



Global Care Policy Index

Technical Report for Colombia

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Overview

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. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

How to Cite this Technical Report

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
Colombia				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	Yes. All pregnant working women are guaranteed maternity leave as long as they provide a medical certificate. Having to provide medical certificate doesn't count as an exclusionary condition since it is an administrative process to verify the fact of a woman's pregnancy. The Labor Code states: "All pregnant workers have the right to an 18-week leave at the time of delivery, remunerated with the salary that accrues at the time of starting their leave" "For the purposes of the leave referred to in this article, the worker must present to the employer a medical certificate"	Codigo Sustantivo del Trabajo (1951) 236.1; Modified by Law 1822 (2017) 1.1
A1.2	Are all categories of working women guaranteed maternity leave?	0.80	Yes but not workers in temporary (informal) employment. Without listing the specifics, the Labor Code states that "The work that this Code regulates is all free human activity, whether material or intellectual, permanent or transitory, which a natural person consciously executes in the service of another, whatever its purpose is, <i>provided that it is carried out by a contract of job</i> " All other categories of workers except those in temporary (informal) employment are included from maternity leave provision. 4/5=0.8	Codigo Sustantivo del Trabajo (1951) 5
A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	Yes. All eligible female workers are guaranteed an 18-week leave without any pre-conditions. The Labor Code states: "All pregnant workers have the right to an eighteen week leave at the time of delivery, remunerated with the salary that accrues at the time of starting their leave."	Codigo Sustantivo del Trabajo (1951) 236.1; Modified by Law 1822 (2017) 1.1
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	1.00	Yes. Mothers whose actual date of childbirth is before the initial predicted date of childbirth get an extension on top of the standard 18 weeks, without any exclusionary conditions. The Labor Code states: "The maternity leave for mothers of premature children, will take into account the difference between the gestational date and the term birth, which will be added to the eighteen (18) weeks established in this law."	Codigo Sustantivo del Trabajo (1951) 236.5; Modified by Law 1822 (2017) 1.5
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	1.00	Yes. With multiple simultaneous births, mothers can receive a 2-week extension on their maternity leave without any exclusionary pre-conditions. The Labor Code states: "In the case of mothers with multiple births, the leave will be extended for two more weeks."	Codigo Sustantivo del Trabajo (1951) 236.5; Modified by Law 1822 (2017) 1.5
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	0.00	No. One week before delivery is compulsory and the leave "will have a normal duration of <i>seventeen (17) weeks from the date of delivery</i> , or sixteen (16) or eighteen (18) weeks by medical decision." The non-compulsory portion of maternity leave starts on the date of delivery and ends 17 weeks later. There is no freedom to choose when they can use this portion of their maternity leave, unless for medical reasons.	Codigo Sustantivo del Trabajo (1951) 236.6.b; Modified by Law 1822 (2017) 1.6.b
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	0.00	Not mentioned; only 1-2 weeks of prenatal leave is compulsory .	Codigo Sustantivo del Trabajo (1951) 236; Modified by Law 1822 (2017)
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.00	No, there is no compulsory maternity leave after childbirth.	Codigo Sustantivo del Trabajo (1951) 236; Modified by Law 1822 (2017)
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	No. In the case of medical complications, eligible new mothers can use some of their postnatal leave in the prenatal phase, but no additional illness leave is provided around the pregnancy period.	Codigo Sustantivo del Trabajo (1951) 236.6.a; Modified by Law 1822 (2017) 1.6.a
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	1.00	Yes. Adoptive mothers have access to the same system of protections, without any exclusionary pre-conditions. The Labor Code states: "All the provisions and guarantees established in the present law for the biological mother, are extended in the same terms and insofar as it is appropriate for the adoptive mother"	Codigo Sustantivo del Trabajo (1951) 236.4; Modified by Ley 1822 (2017) 1.4
A2. Protections during Pregnancy and Maternity Leave				
A2.1	Financial Protections			



