



SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS

4.22

A1. Pregnancy and Maternity Leave Coverage <i>(No sub-categories)</i>	5.80
A2. Protections during Pregnancy and Maternity Leave Financial Protections Employment Protections	4.50 6.00 3.00
A3. Paternity Leave Policies <i>(No sub-categories)</i>	5.67
A4. Dependent Care Leave Policies <i>(No sub-categories)</i>	0.00
A5. Flexible Work Arrangements <i>(No sub-categories)</i>	2.50
A6. Family-Friendly Workplace Policies Nursing Support in the Workplace Workplace Safety for Pregnant and Nursing Women	6.88 10.00 3.75



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SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

6.79

B1. Coverage under National Labor Laws <i>(No sub-categories)</i>	7.50
B2. Fair Employment Process Standard Terms of Employment Regulations for Recruitment and Employment Process	6.60 6.52 6.67
B3. Decent Working and Living Conditions Working Hours and Environment Rest and Leave Wages Social Security Living Conditions for Live-in Workers	4.63 3.50 5.00 6.67 8.00 0.00
B4. Labor Rights Freedom of Association and Access to Collective Bargaining Access to Complaint Mechanisms Enforcement and Protection Mechanisms	8.96 10.00 10.00 6.88
B5. Protections for Forced/Under-age Domestic Workers Protections against Forced/Compulsory Labor Protections for Under-age Laborers	6.25 10.00 2.50
B6. Protections for Migrant Domestic Workers <i>Not scored for Colombia as the majority of DWs in Colombia are nationals.</i>	- - -

Introduction

The Republic of Colombia is the third most populous country in Latin America, with a long history of civil conflict involving liberals, conservatives, and outlawed armed groups. Since the end of this period of political turbulence, Colombia has been making significant progress in improving its security and social safety net. From the 1990s onwards, there have been various efforts to tackle the country's high informality rate. However, the informal employment rate remains high in the present day,¹ and there is significant income inequality between traditionally rich families of Spanish descent and the indigenous and Afro-Colombian population. Patriarchal attitudes and deep-rooted stereotypes regarding gender roles in the family and society continue to perpetuate the disadvantaged position of Colombian women in political and public life. This is especially true for indigenous and Afro-Colombian women.²

There are an estimated 677,000 domestic workers in Colombia, constituting 3% of the country's employed population. Informality within the domestic work sector is significant, despite the government's efforts to require all employers to register their domestic workers in the social security system and penalize

¹ ILOSTAT. "International Labour Organization, ILOSTAT Database", 2020. <https://ilostat.ilo.org/topics/informality/>.

² UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding observations on the combined 7th and 8th periodic reports of Colombia, 29 October 2013. <https://digitallibrary.un.org/record/786718/?ln=en>

employers who do not.³ Meanwhile, when it comes to the protection of paid domestic workers, Colombia is one of the few countries that has ratified the ILO Domestic Workers Convention. The majority of its Labor Code also covers domestic workers. However, for both family caregivers and domestic workers, the government needs to pay further attention in several areas. Overall, Colombia received a low “Maturing” score (5.51 out of 10) for its performance in the GCPI.

Key Care Policies

The Labor Code (*Código de Trabajo 1951*) outlines the minimum employment rights in Colombia, with the objective “to achieve justice in the relationships that arise between employers and workers, in a spirit of economic coordination and social balance,” as stated in Article 1. The Code protects all types of workers in the country regardless of their nationality, as long as they have a formal contract. Workers in public administration and state services, an estimated 2.4% of the population, are covered by a separate Code. The Labor Code provides maternity/paternity protections, nursing support, and social security provisions for workers with family responsibilities, and these protections have gradually expanded over the course of the last 70 years. Domestic workers are also covered under the Labor Code with a few exceptions, such as the provisions for compulsory rest days, injury benefits, and unemployment benefits.

Social Security System Law 100 (*El Sistema Integral de Seguridad Social 1993*) established the social security system in Colombia, consisting of the General Pension System, the General Social Security in Health System, and General Labor Risk System. The Healthcare System, called the Obligatory Plan of Health (Plan Obligatorio de Salud), is designed to cover everyone in the territory and operates two schemes: contributive and subsidized. All workers and employers with formal contracts are obliged to contribute to and entitled to benefit from the scheme. Meanwhile, low-income, non-working, vulnerable populations are provided with benefits through the subsidized scheme which does not require individual contributions.

