

Committee on the Application of Standards

Date: 17 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Colombia (ratification: 1989)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

The Government has provided the following written information.

The Government respects and complies with the recommendations made by the ILO supervisory bodies. We therefore wish to first highlight that the Government's labour reforms intended to promote dignified and decent work, currently being considered by Congress, include, inter alia, an approach that will ensure the social and labour inclusion of persons with disabilities, provisions relating to their right to work and regulations governing legal capacity, reasonable accommodations, non-discrimination, a private-sector recruitment quota and job stability.

The relevant draft legislation includes specific obligations for employers in relation to the removal of barriers, accessibility and the adoption of reasonable accommodations so that persons with disabilities may enjoy their right to work. In this respect, the main focus of the barrier removal strategy should be reasonable accommodations, which should be linked to the concept of universal design for efficiency and collective well-being in a differential approach to the inclusion of persons with disabilities.

Regulations that allow for the removal of barriers to employment for persons with disabilities will be introduced as part of the labour reforms, including:

- guarantees of the right to work and the legal capacity of persons with disabilities to enter into employment contracts;
- an obligation for employers to make any reasonable accommodations required by persons with disabilities to allow them to undertake their work and remain in employment;
- a regulation strengthening job security when the employment relationships of persons with disabilities are terminated;

- non-discrimination measures to assist persons with disabilities in gaining access to, and remaining in, employment, and a recruitment quota for persons with disabilities in the private sector: “Companies with between 50 and 100 employees must recruit or retain, as applicable, at least one employee with a disability; companies with 101 or more employees must recruit or retain employees with disabilities so that such persons comprise at least two per cent of their workforce”.

The draft legislation bases the protective environment on the greater job security enjoyed by workers with disabilities who are in employment relationships governed by contracts setting out their declared disabilities, reversing the burden of proof when discrimination is suspected. At the same time, it sets out specific obligations for employers to remove barriers so that persons with disabilities may enjoy the right to work.

New regulations

National Development Plan 2022–26

The Government included in the National Development Plan a chapter on guarantees to bring about a world without barriers for persons with disabilities. The chapter recognizes that, historically, persons with disabilities have suffered social and institutional exclusion, both in legislation and as a result of limited access to public services, rights and state provision. Consequently, it proposes around seven actions in that regard: strengthening the National Disability System so that the services offered to persons with disabilities align adequately with the State’s commitments under the Convention on the Rights of Persons with Disabilities; harnessing education and employment as vital tools in developing the skills of persons with disabilities given their contribution to reducing poverty; improving accessibility for the social and productive inclusion of persons with disabilities; realizing equality before the law and guaranteeing access to justice; and designing strategies to empower persons with disabilities in terms of citizen, electoral and political participation, ensuring reasonable accommodations that enable their participation. These actions are currently being planned and developed by the various ministries responsible, particularly the recently created Ministry of Equality and Equity, and it will therefore be possible to extend the documents and policies created in the coming months.

Decree No. 533 of 29 April 2024 represents a significant step forward, allowing the Ministry of Labour to introduce incentives for employers who recruit workers with disabilities in accordance with article 79 of Act No. 2294 of 19 May 2023. This programme, led by the Ministry of Labour, seeks to promote formal employment through financial incentives and remove barriers to access for specific groups.

The Decree aims to regulate incentives for the recruitment and retention of new formal employees and is aimed at employers that create jobs by employing new employees for at least six months. The Decree’s provisions include a state contribution of 35 per cent of the legal monthly minimum wage upon the recruitment of a person with a disability, thereby illustrating the affirmative action taken, with state funding, to create new jobs using a differential approach to persons with disabilities.

The Decree also provides for the State’s contribution of 30 per cent of the wage when new workers aged between 18 and 28 years are employed formally, 20 per cent in the case of new female workers aged over 28 years and 15 per cent in the case of new male workers over 28 years. An additional 10 per cent will be granted if the new worker has not made social

security contributions in at least the four months prior to the minimum six-month employment relationship required to receive the incentive.