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A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	Yes. During the maternity leave, all women "are remunerated with the salary of the time of starting their leave. If it is a salary that is not fixed as in the case of piecework or task, the average salary earned by the worker in the last year of service will be taken into account, or at all times if it is less." However, this remuneration only applies to the formal sector. Eligible working women are entitled to 100% of their salary for wage replacement without any exclusionary conditions.	Codigo Sustantivo del Trabajo (1951) 236.1-2; Modified by Ley 1822 (2017) 1.1-2
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.00	No. Mas Familias en Accion policy provides low-income families and non-working population (including informal workers) with cash benefits to raise children, but there is no cash benefit specifically for childbirth or during maternity leave. Working mothers in informal sectors, who do not qualify for wage replacement, are not provided with cash benefits. For this reason, Colombia scores a 0 for this question.	
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	Yes. The social insurance Plan Obligatorio de Salud (POS), which is mandatory for all employers and workers, ensures that employers are not directly liable for all maternity leave benefits. (Employers contribute 12% of their workers' salary and workers contribute 4% of their salary.)	Ley 100 (1993) 162
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	Yes. There is no distinction by sex in the amount of contributions required for compulsory social insurance.	Ley 100 (1993)
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.00	No. There is no mention of family responsibilities as a legitimate reason for refusing a job offer and remaining on unemployment benefits.	
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.75	Yes, working women are guaranteed a right to return to the same position but not necessarily the same payment rate (1 exclusionary condition). "The employer is obliged to keep the position to the worker." Since there is no active protection of women's same payment rate after they complete their maternity leave, 1.00-0.25=0.75	Codigo Sustantivo del Trabajo (1951) 241.1; Modified by Decreto 13 (1967) 8.1
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.75	Yes, but with 1 exclusionary condition: "No worker may be fired due to pregnancy or lactation without the prior authorization of the Ministry of Labor that guarantees a just cause" Dismissal from work related to pregnancy is prohibited, but it is allowed when the Ministry of Labor approves. 1.00-0.25=0.75	Codigo Sustantivo del Trabajo (1951) 239.1; Modified by Ley 1822 (2017) 2.1
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No. The Labor Code states: "Dismissal is presumed due to pregnancy or lactation, when it has taken place within the pregnancy period and / or within three months after delivery." The maternity leave is now a maximum of 18 weeks after the delivery but the protection from dismissal is only upto three months (12-13 weeks) after delivery. Thus this provision does not necessarily provide protection from dismissal following return to work.	Codigo Sustantivo del Trabajo (1951) 239.3; Modified by Ley 1822 (2017) 2.3
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	0.00	Not mentioned in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
A3.	Paternity Leave Policies			