³ Viviana Osorio Pérez and Carmenza Jiménez Torrado, “El Trabajo Doméstico En Colombia: Entre Transacciones, Incertidumbres y Resistencias”, Escuela Nacional Sindical, 2019. <https://www.ens.org.co/lee-y-aprende/historias-tras-las-cortinas-el-trabajo-domestico-en-colombia-entre-transacciones-incertidumbres-y-resistencias>.

Recent Care Policy Developments

Starting in 2015, Colombia began advancing its efforts to institute nationwide care policies. From Zero to Forever (*De Cero a Siempre 2015*) is a national policy for the comprehensive development of early childhood. It aims to recognize, protect, and guarantee the rights of pregnant women and children from zero to six years of age, focusing on improving their health and education. In the following year, Colombia initiated Integral Route for Health Attention policy (*Ruta Integral de Atención Salud 2016*), a health program that recognizes the importance of healthcare for pregnant mothers and the newborn. This covers all prenatal and development care, including free examinations regardless of the mother’s age and socioeconomic status. Then, in 2017, the New Maternity Law 1822 was passed, increasing the paid maternity leave period from 14 to 18 weeks to incentivize adequate attention and care during early infancy. The law also strengthened the regulations preventing the dismissal of pregnant workers during their maternity leave.

In terms of rights for paid domestic workers, Colombia ratified the ILO Domestic Workers Convention 189 in 2014, joining the 29 countries worldwide that ratified it. Following the ratification, Colombia passed the Domestic Workers Bonus Law 1788 (*Ley de Prima 2016*) which guarantees domestic workers’ access to annual bonus payments – universal social benefit which consists of the payment of 30 days of salary for each year worked. The Labor Code previously excluded domestic workers from this provision.

Key Actors

There are a few key governmental actors involved in the drafting and implementation of Colombia’s care policies. The Ministry of Labor (*Ministerio de Trabajo*) plays an important role in promoting care-related labor rights and domestic workers’ labor rights. The Ministry of Health (*Ministerio de Salud*) oversees and implements policies on maternity/infancy healthcare and social protection for vulnerable groups. The Colombian Institute of Family Welfare (*Instituto Colombiano de Bienestar Familiar*) protects early childhood, adolescence, and the well-being of families, with special attention to vulnerable groups, through

implementation of various programs on community childcare, nutrition, and protection of youth at risk.

Among non-governmental actors, *Hablemos de Empleados Domesticos* is an organization that promotes the human and labor rights of domestic workers in Colombia and champions the value of domestic work as a fundamental pillar of development. They regularly publish blog posts, articles, and statements on issues salient to the field of domestic work in Colombia.



Sub-Index A: Protections for Family Caregivers

Colombia's protections for family caregivers have incrementally expanded over the years. However, legal provisions for workers with family responsibilities are restricted to workers with formal contracts, excluding the informal sector which constitutes up to 57% of the Colombian economy. As a result, Colombia scored 4.22 (out of 10) for the GCPI Sub-Index A, and its performance in this sub-index is counted as "Emerging."

A1 Pregnancy and Maternity Leave

Coverage (5.80/10)

The New Maternity Law 1822 (2017) provides working mothers under formal contracts with 18 weeks' maternity leave and 100% wage replacement. This applies to both adoptive and biological mothers. However, Colombia lacks any provisions for compulsory periods of maternity leave. Additionally, in the event that there are medical complications, working mothers may use some of their postnatal leave in the prenatal phase, but no additional illness leaves are provided to them.

A2 Protections during Pregnancy and Maternity Leave (4.50/10)

Colombia provides comprehensive financial benefits for new mothers. During maternity leave, all women receive 100% of their pre-maternity wages. However, Colombia needs to improve its employment support for mothers returning to work after maternity leave, as their current protection from dismissal does not cover the full 18-week period of maternity leave.

A3 Paternity Leave Policies (5.67/10)

Paternity leaves were first introduced in Colombia in 2002 by the Maria Law 755 (*Ley Maria*). Since then, working fathers with formal contracts are entitled to

eight days of paid paternity leave. However, the Labour Code does not specify the exact wage replacement rate. Also, only fathers who contributed to the social security system throughout the months of their partner's pregnancy qualify for paternity leave, and without any proportional remuneration. While all maternity benefits can be fully transferred to fathers in case of death or illness of mothers, adoptive fathers are not eligible for paternity benefits.

