining, while the budget increased



Source: Data provided by the National Protection Unit.

Table 4.2. The National Protection Unit offers a range of protection measures to trade unionists

Type of protection measures for trade unionists by scheme, 2025

	Collective scheme	Individual scheme
Number of beneficiaries with hard measures	3	131
Number of beneficiaries with soft measures	0	104
Number of communication measures (e.g. mobile phone)	0	174
Number of bulletproof vests	0	212
Number of panic/support buttons	0	3
Number of bodyguards	26	232
Number of conventional vehicles	13	55
Number of armored vehicles	0	34
Number of economic support measures (e.g. for relocation or security needs)	0	11

Source: Data provided by the National Protection Unit (UNP).

Prosecution of violence against trade unionists

103. Between 1 January 2017 and 30 November 2025, the Prosecutor General's Office received reports for a total of 142 homicide cases against trade unionists. Of these, 138 cases are being investigated in the ordinary jurisdiction, 3 cases are being investigated by the Special Indigenous Jurisdiction, and 1 case by the Military Criminal Justice system. The regions most affected by trade union homicides continue to be the departments of Cauca (37 cases) and Valle del Cauca (22 cases).

104. Progress has been made in 74 cases (54%) of the homicides investigated in the ordinary jurisdiction, though only 25 cases (18%) have a sentence (Table 4.3). Other cases have acquittals

(5 cases), are currently on trial (25 cases), have a formal accusation (5 cases), are under investigation with arrest warrant issued by a judge (7 cases), or are dismissed (7 cases, of which 6 due to the death of the suspect). As requested by ELSAC's post-accession progress reporting (see Box 4.1), statistics on the investigation and prosecution of crimes against trade unionists are published on a yearly basis through Colombia's own accession reporting – see, for instance, Ministry of Labour (2025[30]) – and information on the budget is available on the website of the Prosecutor General's Office.[5]

105. For events prior to 2011, among the relevant decisions for the year 2025, a conviction was issued against one of the leaders of the now-defunct *Autodefensas Unidas de Colombia* (AUC) for serious crimes committed between 2000 and 2005 in several regions of the country, where some of the victims were union members. The crime sought to intimidate unionists and create fear within their sector. The investigation revealed that the perpetrators were members of a paramilitary group.

Table 4.3. There has been progress in more than half of all trade union homicides cases

Homicide cases of trade unionists investigated in ordinary jurisdiction, 2017-2025

Year	Inquiry	Under investigation with arrest warrant	Indictment (Formal accusation)	Trial	Sentence execution	Dismissal (Death of suspect)	Acquittal	Archived	Total	*Cumulative progress rate*
2017	4	0	0	2	5	1	1	5	18	*50%*
2018	10	1	0	4	8	3	2	4	32	*54%*
2019	4	1	1	5	1	0	0	5	17	*52%*
2020	2	1	1	3	3	1	1	3	15	*55%*
2021	2	1	1	2	0	1	0	3	10	*54%*
2022	4	1	1	2	6	1	1	0	16	*57%*
2023	2	1	0	4	1	0	0	0	8	*59%*
2024	5	1	1	2	1	0	0	0	10	*58%*
2025	11	0	0	1	0	0	0	0	12	*54%*
Total	44	7	5	25	25	7	5	20	138	
Share	32%	5%	4%	18%	18%	5%	4%	14%	100%	

Source: Data provided by the Prosecutor General's Office.

106. Over the years, the strategy of the Prosecutor General's Office for the prosecution of violence against trade unionists has evolved from a prioritised yet relatively fragmented approach at the beginning of Colombia's post-accession process to a more integrated, data-driven and specialised system, with distinct tracks for homicides and threats, stronger institutional coordination, and measurable improvements in prosecutorial effectiveness.

107. Already in 2021 – when the first post-accession reporting on Colombia for ELSAC started with a report by the Ministry of Labour (2021[31]) – the Prosecutor General's Office applied a dual-track approach: (i) a dedicated strategy for homicides of trade unionists, and (ii) mechanisms to address other crimes, including violations of freedom of association and threats. This approach was supported by strategic prioritisation of crimes against unionists, a specialised Elite Group and designated prosecutors, case-specific approaches, and internal coordination across prosecutorial units. At that stage, the homicide strategy was achieving about 50-55% clarification of trade union cases (see Table 4.3 for the period 2017-2020), which was considerably higher than for general homicide cases, with an advance rate of about 30% (OECD, 2022[18]).

