

## **Colombian Labor and the Obama-Santos Accords**

### **2nd Memorandum**

**March-April 2012**

#### **For Internacional Public Opinion To the signatories of the Bilateral Accord Labor Action Plan Colombia-United States Bogota, April 3, 2012**

At the Summit of the Americas in the Colombian city of Cartagena de Indias various Presidents of the Americas (with the exception of the Cuban leader and the President of Ecuador who announced he would not be attending) will meet. There is the potential that at this time statements will be made concerning the implementation of the Free Trade Agreement between the United States and Colombia. The basis of which would be the supposed success of the Labor Action Plan signed by both President Santos and President Obama. This plan on labor rights has generated strong expectations in both countries. The following report evidences how the commitments of this plan have not been met.

The Labor Action Plan between Colombia and the United States and constant efforts by the International Labor Organization on Colombia show a clear need for improvement of the serious and systematic labor rights abuses taking place and impediments to collective bargaining rights and freedom of association. Evidence of these abuses has also been compiled for the record by the international community and multilateral forums. The legal rights violated are protected under binding conventions of the International Labor Organization. Rights violated include the right to association, assembly, expression and personal integrity. At this present time in Colombia all of these are under grave threat.

As stated by the ILO's Committee on Freedom of Association in its 363<sup>rd</sup> report from the session conducted on March 15-30 2012 in Geneva, Switzerland; GB. 313/INS/9 Institutional Section

“Serious and urgent cases upon which the Committee calls to the attention of the Administrative Council

4. The Committee considers especially necessary to call upon the attention of the Administrative Council on cases number 2254 (The Bolivarian Republic of Venezuela), 2609 (Guatemala) and 2761 (Colombia) having taken into account the serious and pressing issues they face.

In the case of the Colombia ILO document (which has likely been the most studied by this organization and its various commissions and governing organs), the national Government has been asked to respond on 16 occasions to Convention 87 and on one occasion to Convention 98 before ILO supervisory bodies in past years. This is due to the gravity of human rights and freedom of association situation. The supervisory bodies that uphold the ILO standards have asked on 95 occasions that Colombia take legislative

measures to protect rights or overcome obstacles. As a result, calls were made to take action against 57 norms (by configuration against them or by legislative omission). Two of which were modified by law and due to rulings by the Constitutional Court. **This leaved 53 norms that are found to contradict the conventions ratified by the ILO.**

These norms refer to minimum standards for the exercise of labor rights. Identifying these obstacles helps confirm the affirmation that in “Colombia there exists a normative and institutional exclusion that impedes upon the existence of unions.”

The Colombian government has become the principal obstacle against the ILO’s supervisory bodies’ success. It utilizes bureaucratic tools to thwart unions and the CFA to avoid coming up with solutions to violations. Tactics include providing irrelevant and unsubstantial responses, neglecting to provide reports for years, not attempting to find solutions and failing to respond.

On 310 occasions, the supervisory bodies have had to solicit complementary information or observations. On 85 occasions when the later were solicited the government did not respond. This paralyzed the proper functioning of the supervisory bodies.

The ILO’s Committee on Freedom of Association has studied 257 complaints between 2002 and the first quarter of 2011. The CFA received over 129 complaints from unions that led to a total of 27 reports. With 53 existing cases, Colombia is probably the country most studied by the CFA. Of these, 16 were closed and a consensual agreement was reached between employers and workers on 6 occasions (in 5 cases the employer was private and in 1 case it was public). They have requested that legislation be amended 32 times.

The three supervisory ILO bodies have produced multiple recommendations to guarantee freedom of association in Colombia:

- On 21 occasions, they recommended that security measures be taken against threats or attacks;
- On 44 occasions, they recommended that measures be taken to guarantee unions’ rights, apply the convention or grant union leave;
- On 39 occasions, they recommended that measures be taken to guarantee collective bargaining rights; on 33 occasions they applied for reinstatement; on 19 they suggested that economic payment be guaranteed towards economic or punitive damages;
- The databases on Colombia contained only 6 cases that were closed with the CFA, and 11 are found in indefinite reports (i.e. for the period from 1990-2010).