Furthermore, the Government issued Presidential Directive No. 005 of 25 August 2023 with the aim of helping persons with disabilities lead decent lives with equal opportunities, free from exclusion and discrimination.

Similarly, since the issuance of Decree No. 2011 of 2017 there has been a significant increase in the recruitment of persons with disabilities in public bodies; indeed, while there were 1,192 public officials with disabilities when the Decree was issued, data from the Public Employment Information and Management System demonstrate that in 2023, up to 31 December, 13,581 persons with disabilities were recruited or contracted by 913 public sector bodies, including 11,424 public officials and 2,157 contractors.

More specific actions

To date in 2024, the Ministry of Labour, together with the Administrative Department of the Public Service and the Public Employment Service Unit and with the support of strategic partners such as the National Institute for Blind Persons and the National Institute for Deaf Persons, has planned four regional training workshops for employment managers in local government. Those workshops took place virtually and sought to strengthen the employment support provided through the relevant bodies and help regulate recruitment quotas for persons with disabilities in public bodies at the local level.

The Ministry of Labour, in coordination with the Public Employment Service Unit and employment agencies, has managed the placement of around 12,808 persons with disabilities over the last four years. Placements were found for 3,959 persons with disabilities in 2022, rising to 4,265 persons with disabilities in 2023.

Moreover, the Ministry of Labour has provided training to public officials and social partners.

The Government, through the Ministry of Labour, indicates the promotion activities carried out in conjunction with the National Disability System, the Administrative Department of the Public Service, the Public Employment Service Unit and the National Learning Service with the aim of facilitating and gradually increasing the placement of persons with disabilities in the public and private sector under the inclusive employment model, with a focus on closing gaps.

Between 2020 and 2023, the Ministry of Labour participated in the implementation of 282 in-person, online and hybrid activities, in order to promote the labour inclusion of persons with disabilities, from which over 18,626 persons benefited.

A labour inclusion strategy for persons with disabilities was developed. The strategy aims to provide technical and operational capacity to the network of public employment service providers to ensure the adequate delivery of services for persons with disabilities and employers, thus allowing for the population to enter and remain in the workforce.

The Public Employment Service Unit has provided advisory services for employees of compensation funds on the labour inclusion of persons with disabilities, concerning the employability road map of the Public Employment Service Unit, for the first and second level of the employability road map.

During the implementation of the project financed by the International Organization for Migration and the US Agency for International Development to strengthen the management

and placement services providing assistance to persons with disabilities and members of ethnic groups, five workshops were held for providers from the Public Employment Service Unit, which focused on the provision of assistance for persons with disabilities belonging to ethnic groups in management and placement services.

An 80-hour workshop on Colombian sign language (level 1 and 2) was held with the participation of 23 providers from the Public Employment Service Unit, and training and advisory services on web accessibility were provided to ten providers from the Public Employment Service Unit. A toolbox was delivered with seven videos, five pieces of printed media in accessible format and three recommendation documents, which strengthen the employment road map services for persons with disabilities, with a focus on members of ethnic groups.

A Colombian sign language course was delivered to providers from the Public Employment Service Unit. The first online course was completed and was attended by 28 collaborators from the Public Employment Service Unit provider network and two public officials from the Unit's citizen assistance group.

Furthermore, the Public Employment Service Unit has made available to the network of providers an online course aimed at public officials with the aim of strengthening skills for the labour inclusion of persons with disabilities. A total of 831 persons enrolled on the course and, by November 2021, 580 trainees had been certified.

Through an online event, 23 employment centres from 11 Public Employment Service Unit providers were recognized for being inclusive of persons with disabilities and were distinguished by the effective implementation of changes to the employability road map for the provision of assistance to persons with disabilities under the labour inclusion strategy, with a focus on closing gaps and the labour inclusion strategy for persons with disabilities. The ABC guide to promoting the labour inclusion of persons with disabilities in the Public Employment Service Unit was developed, which was aimed at the Unit's network of providers, employers, persons with disabilities and the general public, and which lists the management and placement services, and the main tax benefits for hiring persons with disabilities.