[5] https://www.fiscalia.gov.co/colombia/la-entidad/presupuesto-general-asignado/

108. More recently, there has been a clear evolution toward a more integrated and specialised system. Institutional coordination across multiple units of the Prosecutor General's Office (Territorial Security, Human Rights Directorate, Special Investigation Unit) allows for a differentiated handling of cases depending on victim profile and context. In addition, a centralised monitoring approach has been introduced, including systematic follow-up of all homicide cases, victim profiling protocols (since 2022), and integrated databases to track motives, perpetrators and case status. Stronger inter-institutional cooperation with the Ministry of Labour and trade unions has improved identification of victims' union status and links between cases. In the course of 2025, the Prosecutor General's Office has also implemented a prioritisation plan consisting of concentrating intentional homicide cases at the inquiry stage in remote or hard-to-access territories. The increase in the homicide case progress rate to 57-59% for the period 2022-2024 (Table 4.3) indicates more effective investigations and prosecutions. Even so, the identification of the intellectual authors of the crimes remains difficult.

109. Similar progress can be observed for the strategy for threats, with a clear shift from reactive handling to a more preventive and rapid-response model. Since 2018, threats against human rights defenders (including trade union leaders and trade union members) are recognised as a specific crime in the Criminal Code. The same year, the National Working Group for the Support, Promotion and Coordination of the Analysis, Investigation and Prosecution of Cases of Threats against Human Rights Defenders (GTNA) was created. Over the years, guidelines for the investigation and prosecution of crimes were developed and prosecutors, investigators and analysts were trained. Today, the GTNA operates 24/7, with 10 dedicated investigative teams composed of prosecutors, investigators and analysts, and in close coordination with regional offices and the National Protection Unit to ensure rapid response and the provision of protective measures if necessary. In 2023, the GTNA obtained a conviction for the crime of threats against human rights defenders and public servants, against a person who threatened seven trade unionists attached to SINTRAINAL.

Investigations of violations of rights of assembly and association

110. Article 200 of the Colombian Criminal Code recognises the violation of the right to assembly and association as a criminal offense. This offense was created to protect the right to freedom of association within the framework of labour relations, especially regarding unionised workers. Conducts that are punishable under this offense include: preventing or disrupting a lawful assembly, preventing or impairing the exercise of rights granted by labour laws, and taking reprisals in response to a legitimate strike, assembly or association. The notification of a crime linked to the violation of the right to assembly and association must be filed by the worker (unionised or not) or by the trade union, within six months from the date of the incident.

111. Between 1 January 2017 and 30 November 2025, the Prosecutor General's Office received 1 722 cases for the crimes of violation of the rights of assembly and association. Of these, 294 cases (17.1%) are active and 1 428 cases (82.9%) have a closure decision, as follows: 1 003 cases have been archived, because there was no criminal conduct (47%) or the plaintiff did not have legitimacy (23%); 130 cases have been withdrawn by the complainant; another 130 cases have been conciliated; 158 cases have been closed due to termination of the criminal action, preclusion, extinction of the complaint, among others; and in 7 cases, acquittal judgments were issued (Table 4.4). The acquittals were appealed by the Prosecutor General's Office but the judge's superior decided to uphold the acquittals. These cases occurred in Bogotá, Cauca, Tolima, and Valle del Cauca against unions in the energy, food, and public sectors.

112. The progress rate of Art. 200 cases is about the same as reported in the previous post-accession review: 82.2% at the end of 2023 (OECD, 2024[10]). At the same time, the share of cases that are archived because there was no criminal conduct or because the plaintiff did not have legitimacy has decreased in

recent years, showing that victims and trade unions have become better informed about the judicial process and its requirements.

Table 4.4. Eight in ten cases for the crimes of violation of the rights of assembly and association have a closure decision

Cases of violations of rights of assembly and association over the period 2017-2025

Total number of cases	**1 722**	
Active cases	294	17.1% of total cases
Closed cases	1 428	82.9% of total cases
Acquittal	7	
Archived	1 003	For 673 cases, it was established that the criminal conduct did not exist. For 235 cases, the file was carried out by an illegitimate complainant.
Withdrawn	130	There was a negotiated solution between the worker and the company.
Conciliation	130	There was a conciliation agreement between the worker and the company.
Terminated	158	The case was terminated due to the termination of criminal action, preclusion, or extinction of the complaint.