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A3.1	Are working men guaranteed paternity or parental leave?	0.50	Yes but with 2 exclusionary conditions. The Labor Code states: "The husband or permanent partner will be entitled to eight (8) working days of paid paternity leave, <i>if they have been contributing to Sistema General de Seguridad Social en Salud (SGSS) throughout the months of pregnancy. It is not remunerated proportionally if they contributed less than the period of pregnancy</i> " Paternity leave is thus only guaranteed to workers who (1) contributed to the SGSS (2) throughout the full period of pregnancy. 1.00-0.25-0.25=0.5	Codigo Sustantivo del Trabajo (1951) 236.Parágrafo2; Modified by Ley 1822 (2017) 1. Parágrafo2 Decrete 2353 (2015) 80
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.80	Yes but with 1 exclusion: workers in temporary (informal) employment. Without listing the specifics, the Labor Code states that "The work that this Code regulates is all free human activity, whether material or intellectual, permanent or transitory, which a natural person consciously executes in the service of another, whatever its purpose is, <i>provided that it is carried out by a contract of job</i> " All other categories of workers except those in temporary (informal) employment are included under the paternity leave provision of the Labor Code. 4/5=0.8	Codigo Sustantivo del Trabajo (1951)
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.57	The Labor Code states : "The husband or permanent partner will be entitled to eight (8) working days of paid paternity leave." Hence, (8/14)=0.57	Codigo Sustantivo del Trabajo (1951) 236.Parágrafo2; Modified by Ley 1822 (2017) 1. Parágrafo2
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	0.10	Yes. "The husband or permanent partner will be entitled to eight (8) working days of paid paternity leave" It is definitely paid, but the Labor Code does not specify how much. Thus, 0.1 .	Codigo Sustantivo del Trabajo (1951) 236.Parágrafo2; Modified by Ley 1822 (2017) 1. Parágrafo2
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	Yes without any exclusionary conditions. "All the provisions for the biological mother, are extended for the father who remains in charge of the newborn without the mother's support, either due to illness or death."	Codigo Sustantivo del Trabajo (1951) 236.4; Modified by Ley 1822 (2017) 1.4
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	Yes without any exclusionary conditions. "All the provisions for the biological mother, are extended for the father who remains in charge of the newborn without the mother's support, either due to illness or death."	Codigo Sustantivo del Trabajo (1951) 236.4; Modified by Ley 1822 (2017) 1.4
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No. "Paid paternity leave operates for children born to the spouse or partner." Paternity leave only applies to children born to the spouse or partner. Thus, adoptive fathers do not have access to a similar system of protections.	Codigo Sustantivo del Trabajo (1951) 236.Parágrafo2; Modified by Ley 1822 (2017) 1. Parágrafo2
A4.	Dependent Care Leave Policies			
A4.1	Are eligible workers entitled to leave to take care of their children?	0.00	No. They have a semestral paid holiday to spend time with family, but the objective is not specified as taking care of children/family members. The objective is to "spend time with their family" not to take care of them .	Ley 1361 (2009) 5A; modified by Ley 1857 (2017)
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	No. They have a semestral paid holiday to spend time with family, but the objective is not specified as taking care of children/family members. The objective is to "spend time with their family" not to take care of them .	Ley 1361 (2009) 5A; modified by Ley 1857 (2017)
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.00	No relevant provision exists.	
A5.	Flexible Work Arrangements			
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)



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A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	1.00	Yes. "The employer and the worker may agree that the forty-eight hour weekly day be carried out through flexible daily working hours, (1) distributed a maximum of six days a week with a mandatory day of rest, which may coincide with the Sunday. Thus, the number of hours of daily work may be distributed in a various manner during the respective week, (2) having a minimum of four continuous hours and (3) a maximum of up to ten hours a day without any additional work surcharge, (4) when the number of hours of work do not exceed the average of forty-eight hours per week (5) within the normal day workhours from 6 am to 9 pm" There are 5 protective conditions to how the flexitime should look like, but it still remains the same that employees have the right to request flexitime.	Codigo Sustantivo del Trabajo (1951) 161.d; modified by Ley 1846 (2017)
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
A6. Family-Friendly Workplace Policies				
A6.1 Nursing Support in the Workplace				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	Yes. "The employer is obliged to grant the worker two breaks, of twenty (20) minutes each, within the day, to breastfeed her child, without any discount in salary for said concept, during the first six (6) months old." Mothers are guaranteed lactation breaks. There is a ceiling on how old the baby should be but this is not counted as an exclusionary condition.	Codigo Sustantivo del Trabajo (1951) 238.1
A6.1.2	Are these breaks counted and compensated as working time?	1.00	Yes. "The employer is obliged to grant the worker two breaks, of twenty (20) minutes each, within the day, to breastfeed her child, <i>without any discount in salary for said concept</i> , during the first six (6) months old." Yes they are paid with 100% replacement rate.	Codigo Sustantivo del Trabajo (1951) 238.1
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	1.00	Yes. "The [employer] is obliged to grant more breaks than those established in the previous paragraph if the worker presents a medical certificate in which the reasons that justify the greater number of breaks are explained."	Codigo Sustantivo del Trabajo (1951) 238.2
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	1.00	Yes. "In order to comply with the obligation enshrined in this article, {employers} must establish, in a room adjacent to the one where the woman works, a lactation room or an appropriate place to keep the child."	Codigo Sustantivo del Trabajo (1951) 238.3
A6.2 Workplace Safety for Pregnant and Nursing Women				
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No. Employers should "procure adequate elements of protection against occupational accidents and diseases in a way that reasonably guarantees safety and health" Employers are required to assess workplace safety, but there are no specifics mentioned about assessing and reporting risks to pregnancy and nursing women.	Codigo Sustantivo del Trabajo (1951) 57.2
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	Yes. The Labor Code states: "Women, regardless of age, may not be employed overnight in any industrial company, unless it is a company in which only members of the same family are employed. It is prohibited to employ women in industrial painting jobs involving the use of white lead, lead sulfate or any other product that contains said pigments. Women, regardless of age, may not be employed in underground mine workings or, in general, work in dangerous, unhealthy or highly demanding work." This list of prohibited work sits under the maternity protection chapter of the Labor Code, so it is assumed that these provisions exist to protect health of potential mothers and children.	Codigo Sustantivo del Trabajo (1951) 242
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)