The document annexed to the recommendations and guidelines for the provision of assistance for persons with psychosocial disabilities was developed and delivered under the employability road map of the Public Employment Service Unit, with the aim of providing the Unit's network of providers with recommendations and guidelines that promote assistance for persons with such disabilities.

Advisory services and support for business management were provided to promote the inclusion of persons with disabilities in the department of Caquetá, with the aim of fostering the labour relationship of persons with disabilities. Forty employers participated.

The organization of a meeting with employers was promoted in the department of Meta, with the participation of the employment agencies, COFREM and APE SENA, the municipality of Villavicencio, the Subcommittee for the labour inclusion of persons with disabilities in the department, and the Ministry of Labour, as well as 13 employers.

An in-person meeting was held with employers in the Bogota Chamber of Commerce, at which the employability road map and the inclusive employment model were presented, with a focus on closing gaps. The meeting was held in coordination with the Presidential Council on Disability, the Ministry of Labour, the National Learning Service, the Secretariat of Economic Development of Bogota, and seven public employment service providers from Bogota. Twenty-five employers participated.

Advisory services were provided to 17 enterprises from the city of Bogota on the tax and financial benefits available for hiring persons with disabilities.

During the 2023 fiscal year, assistance and training were provided on the National Care System, and discussions were held on basic concepts, the contents of the law and the priorities of the National Council for Economic and Social Policy regarding care and the enactment of the decree creating the Intersectoral Commission for the National Care Service.

Assistance was provided at the event “Business Roundtable and Inclusive Entrepreneurship”, which was held at the headquarters of the Kennedy Chamber of Commerce, where the progress of the district secretariats for social integration and economic development for groups requiring special attention was presented, with a focus on persons with disabilities. The experience of the “Network for Inclusion” led by the Bogota Chamber of Commerce was discussed, and awards were presented to employers and entities that had worked actively on the labour and productive inclusion of persons with disabilities.

In coordination with the National Institute for Blind Persons, training was provided for the network of providers located in Valledupar, Armenia, Bucaramanga, Cali, Popayán, Soacha and Riohacha, on topics such as general information on visual impairment, disability certificates and tax benefits. Online training was also provided for the entire network of the Public Employment Service Unit on accessibility in digital environments, in which 134 public officials participated.

Furthermore, in coordination with the National Institute for Deaf Persons, the network of providers was strengthened through a workshop entitled “Learning about deaf culture: Generating inclusive care for the promotion of deaf persons’ rights”, in which providers from Fusagasugá, Girardot, Medellín, Cali, Santa Marta and Pereira participated.

Within the framework of the national public policy on disability in force, progress is being made with the process to reformulate the policy, with the participation in the development of the road map by social and institutional entities and forums working with persons with disabilities, carers and/or families.

In coordination with the population itself, networks have been created to disseminate information on the development of the process to reformulate the Public Policy on Disability and the stakeholders have been diversified, which include:

- persons with disabilities from the seven types of disability (physical, visual, cognitive, multiple, cognitive, psychosocial, auditive, deaf-blindness);
- carers, families of persons with disabilities who need a high level of support for their participation;
- children, adolescents and young people with disabilities;
- organizations of and for persons with disabilities (formal or informal);
- organizations of carers of persons with disabilities (formal or informal);
- social movements for the defence of the rights of persons with disabilities;
- cooperatives of persons with disabilities;
- sports clubs for persons with disabilities;
- artist groups of persons with disabilities;

- organizations, movements, collectives and networks of women, carers of persons with disabilities, young people, victims of armed conflict, migrants, ethnic groups, lesbian, gay, bisexual, transgender and intersex social sectors, citizen watchdogs, university networks and rural populations.

As noted by the Committee of Experts, the Government complies both in law and in practice with the Convention.