Source: Data provided by the Prosecutor General's Office.

113. Despite the high number of cases, not a single conviction has been issued for violations of rights of assembly and association. The lack of convictions is largely the result of the mandatory conciliation step that is part of the judicial process. If the affected parties reach an agreement in the conciliation phase, the case is archived and the conciliation act has the effect of res judicata. The Attorney General's Office continues to promote conciliation as it is an effective mechanism for guaranteeing individuals' right of access to justice in criminal matters and for resolving legal disputes swiftly and without delay. It is also seen as a way to decentralise access to justice since conciliation can take place in a victim assistance centre before a prosecutor, in a private or public conciliation centre before equity conciliators, or before public officials authorised by law for this purpose.

114. Trade union confederations reported to the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO, 2026[11]) that Art. 200 *"does not comply with international standards for the protection of freedom of association due to its legal ambiguity, the difficulty of providing evidence and the lack of institutional will to prosecute these crimes, which have made it a symbolic provision with no real dissuasive or reparative capacity"*. The Committee of Experts therefore requested from the Colombian government *"an exhaustive assessment of the criminal offence set out in Art. 200 of the Criminal Code and its enforcement, with a view to examining the legislative or institutional adjustments that would ensure its effectiveness"*. This request matches the recommendation made by ELSAC in its Formal Opinion, where it asked Colombia to "evaluate the effectiveness of the mandatory conciliation phase as required by the criminal proceedings for Article 200 of the Criminal Code" (see Box 4.1).

Violence during demonstrations and strikes

115. Previous OECD accession and post-accession reviews of Colombia expressed concerns about the excessive use of force against trade union leaders and members by the Colombian Mobile Anti-Disturbances Squadron (Escuadrón Móvil Antidisturbios, ESMAD), a unit within the Colombian National Police in charge of securing demonstrations and controlling riots, including strikes. The unit has since undergone a major transformation and its name was changed into the Unit of Dialogue and Maintenance of Order (UNDMO) – see the OECD's second post-accession review of Colombia (OECD, 2024[10]) for a discussion.

116. In line with ELSAC's recommendation to critically and independently examine the unit's role and its use of excessive force (see Box 4.1), the Ministry of Defense and the National Police held a series of working sessions between August 2023 and January 2024 together with the Colombian Office of the United Nations High Commissioner for Human Rights and several civil society organisations that are part of the Roundtable for Police Reform. The discussions resulted in the publication of Decree 1231 of 2024, which establishes a comprehensive legal framework that regulates the differentiated and proportional use of force by the National Police. The decree prioritises dialogue, prevention and de-escalation, requiring force to be used only as a last resort and in proportion to the situation. It also introduces clearer rules on the use of lethal and less-lethal weapons, reporting obligations, and accountability mechanisms, with the overall purpose of reducing excessive force and strengthening public trust in policing. The National Police was given 18 months to update and modify its internal administrative actions.

117. As part of the implementation of the Decree, about 7 thousand police officers received trainings in 2024 on issues related to human rights, the right to assembly, public and peaceful protest, dialogue and the use of force (Ministry of Labour, 2025[30]). The National Policy also created a Dialogue Team within the Unit of Dialogue and Maintenance of Order (UNDMO) to promote dialogue and positive conflict management during demonstrations, which counted 146 officers in 2024 (Ministry of Labour, 2024[19]).

Conclusion

118. Colombia has made solid progress in the investigation and prosecution of violence against trade unionists, with an increasingly institutionalised approach of the Prosecutor General's Office that combines systematic prioritisation, specialised units and inter-institutional coordination, and with measurable improvements in prosecutorial effectiveness as a result. Resources for the protection programme for trade union leaders and members have been maintained throughout the post-accession period, and the collective protection mechanism has been expanded. The excessive use of force during demonstrations and strikes has also been addressed through a reorganisation of the Colombian Mobile Anti-Disturbances Squadron (ESMAD) – now called Unit of Dialogue and Maintenance of Order (UNDMO) – and a series of measures to promote dialogue and positive conflict management during demonstrations.

119. Nevertheless, the persistent murders and other acts of violence against trade unionists in Colombia remain a major challenge. Colombia is encouraged to explore ways to identify the intellectual authors of homicides and evaluate the effectiveness of the mandatory conciliation phase as required by the criminal proceedings for violations of rights of assembly and association.

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