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A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.50	<p>Yes, but with 1 exclusionary condition. "Women, regardless of age, may not be employed for nightwork in any industrial company, unless it is a company in which only members of the same family are employed."</p> <p>By this provision, women are not allowed to work overnight. Although this provision does not specify its relevance to pregnancy or nursing, this article is located under the maternity protection chapter of the Labor Code, and pregnant and postnatal mothers are covered under this law. There are two exclusionary conditions however: (1) women should be working in an industrial company, (2) women's employers should not be her family. 1.00-0.25-0.25=0.5.</p>	Codigo Sustantivo del Trabajo (1951) 242

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1.	Coverage under National Labor Laws			
B1.1	Are domestic workers covered under national labor laws?	0.75	<p>Yes, all domestic workers with a formal contract are covered under most of provisions in the Labor Code, with exceptions in articles 103, 162, 171, 175, 223, 229, and 252 out of 492 articles. Since there are such exceptions, Colombia scores 1.00-0.25=0.75.</p>	MoL QnA Codigo Sustantivo del Trabajo (1951) 103, 162, 171, 175, 223, 229, 252
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.75	<p>Yes, with 1 exclusionary condition: informal domestic workers are excluded from coverage. "The work that this Code regulates is all free human activity, whether material or intellectual, permanent or transitory, which a natural person consciously executes in the service of another, whatever its purpose is, <i>provided that it is carried out by a contract of job</i>"</p> <p>1.00-0.25=0.75</p>	Codigo Sustantivo del Trabajo (1951) 5
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.75	<p>Yes with 1 exclusionary condition. "The employment contract can be verbal or written; for its validity does not require any special form, unless expressly provided otherwise."</p> <p>Given that there is no mention in the Labor Code about ensuring the verifiability of verbal contracts (e.g. through a recording of the agreement). 1.00-0.25=0.75</p>	Codigo Sustantivo del Trabajo (1951) 37
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.75	<p>The Labor Code stipulates that the written contract should include "the (1) identification and (2) address of (3,4) the parties, (6) the duration of the contract, its (7) dismissal and termination." Since 6 out of the 8 required stipulations are included, 6/8=0.75</p>	Codigo Sustantivo del Trabajo (1951) 39
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.33	<p>The Labor Code stipulates that the written contract should include "(1) the place where he has to provide the service; (2) the nature of the work" Since 2 out of the 6 required stipulations are included, 2/6=0.33</p>	Codigo Sustantivo del Trabajo (1951) 39
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.43	<p>The written contract should include "(1) the amount of the remuneration, its form and (2) periods of payment; (3) the estimation of their value" Since 3 out of the 7 required stipulations are included, 3/7=0.43</p>	Codigo Sustantivo del Trabajo (1951) 39
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	1.00	<p>Yes. The written contract should include "the estimation of their value, in case there are (1) room and (2) food supplies as part of the salary" Since 2 out of the 2 required stipulations are included, 2/2=1</p>	Codigo Sustantivo del Trabajo (1951) 39
B2.2	Regulations for Recruitment and Employment Process			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	1.00	<p>Yes. Decree 722 stipulates minimum regulations that private employment agencies should follow in recruiting and placing workers. This includes domestic workers.</p>	Decreto 722 (2013) 34, 36 The title of the decree 722 targets public employment agencies, but its provisions cover private employment agencies as well (article 32)



