



NINTH ITEM ON THE AGENDA

**Report of the Special Representative of
the Director-General for Cooperation with
Colombia**

Addendum

1. An agreement by the Standing Negotiation Committee on Labour and Wage Policies of Colombia creating a “Special Committee for the Handling of Conflicts referred to the ILO” is appended.
2. The purpose of the Special Committee is to address conflicts arising in areas governed by ILO Conventions that Colombia has ratified, priority being given to those concerning freedom of association.
3. Submitted for information.

Geneva, 15 November 2000.

Appendix

Standing Negotiation Committee on Labour and Wage Policies

Technical Secretariat

Agreement

Creating a “Special Committee for the Handling of Conflicts referred to the ILO”

The Standing Negotiation Committee on Labour and Wage Policies, at its meeting on 31 October 2000, considered and adopted the act of agreement of the Ad Hoc Committee whereby it was proposed to set up a **“Special Committee for the Handling of Conflicts referred to the ILO”**.

This Agreement of the Standing Negotiation Committee contains the text proposed by the Ad Hoc Committee, with amendments accepted by consensus.

I. CONTEXT

PROBLEM: One of the first observations made by the Special Representative of the Director-General of the ILO for Cooperation with Colombia concerned the volume of complaints arriving in Geneva from Colombia.

This is evidence of the lack of speed in the handling of such conflicts and complaints at the national level.

MEASURE: The Minister of Labour proposed to the Standing Negotiation Committee on Labour and Wage Policies – CPCPLS – at its meeting on 12 October 2000 the establishment of a special mechanism to bring improvements in the handling and settlement of labour conflicts involving freedom of association and thereby assist the ILO in discharging its functions as a supranational body. The mandate conferred by Act 278/96 specifically includes the search for negotiated solutions to labour conflicts as an alternative to administrative and judicial remedies.

The Ad Hoc Committee comprised the Trade Union Representative, Carlos Torres, the Representative of the Employers’ Organizations, Alberto Echevarría, and the delegate of the Ministry of Labour, Jorge Giraldo; ILO technical assistance was provided.

OBJECTIVE: The Ad Hoc Committee proposes a number of tripartite mechanisms and methodologies to address labour conflicts concerning freedom of association, in accordance with article 56 of the National Constitution.

II. AGREEMENTS

1. The natural fora for handling and resolving conflicts between the actors involved in labour relations are the workplace, the enterprise or entity and the economic sector.

2. The tripartite forum for handling conflicts is the CPCPLS, which is to set up a **“Special Committee for the Handling of Conflicts referred to the ILO”**. Departmental and sectoral subcommittees brought into operation may intervene in the handling of conflicts, as stated in Act 278/96, at the request of any of the interested parties.

3. The “Special Committee for the Handling of Conflicts referred to the ILO” shall comprise six (6) persons, that is, two (2) representatives each from the employers’, workers’ and government sectors respectively. The members of the Special Committee must be representative of each sector and be fully aware of the normative and social framework of labour relations.

4. The purpose of the Special Committee is to address the conflicts that have arisen in areas governed by ILO Conventions that Colombia has ratified, priority being given to those that concern freedom of association.
5. The observance or non-observance of international labour standards ratified by Colombia is a national problem and is hence of tripartite interest; regardless of whether the conflicts are between two parties (employers-workers, Government-workers), they should be handled on a tripartite basis.
6. The Special Committee, under the responsibility of the CPCPLS, has the duty: to obtain information and to study and evaluate situations brought to its attention so as to present documented recommendations to the CPCPLS to assess them; and as required and at the request of the parties, to intervene in the handling of the conflicts or complaints brought to its attention.
7. The working methods of the Special Committee must include a range of options for the resolution of conflicts.
8. The handling of a conflict or complaint by the Special Committee shall not prevent the parties from calling on the relevant legal bodies or the ILO.

Bogotá D.C., 31 October 2000.

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