

Colombia*

* information updated as of August 2019

INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY

CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)



Convention

SIGNATURE **1980** / RATIFICATION **1982**

Protocol

SIGNATURE **1999** / RATIFICATION **2007**

ILO Conventions

related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ **1968**

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ **1969**

C156 Workers with Family Responsibilities Convention, 1981 ❗ **Not ratified**
** Pending in the Congress of the Republic.*

C183 Maternity Protection Convention, 2000 ❗ **Not ratified**

C189 Domestic Workers Convention, 2011 ✓ **2014**

C190 Violence and Harassment Convention, 2019 ❗ **Not ratified**

BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of Colombia 1991.
- ✓ Substantive Labour Code (4 June, 1951 and subsequent amendments).
- ✓ Law No. 823 (10 July, 2003) which establishes standards on equal opportunities for women.
- ✓ Law No. 1.496 (29 September, 2011) guaranteeing equal salary and pay between women and men, establishing mechanisms to eradicate any form of discrimination and other provisions.
- ✓ Law No. 1.823 (4 March, 2017) adopting the strategy Breastfeeding Family Friendly Rooms in the Workplace (Salas Amigas de la Familia Lactante del Entorno Laboral) in public entities and private companies.
- ✓ Law No. 11 (19 January, 1988) which enshrines exceptions in the Social Security regime for domestic workers.
- ✓ Law No. 100 (23 December, 1993 establishes the comprehensive social security system and other provisions and subsequent amendments).
- ✓ Law No. 1.413 (11 November, 2010) which regulates the inclusion of the economy of care in the system of national accounts with the objective of measuring the contribution of women to the economic and social development of the country as a fundamental tool for establishing and implementing public policy.
- ✓ Law No. 1.361 (3 December, 2009) by which the Act on Comprehensive Protection for the Family is established, as well as the amendment thereof through Law No. 1.857 of 2017.

Areas for women's economic empowerment

1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 13 and 43), by the *Substantive Labour Code* (Art. 10), and by the *Law No. 823 of 2003 on equal opportunities for women*.



The Constitution establishes, furthermore, that the State shall support, in particular, women who are heads of families (Art 43).

2 Freedom of choice of employment

- ✓ Regulated by the *Substantive Labour Code* (Art. 8 and 11).

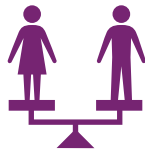


In addition, *Law No. 823 of 2003 on equal opportunities* promote the incorporation of women in non-traditional sectors.



3 Equal pay

- ✓ Regulated by the *Substantive Labour Code* (Art. 143) and by *Law No. 823 of 2003 on equal opportunities for women* (Art. 5).



In addition, there is a **Specific Law on equal pay**: *Law No. 1.496, 29 September, 2011 guaranteeing equal salary and pay between women and men, establishing mechanisms to eradicate any form of discrimination and other provisions*. It contains the principle of **equal pay for work of equal value**.

4 Maternity protection

- ✓ Extensive policy development on the maternity protection. Regulated by the Constitution (Art. 43), by the *Substantive Labour Code* (Art. 7) and by *Law No. 100 on Comprehensive Social Security* (Art. 162 and 207).



Maternity leave: 18 weeks (1 or 2 weeks prior to birth; 16-17 weeks post-partum).

Minimum amount established by the ILO in its Convention No. 183: 14 weeks.

Amount and financing: 100% paid by Social Security.

Protection against dismissal: no female worker can be dismissed on the grounds of pregnancy or breastfeeding without prior authorization from the Ministry of Labour which substantiates just cause.

5 Paternity leave

- ! Regulated by the *Substantive Labour Code* (Art. 236).



Duration: 8 working days.

Amount and financing: 100% paid by Social Security.

6 Social security

- ✓ Regulated by *Law No. 100 on Comprehensive Social Security*



Same rights to insurance for: occupational risk; disability and life; and retirement, old age severance and old age.

- ! **Different age of retirement for women (57) and men (62)** with the obligation, in both cases, of having made a minimum of 1.300 weekly contributions (Art. 33).

7 Care

- ✓ The objective of the *Law on Care (Law No. 1.413 of 2010)* is to include unpaid housework in the System of National Accounts, for the purposes of measuring the contribution of women to the economic and social development of the country.



Law No. 1.361 on Comprehensive Protection for the Family establishes the **shared responsibility of the public and private sectors and society in the development of the family** (Art. 3) and the **adaptation of working hours, on the part of employers, for reaching and caring for family members** (Art. 5).

8 Protection of domestic workers

Regulated by the *Substantive Labour Code* and by the *Law No. 11 on Social Security for Domestic Workers*:



- ✓
 - Social Security aligned with the General Regime.
 - Right to service premium (bonus).
 - Legal monthly minimum salary.
 - Legal paid leave on official holidays.
 - Right to holidays.
 - Maternity rights recognized.
- !
 - Maximum working hours of 10 hours per day for live-in domestic workers.
 - Rest during working hours is not specified.

Colombia: Action points to accelerate progress

+ **ADOPT:** • Ratuify ILO Conventions 156, 183 and 190.

! **REFORM:** • Extend paternity leave without this affecting maternity leave.
• Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
• Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