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B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	1.00	Yes. "Agencies that carry out job management and placement tasks may charge the applicant for labor a commission. This payment will be made only once, at the time of the respective employment contract." The payment should be made at the time of the contract (before employees receive remuneration) and only once. Thus, this provision prevents fees being deducted from the remuneration of domestic workers.	Decreto 722 (2013) 38 The title of the decree 722 targets public employment agencies, but its provisions cover private employment agencies as well (article 32)
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	Not specified in the <i>Codigo Sustantivo del Trabajo</i> (1951).	Codigo Sustantivo del Trabajo (1951)
B3. Decent Working and Living Conditions				
B3.1 Working Hours and Environment				
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.75	Yes but with 1 exclusionary condition. The general normal working hours for workers are 8 hours per day and 48 hours per week, but exceptions for domestic workers can be given "with the express authorization of the Ministry of Labor and in accordance with ratified international labor conventions." The extended working hours should not exceed 10 hours per day and 60 hours per week. There are normal working hours, but the <i>government allows domestic workers' normal hours of work to exceed that of other workers. 1.00-0.25=0.75</i>	Codigo Sustantivo del Trabajo (1951) 161,162
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	Not specified in the <i>Codigo Sustantivo del Trabajo</i> (1951).	Codigo Sustantivo del Trabajo (1951)
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	Not specified in the <i>Codigo Sustantivo del Trabajo</i> (1951).	Codigo Sustantivo del Trabajo (1951)
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	Not specified in the <i>Codigo Sustantivo del Trabajo</i> (1951).	Codigo Sustantivo del Trabajo (1951)
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	Yes. Employers (including employers of domestic workers) should "procure adequate elements of protection against occupational accidents and diseases in a way that reasonably guarantees safety and health."	Codigo Sustantivo del Trabajo (1951) 57,2
B3.2 Rest and Leave				
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	1.00	Yes. "The hours of work during each day must be divided into at least two sections, with a rest interval that is rationally adapted to the nature of the work and the needs of the workers. "	Codigo Sustantivo del Trabajo (1951) 167
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1.00	Yes. "The employer is obliged to give paid Sunday rest to all its workers. This break has a minimum duration of twenty-four (24) hours."	Codigo Sustantivo del Trabajo (1951) 172
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	No. Domestic workers can be asked to work during periods of rest, but the law does not define the exceptions when this is allowed. In addition, "the worker who exceptionally works the compulsory rest day is entitled to a paid compensatory rest, or to a remuneration in money (1.75 times), at his choice, in the manner provided in the previous article." In other words, the compensatory rest is not mandatory.	Codigo Sustantivo del Trabajo (1951) 175, 180
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.50	Yes with 2 exclusionary conditions. " <i>Workers who have provided their services for one year are entitled to fifteen (15) consecutive working days of paid vacation</i> " Exclusionary conditions: (1) Annual leave for domestic workers is less than ILO stipulated three weeks, but more than two weeks. (2) Annual leave is only available to workers after they have worked for more than a year. 1.00-0.25-0.25=0.50	Codigo Sustantivo del Trabajo (1951) 186
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	Not specified in the <i>Codigo Sustantivo del Trabajo</i> (1951).	Codigo Sustantivo del Trabajo (1951)