In report 363, the Committee on Freedom of Association noted in a peremptory fashion that acts 87 and 98 of the ILO International Convention are violated and ignored including freedom of association, collective bargaining rights and the right to strike. The later also ignore “recommendations made by the Committee on Freedom of Association, which are binding and also make up part of the constitutionality of Colombia’s

Constitution. Also the recommendations made in the case of the trade workers union and Sintraemcali are not applied.

1. The Constitutional Court's 2011 Protective Ruling T--171 does not coincide with the recommendations for Case 2355 in the right to strike case in the petroleum sector. These were presented before the ILO's Committee on Freedom of Association and contained in report 363 on March 28, 2012 in the case of the Worker's Trade Union.

2. In the same effect, the National Government ignores the ruling ordering reinstatement of 51 illegally dismissed employees from EMCALI who are affiliated with SINTRAEMCALI. It ignores repeated recommendations of the ILO. In its last report (report 363, case 2356) the later stated: "in these conditions, noting that these workers were dismissed in 2004, the Committee expresses concern and recalls that, 'the delay in application of justice amounts to a denial of the later,' [see decisions and principles of the Freedom of Association 2006, fifth edition, paragraph 5] and firmly expects that the Constitutional Court decides without delay in relation with the failure of protection on appeal. The Committee recalls its previous recommendations on reinstatement of these affiliates and calls on the Government to ensure compliance and stay informed on it."

With regard to the Labor Action Plan signed by President Barack Obama and Juan Manuel Santos we note that its implementation is not yet concrete. We also make the following observations:

While the Ministry of Labor was created to date it has not developed policy mechanisms that actually guarantee workers' rights. The Ministry, in its short existence, has endorsed a series of mechanisms that preserve labor intermediation, (in the public and private sectors) that contradict the spirit of commitments found the Labor Action Plan. This includes eliminating associative labor cooperatives in their various forms including shell companies, trade unions, simplified stock companies and collective agreements. Such models have replaced associated labor cooperatives and deny workers regular labor relations. In the last period, more than 300 thousand "ex-cooperatives" workers are employed by these in the palm oil, sugar, mining, ports, flowers, and public health sectors.

The National Government via the Ministry of Labor has recognized the case of the associated labor cooperatives. It is not official policy to prohibit this form of labor association. It is only prohibited by the new legal framework that is only implemented in certain cases.

This has allowed for legal interpretation of law 1429 (2010). However, "From the First Job" and the National Development Plan, call for the survival of CTAs in the health, oil palm and air transport sectors. This model remains active in airlines including Avianca.

The only progress reported to the Colombian Senate to date (official response up until April 3, 2012) by the Labor Ministry regarding the Labor Action Plan is that they have made initial inquiries into the matter and are simply gathering information about the

status of the worker cooperatives' situation. However, they have not taken concrete steps to control this phenomenon nor even begun a transition phase away from such a model.

More than 1.2 million of these workers have a regular work contract. In the case of the official work sector, for every public servant with an official link to the center of Government, there are 1.7 workers that are linked only through intermediary mechanisms and to date have yet to be regularized within the state itself. The National Government recognizes that the regularization of these jobs in the private sector corresponds to the initiatives of corporations, which have pressed for a variety of abuses and deviations to the proposals contained in the Labor Action Plan, which is now almost entirely in the hands of employers with little government control. Spokesmen for the ruling bloc in the Colombian Congress have also announced their intention to vote against the Plan during the 7<sup>th</sup> Senate Committee, which is currently being discussed with a possible passage of the 05 bill of the Senate from 2011, which regulates the situation of workers' cooperatives and also provides forms of labor intermediation, as proposed by the Labor Action Plan.