A4 Dependent Care Leave Policies (0.00/10)

One area of concern for family caregivers in Colombia is the lack of dependent care leave policies. Currently, Colombia does not have any legal provisions for workers with family responsibilities to take leave to look after their children or family members with care needs. Family Protection Law 1361 (*Ley de Protección Integral a la Familia* 2009) guarantees a paid holiday twice a year, but the objective of this holiday is to "spend time with the family," not to take care of them. Thus, in order to acknowledge the importance of family care and support for workers with family responsibilities, Colombia needs to enhance its provisions for dependent care leave.

A5 Flexible Work Arrangements (2.50/10)

The Colombian Labor Code offers the option of flexitime and equitable career opportunities to all workers, but they do not accommodate the specific needs of family caregivers. There is no accounting for family responsibilities in workplace transfers and shift-work arrangements.

A6 Family-Friendly Workplace Policies (6.88/10)

In terms of nursing support, all workers are entitled to fully remunerated nursing breaks, an appropriate facility adjacent to their workplace, and flexibility in the number of breaks they can take on the production of a medical certificate.



Sub-Index B: Protections for Domestic Workers

Colombia defines a domestic worker as any natural person who renders services to households in tasks such as grooming, cooking, washing, ironing, childcare, gardening, chauffeuring family members, and other household chores. Out of the estimated 677,000 domestic workers currently working in Colombia, most are nationals, 96% are women, 85% work in urban areas, 73% are from the lowest and low socioeconomic class, 61% earn less than the legal minimum wage, 77% receive food as payment in

kind, and 17% are live-in domestic workers. Only 18% are registered in the pension system.⁴ These statistics reveal that existing legal protections are not available to the majority of domestic workers who operate in the informal sector. Even though Colombia scored 6.79 for Sub-Index B (which is considered to be in the middle range of the “Maturing” band), it still has significant room to improve in extending the reach of its protections to domestic workers in the informal sector.

B1 Coverage under National Labor Laws (7.50/10)

Colombia covers domestic workers under its Labor Code. This means that, in principle, domestic workers are treated as other workers. However, the Labor Code excludes domestic workers from provisions such as compulsory rest days, and unemployment and injury benefits, which other workers do receive. Also, the Labor Code only covers workers under formal contracts, which means that the majority of domestic workers are excluded from its provisions.

B2 Fair Employment Process (6.60/10)

All written contracts of domestic workers are required to include basic information such as employer/ employees’ names and addresses, work duration, hours and environment. However, there is a gap in practice because more than 88% of domestic workers do not have written contracts.⁵ Instead, they have verbal contracts which do not guarantee full verifiability as well as inclusion of the above elements. Following the ratification of the Domestic Workers’ Convention in 2011 and Domestic Workers Bonus Law 1788 (*Ley de Prima* 2016), the Ministry of Labor rolled out various education mechanisms, including pamphlets, a website, and an informative [Youtube video](#), to ensure that domestic workers were aware of their rights and terms of employment.

B3 Decent Working and Living Conditions (4.63/10)

Covered by the majority of the Labor Code, domestic workers are guaranteed working conditions similar to those for other workers. However, they are explicitly excluded/provided with fewer benefits in some social security categories, such as paid sick leave, unemployment, and injury benefits. Also,

⁴ Viviana Osorio Pérez and Carmenza Jiménez Torrado, “El Trabajo Doméstico En Colombia: Entre Transacciones, Incertidumbres y Resistencias”, Escuela Nacional Sindical, 2019. <https://www.ens.org.co/lee-y-aprende/historias-tras-las-cortinas-el-trabajo-domestico-en-colombia-entre-transacciones-incertidumbres-y-resistencias>.

⁵ Viviana Osorio Pérez and Carmenza Jiménez Torrado, “El Trabajo Doméstico En Colombia: Entre Transacciones, Incertidumbres y Resistencias”, Escuela Nacional Sindical, 2019. <https://www.ens.org.co/lee-y-aprende/historias-tras-las-cortinas-el-trabajo-domestico-en-colombia-entre-transacciones-incertidumbres-y-resistencias>.

unlike other workers, domestic workers can be asked to work during their rest or leave. In such scenarios, they are supposed to be provided with overtime remuneration, but compensatory rests are not guaranteed.