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B3.3 Wages				
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	Yes. "Minimum wage is that which every worker has the right to receive in order to meet their normal needs and those of their family, in the material, moral and cultural order." The government announces the minimum wage of the following year every December.	Codigo Sustantivo del Trabajo (1951) 145 Decreto 2360 (2019)
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	1.00	Yes, domestic workers are entitled to the same overtime compensation rates as other workers. The rates are: Extra day's work: 1.25 times the regular rate Night work: 1.35 times the regular rate Extra night work: 1.75 times the regular rate	Codigo Sustantivo del Trabajo (1951) 168
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	Yes. "The salary in kind must be expressly valued in every employment contract." "When a worker earns the legal minimum wage, the value for salary in kind may not exceed thirty percent." All eligible domestic workers are expected to earn at least the legal minimum wage, thus they are covered under this limitation placed on payment in kind.	Codigo Sustantivo del Trabajo (1951) 129
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	No, there is no requirement to provide at least a monthly cash payment to domestic workers. "The employer and the worker can freely agree on the salary <i>in its various forms such as per unit of time, per work, or piecework and per task</i> , etc., but always respecting the legal minimum wage or the one set in the pacts, collective agreements and arbitration decisions"	Codigo Sustantivo del Trabajo (1951) 132.1
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	Yes, there is a legal requirement for employers to make any outstanding payments promptly at the end of a contract. "If at the termination of the contract, the employer has not paid the worker the wages and benefits due, he must pay the employee, as compensation, an amount equal to the last wage daily for each day of delay, up to twenty-four (24) months, or until when the payment is verified if the period is less."	Codigo Sustantivo del Trabajo (1951) 65.1
B3.4 Social Security				
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	Yes, the same healthcare coverage standards that apply to all workers also apply to domestic workers. "The employer is in charge of enrolling their workers in social security" which includes healthcare coverage.	Ministry of Labor: contribution to social security
B3.4.2	Are domestic workers eligible for paid sick leave?	0.75	Yes but with 1 exclusionary condition because their paid sick leave is less favourable than what is provided to other workers. For all other workers: "In the event of proven incapacity to perform their duties, caused by non-professional illness, the worker has the right to be paid monetary aid by the [employer] for up to one hundred eighty (180) days, as follows: two-thirds (2/3) parts of the salary for the first ninety (90) days and half of the salary for the remaining time." For domestic workers, "they have the right to current medical and pharmaceutical assistance in the event of any illness and full payment of their wages in the event of inability to perform their duties as a result of illness, all for up to one (1) month."	Codigo Sustantivo del Trabajo (1951) 227, 229
B3.4.3	Are domestic workers eligible for unemployment benefits?	0.75	Yes but with 1 exclusionary condition, given that domestic workers receive 15 days of severance pay for each year of work, compared to 30 days of severance pay for most other workers. "Domestic service workers, those of industrial companies with a capital of less than twenty thousand pesos (20,000) and those of agricultural, livestock or forestry companies with a capital of less than sixty thousand pesos (60,000) are entitled to a severance pay equivalent to fifteen (15) days of salary for each year of services and proportionally for fractions of the year; but otherwise they are subject to the rules on this aid." 1.00-0.25=0.75	Codigo Sustantivo del Trabajo (1951) 249, 252
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	Yes, domestic workers are eligible for the same old-age benefits as other workers. "Employers must fill out the affiliation forms for pensions, health, labor risks and family compensation funds."	Ministry of Labor: contribution to social security Ley 100 (1993)



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B3.4.5	Are domestic workers eligible for employment injury benefits?	0.10	Yes with more than 4 exclusionary conditions. Under current law, domestic workers are provided employment injury benefits which are less favourable than the benefits provided other workers which include (1) wage replacement, (2) monetary compensation for disability, (3) death benefits, (4) first aid and more. Hence, the score for this question is 0.1. Employers "are only obliged to provide first aid and provide emergency treatment and medicine in the event of an accident at work or a sudden attack of occupational disease."	Codigo Sustantivo del Trabajo (1951) 205-222, 223
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	Yes, domestic workers are eligible for the same level of invalidity benefits as other workers. "If, as a consequence of non-professional illness or injury other than an accident at work or due to a weakening of physical or intellectual conditions, if it was not intentionally caused, a disability occurred to the worker, rendering him incapable of obtaining more than a third of the that is accrued, will also be entitled to the following cash presentations."	Codigo Sustantivo del Trabajo (1951) 278
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	Yes, domestic workers are eligible for the same level of survivors' benefits as other workers. Survivor's pension applies to "the members of the family group of the pensioner due to old age or disability due to common risk to pass away."	Ley 797 (2003) 46.1
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	99.00	Not Applicable. Colombia does not have protection of domestic workers' claims in the event of the employer's insolvency or death. However, they do not offer this protection for other workers as well.	
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	There is a general provision on worker's freedom to choose their terms of employment, but active protection targeting live-in workers is not mentioned.	Codigo Sustantivo del Trabajo (1951) 8
B3.5.2	For live-in workers, is there any requirement for the employer to provide accomodation that offers privacy?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No. There is a general requirement for prior notice to be provided in the event of termination of a contract, but nothing specifically targeting live-in workers.	Codigo Sustantivo del Trabajo (1951) 63
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	Not specified in the Codigo Sustantivo del Trabajo (1951).	Codigo Sustantivo del Trabajo (1951)
B4.	Labor Rights			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes, domestic workers have the same rights as other workers to establish or join workers' organizations. "In accordance with article 39 of the Political Constitution, employers and workers have the right to associate freely in defense of their interests, forming professional associations or unions; they have the right to join or federate with each other. "	Codigo Sustantivo del Trabajo (1951) 353.1