1.2 The recruitment of 480 new inspectors is still far off and those who are there presently (100) do not have the guarantees necessary to act autonomously and independently "under the civil service center, promoting and defending the rights of workers." In actuality, the Minister of Labor recognizes that 2780 preventive actions were taken in 2011, in which more than 2,000 cases were reported officially. Despite this, no improvements have been noted regarding allegations of abuse and violations of labor rights.

1.3 A system for citizen complaints, grievances and mediation and conflict resolution plans has been noticeably absent. The Colombian government failed to respect the terms agreed upon to implement this system.

1.4 In the case of temporary agents: This issue presents the same difficulties in terms of implementation similar to the removal of cooperatives and there exists no possibility whatsoever for the monitoring or verification of progress and compliance with labor laws.

1.5 With respect to the collective bargaining agreements; the collective agreements being implemented in Colombia to prevent the organizing of trade unions and the exercise of their rights to collective bargaining and proper working conditions. Up until now, the National Government has only reduced its actions in this matter through the training offered by the Ministry of Labor to businesses and workers without any measures being implemented to control abuses against collective bargaining rights and with a tendency to compete with the right to collective bargaining.

1.6 Regarding the essential services and the ongoing activities of the State on this point, concrete governmental policies have yet to be applied, the doctrine, the precedent on essential public services, and especially guaranteeing rights of association, collective negotiation, and the right to strike in specific labor sectors associated with the public

sector. They are unaware of the Constitutional Court's 2011 Guardianship Case T-171 provisions and case 2355's recommendations in the case in the right to strike in the petroleum sector presented before the Committee on Freedom of Association ILO and contained in report 363 on March 28, 2012 in the case of the Worker's Trade Union.

1.7 The National Government recognizes the investment of more than 195 billion pesos (close to 100 million US dollars) in union protection programs in 2011. In 2002, 7 million dollars were invested in the program, which signifies a 1400% increase in the annual investment in protection programs for union leaders from 2002 to 2011 in Colombia. However, during this period, 617 trade unionists were killed in Colombia. This enables the ability note that while the protection programs are a painful necessity, the programs do not constitute a viable guarantee in efforts to stop the murder of trade union leaders in our midst. Evidence of this is the 60 cases of violent deaths of trade unionists so far under the Juan Manuel Santos administration.

To this is added the following facts which express the status of the complaints over the specific cases in specific sectors of Colombian labor landscape which prevent the full and complete implementation of the agreements with the United States on the subject; so with the full implementation in Colombia of the requests from the International Labor Organization;

**→ The reforms announced at the Institute of Social Security and the System of Social Security in Colombia;**

In the framework of social security reforms, we note the elimination of the tripartite body of the Social Security Institute, from the decree 1750 from 2003. This led to the privatization of health services, liquidating the assets of 38 clinics and 238 health centers with 13800 workers being fired despite the convention. The EPIS of ISS was dismantled and labor protection services were privatized with social security PRA being sold.

At this time, the administration of President Santos issued decree 4121 in 2011, which created a new public insurance company in Colombia called *Colpensiones* which was conceived of as a special financial institution, placed under the standards of the financial sector, which would replace the Social Security Institute under the rules of Private Pension Funds with an Individual Savings System. This is a pension company that has strengthened the financial sector by more than 100 billion pesos in assets and that at this date only counts 47,000 pensioners in private funds. These rules are also applied to its natural competitor, the Average Premium System with Defined Benefit which is now in charge of the ISS which has a million pensioners, 3623 officials from the remaining parts of the public sectors, some of which will likely soon be dismissed.

On the eve of the pension reform that seeks to eliminate the more collective regime of Social Security, leaving only Private Funds, raising the retirement age, the number of weeks, and the amount of required contributions while simultaneously lowering the amount and value of the pension, to further support private business, leaving millions of Colombians orphaned and without any recourse to protections or social security.