B4 Labor Rights (8.96/10)

The Labor Code provides domestic workers with robust provisions for freedom of association, collective bargaining, and access to complaint mechanisms. *Unión de Trabajadoras Afrocolombianas del Servicio Doméstico* (UTRASD) is the nationwide trade union for domestic workers throughout the Colombian territory. It provides domestic workers with education/training as well as mechanisms for collective bargaining. However, ILO reported that, in practice, the number of unions in Colombia and the scope of their activities is far from sufficient.⁶

B5 Protections for Forced/Under-age Domestic Workers (6.25/10)

The Colombian Penal Code and the Human Trafficking Law 985 (*Ley de Trata de Personas* 2005) actively prohibit and punish forced labor of any kind, which includes domestic work. The Fight against Human Trafficking Group (*Grupo de Lucha contra la Trata de Personas*) under the Ministry of the Interior implements active outreach to prevent forced labor. However, Colombia lacks protections for underage domestic workers. There is no minimum age for domestic workers and, in the absence of any legal protections, child domestic workers are exposed to risks of nightwork, demanding work, and insufficient rest that could hamper their rights to an adequate education.

B6 Protections for Migrant Domestic Workers (-/10)

Colombia was not scored in this category because multiple sources suggest that the vast majority of Colombia’s domestic workers are nationals.⁷

Policy-Practice Gap

Most of the policy-practice gaps in Colombian care policies are caused by its high rate of informal employment. More than 57% of Colombia’s

⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, “Direct Request to Colombia on Domestic Workers Convention”, 2019. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:102595.

⁷ Viviana Osorio Pérez and Carmenza Jiménez Torrado, “El Trabajo Doméstico En Colombia: Entre Transacciones, Incertidumbres y Resistencias”, Escuela Nacional Sindical, 2019. <https://www.ens.org.co/lee-y-aprende/historias-tras-las-cortinas-el-trabajo-domestico-en-colombia-entre-transacciones-incertidumbres-y-resistencias>. ; ILO, “Global Estimates on Migrant Workers”, 2015. https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/in dex.htm

employees work without formal contracts, thereby losing access to pension, adequate healthcare, leave benefits, minimum wage, minimum working conditions, and access to collective bargaining. The issue is even more pressing for domestic workers, whose informal employment rate is estimated at 85%.⁸ Although the Ministry of Labor carried out multiple awareness-raising campaigns to formalize the sector, most domestic workers opt to work without a formal contract. This is because informal domestic workers benefit from the subsidized schemes of the social security system, which provide more social assistance at lower costs. In contrast, domestic workers with formal contracts need to contribute regularly to the social security system, and this discourages voluntary formalization of the domestic work sector.⁹

- 223.1.d (Injury benefits)
- 229.d (Invalidity benefits)
- 252 (Unemployment benefits)
- Provide protections for live-in domestic workers, such as letting workers choose whether or not to live in the household (B3.5)
- Clarify conditions under which access to a private household is allowed for labor inspection (B4.3.1)
- Facilitate the formalization of informal domestic workers to provide them with more comprehensive benefits and protections
- Enhance existing protections against child domestic work (B5.2)
 - Increase the minimum age of domestic work to at least 14 years (B5.2.1)
 - Prohibit nightwork and guarantee consecutive 12 hours of night rest for domestic workers under the age of 18 (B5.2.4)

Recommendations

Family Caregiver Protections

- Expand the period of maternity protection from dismissal to 18 weeks after childbirth (A2.2)
- Expand the paternity protection provisions for adoptive fathers (A3.7)
- Develop dependent care leave policies that allow workers to take time off from work to care for their children and dependent family members (A4)
- Require companies to offer reduced working hours for workers with family responsibilities (A5)
- Add provisions about considering pregnancy and nursing in assessing workplace safety (A6.2)

Domestic Worker Protections

- Modify the discriminatory provisions in the labor code for domestic workers so as to match the standards provided to other workers (B1)
 - 103.2 (Prior notice before unilateral termination of the employment contract)
 - 162.1.b (Maximum legal working day)
 - 171.2 (Prohibition of night work for minors under 18)
 - 175.1.c (Compulsory rest days)

⁸ Viviana Osorio Pérez and Carmenza Jiménez Torrado, "El Trabajo Doméstico En Colombia: Entre Transacciones, Incertidumbres y Resistencias", Escuela Nacional Sindical, 2019. <https://www.ens.org.co/lee-y-aprende/historias-tras-las-cortinas-el-trabajo-domestico-en-colombia-entre-transacciones-incertidumbres-y-resistencias>.

⁹ Kelly Peterson, "The Informal Sector: Plague of the Colombian Economy," 2013: 94. <https://preserve.lehigh.edu/cgi/viewcontent.cgi?article=1009&context=perspectives-v31>



Global Care Policy Index

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled and infirm within the country.

Refer to the [GCPI website](#) for the index's methodology and Colombia's Technical Report containing detailed index questions and score elaborations.

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