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B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	Yes, domestic workers have the same rights as other workers to engage in collective bargaining. "The main functions of all unions are (3) to exercise collective agreements and union contracts; guarantee its compliance by its affiliates and exercise the rights and actions that arise from them (5) represent those same interests before the {employers} and third parties in the event of collective conflicts that could not be resolved by direct arrangement, seeking conciliation." Also, Book 4, Title 1 of the Labour Code guarantees all workers' right to collective bargaining.	Codigo Sustantivo del Trabajo (1951) 373.3
B4.2	Access to Complaint Mechanisms			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	Yes, all workers (including domestic workers) can present complaints and claims via submission of cases, chats, etc. on an online government portal.	Ministry of Labor: complaint mechanism
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	Yes. There is an arbitral mechanism available for all <i>collective</i> labor conflicts, including that of domestic workers. However, this provision might not cover all domestic workers because it does not include labor conflicts of individual workers or workers with no access to a union. However, given that this provision applies to all workers in Colombia (and not just domestic workers), it still qualifies for a full score.	Codigo Sustantivo del Trabajo (1951) 452
B4.3	Enforcement and Protection Mechanisms			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.75	Yes, with 1 exclusionary condition. On-site labor inspections are available for all workers including domestic workers, but there is no specific mention of the conditions under which access to a private household must be granted. 1-0.25=0.75 "The Labor and Social Security Inspectors will exercise their inspection, surveillance and control functions throughout the national territory and will hear individual and collective matters in the private sector." "The officials of the Ministry of Labor may inspect employers' respective workplaces, to demand the information pertinent to their mission, the display of books, records, forms and other documents, obtaining copies or extracts of the same."	Ley 1610 (2013) 1. Codigo Sustantivo del Trabajo (1951) 486.1
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	Yes. "The officials of the Ministry of Labor, that the Government indicates, will have the character of police authorities for everything related to the validity and control that the previous paragraph deals with, and are empowered to impose fines equal to the amount of one (1) to forty (40) times the highest monthly minimum wage according to the seriousness of the infraction" "The Labor and Social Security Inspectors may impose the sanction of closing the workplace when there are conditions that endanger the life, integrity and personal safety of the workers" This applies to all companies and employers, including private employment agencies for domestic workers	Codigo Sustantivo del Trabajo (1951) 486.2; modified by Ley 1610 (2013) 7 Ley 1610 (2013) 8
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1	Yes, there are penalties for non-compliance for employers of all worker categories including employers of domestic workers. Specifically, in the manual for inspection officers, it specifies that the sanction will equally apply to cases where the workplace is an inhabited place. "The officials of the Ministry of Labor, that the Government indicates, will have the character of police authorities for everything related to the validity and control that the previous paragraph deals with, and are empowered to impose fines equal to the amount of one (1) to forty (40) times the highest monthly minimum wage according to the seriousness of the infraction." "The Labor and Social Security Inspectors may impose the sanction of closing the workplace when there are conditions that endanger the life, integrity and personal safety of the workers."	Codigo Sustantivo del Trabajo (1951) 486.2; modified by Ley 1610 (2013) 7 Ley 1610 (2013) 8 Manuals for labour inspectors
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.00	No, domestic workers are covered under the same laws as other workers, but there is no specific mentioning of protection against "abuse, harassment, and violence." "Any act of violence, bad treatment or serious threats inferred by the employer against the worker or his family members, inside or outside the service, or inferred within the service by the relatives, representatives or dependents of the employer with the consent or his tolerance" can be considered a just reason for the worker to terminate their contract. Employers are prohibited from: "executing or authorizing any act that violates or restricts the rights of workers or that offends their dignity." Inspection services will impose sanctions in case of "serious violation of workers' human rights."	Codigo Sustantivo del Trabajo (1951) 62.B.2, 59.9 Ley 1610 (2013) 12.9
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			



