

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

**Members of US Congress Reaffirm their Commitment to  
Labor Rights in Colombia**

Washington, D.C. – Members of the Congressional Monitoring Group on Labor Rights in Colombia, U.S. Reps. George Miller, Rosa L. DeLauro, Keith Ellison, Sam Farr, Hank Johnson, Sander Levin, James P. McGovern and Michael H. Michaud, issued the following statement on their commitment to labor rights in Colombia.

On April 7, 2011, the governments of the United States and Colombia launched the Labor Action Plan (LAP), in connection with the U.S.-Colombia Free Trade Agreement, outlining specific steps to be taken by Colombia to address serious and immediate labor concerns including violence against Colombian labor union members, impunity for such acts, and insufficient protection of workers' rights in Colombia. Members of the U.S. Congressional Monitoring Group on Labor Rights (CMG) in Colombia are committed to tracking implementation of the LAP.

“We value the Labor Action Plan (LAP) and consider it to be a historic opportunity to address long-standing labor rights problems in Colombia. To achieve these changes will require continuous efforts, financial resources, technical assistance, and political commitment in the coming years.

“The CMG notes that, in the fifteen months since the announcement of the LAP, the government of Colombia has taken a number of important steps. For example, the Colombian government has re-established a separate Ministry of Labor, increased the number of prosecutors and investigators working on cases of violence against trade unionists, adopted laws and decrees to address abuse of cooperatives and other non-employment contract forms, and begun inspection efforts aimed at implementing these new disciplines. Notably, fines have been issued against some inspected companies in the port and palm sectors for use of sham cooperatives, which is sending the important message that employers cannot continue to use such entities to avoid direct hiring. These developments evidence the strong commitment of President Santos, Minister Pardo and other reformers within the Colombian government.” We appreciate Minister of Labor Rafael Pardo's dedication to implement the LAP, and his continued willingness to engage with the CMG.

“At the same time, more work is needed to ensure that the objectives of the LAP become reality on the ground. For example, according to statistics maintained by Colombia's Escuela Nacional Sindical (ENS), 34 trade unionists have been assassinated since the LAP has been in effect. In the great majority of these murders, it remains unknown who ordered or committed these crimes. Similarly, ENS reports that 485 trade unionists have received death threats since the announcement of the LAP. Alarming, many of the threats now seem to be targeted at the very workers trying to use the new tools under the LAP,

including in the sectors designated as “priority sectors” for inspections under the Plan. And reports suggest that many workers seeking protection from the government continue to face delays in getting a response, notwithstanding recent improvements in the national protection program.

“To meaningfully deter future threats and violence against unionists, prosecutors must identify, convict, and punish in a timely manner both the perpetrators and the intellectual authors of these threats and acts of violence. Furthermore, it is imperative that those who clearly need protection not face delays in getting it.

“It is also clear that to effectively stem the use of sham cooperatives and other similar contract forms to avoid direct hiring, the Ministry of Labor will need to robustly enforce the full scope of the new law and decree. This must include applying the law and decree to all non-employment forms of contract as well as enforcing the bright-line prohibition on cooperatives and other similar entities performing “permanent core functions.” We will continue to track closely the Ministry’s efforts in this regard.

“Also important will be robust enforcement of the new law attaching prison sentences to acts that impede or disrupt the exercise of labor rights, including the offering of better terms under a collective pact than under a union agreement. Whether the new law will deter violations of workers’ rights hinges on whether Colombia’s Prosecutor General is active in prosecuting cases and seeking jail time for employer offenders. Unfortunately, to date, we are not aware of any such cases having been completed.

“Successful implementation of the LAP will require a firm dedication on the part of the U.S. and Colombian governments, local and multinational employers operating in Colombia, and trade unions and civil society in both countries. Central to these efforts is close communication and monitoring of progress by workers and employers in the priority sectors of the LAP, and a transparent process to formally evaluate progress. By convening a dialogue between government, labor organizations, and employers, we believe the Ministry of Labor can provide much-needed momentum for the LAP.

“We look forward to continuing to work with the Colombian government, including the Colombian Senate commission established to monitor the LAP, as this critical work proceeds. Our commitment to ensure progress under the LAP is long term, and our efforts will not cease until workers in Colombia can use the tools under the LAP to fully exercise their labor rights.”