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B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	Yes, domestic workers are protected from providing forced labor and services. "Whoever captures, transfers, welcomes or receives a person, within the national territory or abroad, for the purpose of exploitation, will incur in prison from thirteen (13) to twenty-three (23) years and a fine of eight hundred (800) to one thousand five hundred (1,500) current legal monthly minimum wages. For the purposes of this article, exploitation shall be understood as obtaining economic profit or any other benefit for oneself or for another person, through the exploitation of the prostitution of others or other forms of sexual exploitation, <i>forced labor or services</i> , slavery or similar practices to slavery, servitude, the exploitation of the begging of others, servile marriage, the removal of organs, sex tourism or other forms of exploitation. The consent given by the victim to any form of exploitation defined in this article shall not constitute grounds for exoneration from criminal liability."	Ley 599 (2000) , 188.A: modified by Ley 985 (2005) , 3
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	Yes, all victims of forced labor (including domestic workers) are provided with protection. "Immediate assistance programs that must satisfy, at least, the following needs: Return of victims to their place of origin if these they request; security; adequate accommodation; medical, psychological and material assistance, and information and legal advice regarding the rights and legal procedures to follow. These benefits will be subject to due regulation."	Ley 985 (2005) , 7.1
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	Yes, all victims of forced labor (including domestic workers) are provided with access to remedies. "Medium-term assistance programs that include, among other aspects. Training and help in finding employment opportunities; and legal support throughout the legal process, especially in the exercise of legal actions to demand the reparation of the damages that the victims have suffered."	Ley 985 (2005) , 7.2
B5.2	Protections for Under-age Laborers			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.00	No, there are no minimum age protections for domestic workers. "Those under 14 should not work in industrial companies nor agricultural companies when their labor impedes their schooling."	Codigo Sustantivo del Trabajo (1951) , 161.b
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.75	Yes, but with 1 exclusionary condition as there is no protection for domestic workers under age 12. Mandatory school age is until 14-15. Colombia guarantees opportunities for education by limiting the hours of work as follows: Domestic workers aged 12-14: 4hrs/day and 24hrs/week Domestic workers aged 14-16: 6hrs/day and 36hrs/week These work-hours limitations are compatible with compulsory education, so domestic workers aged 12-18 are still able to access compulsory education. But there are no protections for domestic workers under 12 years. 1.00-0.25=0.75	Codigo Sustantivo del Trabajo (1951) , 161.b
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.50	Yes, but with 2 exclusionary conditions. Mandatory school age is until 14-15. Colombia guarantees opportunities for education by limiting the hours of work as follows: Domestic workers aged 12-14: 4hrs/day and 24hrs/week Domestic workers aged 14-16: 6hrs/day and 36hrs/week Domestic workers aged 16-18: 8hrs/day and 48hrs/week 2 exclusionary conditions: (1) No protections for domestic workers under 12 and (2) Domestic workers aged 16-18 have no protections and are treated the same as adult workers. 1.00-0.25-0.25=0.5	Codigo Sustantivo del Trabajo (1951) , 161.b
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.00	No, because domestic workers under 18 are allowed to work at night as long as the work is deemed not dangerous to their health and morals. "Minors under the age of eighteen (18) cannot work at night, except in non-industrial companies and in domestic service and provided that the work is not dangerous to their health or morals."	Labor code 171.2
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	No, because the only limitation on demanding work for workers under age 18 only relate to the limitations on nightwork, which is already counted in B5.2.4. No other extra measures exist to restrict/limit excessively demanding work. "Minors under the age of eighteen (18) cannot work at night, except in non-industrial companies and in domestic service and provided that the work is not dangerous to their health or morals."	Labor code 171.2
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	



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B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	B6 was not applicable to Colombia because multiple sources suggest that the vast majority of Colombia's domestic workers are nationals.	