## → The case of the elimination of Associated Workers Cooperatives in the sugar industry

Under this order, most of the associated work cooperatives linked to labor performance of cutting sugar cane for the sugar mills in Colombia that operate in the Cauca River Valley. According to Ministry of Labor figures, of the 10,502 manual agricultural operators dedicated to manual sugar cane cutting, 7,487 have been hired directly by companies that claim to provide services to sugar undertakings (mills). Businesses like SERVICIOS DE COSECHA MANUELITA S.A., INCAUCA CORTE S.A., and PROVIDENCIA COSECHA y SERVICIOS AGRICOLAS LTDA. have transformed into true middlemen that are in direct relation between the worker and the company benefitting from their work. There are in turn, serious doubts about the ability that these intermediaries have, called “mirror” (or shell) companies, to respond to the labor debts that contract with the workers and the labor unions. Some of these labor unions are also directly sponsored by the sugar mills to thwart the workers’ ability to function through autonomous and independent trade unions their right to collective bargaining.

In the Pichichi Corte S.A. case, that hired sugar cutters from Ingenio Pichichi, this intermediary is responsible for a number of cane cutters’ payroll that may exceed an annual value of 11,000 million pesos with a capital that does not reach its public deed foundation of 50 million pesos and a legal system that does not take responsibility for liability claims up until the amount of their contributions. The same is occurring in the Incauca Cosecha S.A. case. The National Government in turn has not verified the companies’ legal ability to respond to labor debts, running the serious risk of endorsing “mirror” companies that essentially are undercapitalized to meet its obligations to its workers.

In the same manner, the National Government endorses these practices and these transitional arrangements in the sugar industry is permitting a series of unfair and abusive practices, like the fact that Manuelita S.A. refused to hire sugar cane leaders, with the figure that they call a “Transit Contract,” that consists of an agreement in which the sugar cutter “accepts” his disassociation with associated labor cooperatives in exchange for a sum of money, which in the practice, bribes union leaders to accept dismissal without just cause, in the case of Manuelita S.A. A practice that Manuelita S.A. employed through MMM Consulting Firm with 18 sugar cane labor force leaders, as a way to bribe and destroy the union leadership and the workers’ union. Before signing their own dismissal, workers were threatened by the MMM Consulting firm, which had notified the workers that “if they report such facts, neither they, nor the mill, would comply with economic provisions.” This fact has not garnered 18 new Ministry of Labor inspectors, assigned to monitor the sugar industry situation nor any practical research of anti-union and anti-labor law methods in practice, the penal code and the own Labor Action Plan-

1. AZAEL CASTRO
2. JUAN ANDRÉS CAMBINDO
3. JOSÉ OCTAVIO CAMBINDO
4. JOSÉ CARLOS HERNÁNDEZ

5. JUAN ANDRÉS CAMBINDO
6. PEDRO PABLO MANYOMA
7. JOSÉ ONEY VALENCIA
8. FRANCISCO LUNA
9. ERLINTO LUNA
10. ABEL OVEDO
11. ALBEIRO FIDENCIO CAICEDO
12. LUIS ANTONIO RAMIRES
13. ERNESTO AFRANIO CUASPUD
14. JOSE LIBARDO ENCIZO
15. CRUZ MARIA MONTAÑO
16. JOSE MESA
17. JAFET MORENO
18. ELADIO MURILLO

Sugar cane cutter leaders bribed and dismissed in Manuelita S.A.

These facts combined with prosecution of the lawyers of the dismissed workers in Ingenio San Carlos to whom criminal proceedings were opened in March 2012 on behalf of various charges in retaliation for legal defense the case of more than 300 dismissed workers. The San Carlos worker dismissal, involving an inspector of Work, Nhora Tovar, vouched for these dismissals on behalf of the National Government in April 2009; said inspector has now been incorporated into the new Ministry of Labor plant.

#### → **Union Contracts in the Healthcare Sector**

**Permanent activities of the state.** The Constitutional Court has, since 2009, through Judgment C.614 and confirmed by judgments C.690, C.901 from 2010 and C.171 from 2012, established that the permanent activities and functions of the state must be linked to the plants of the staff, respecting all the labor rights established by law and by the conventions of the ILO. However, they have adopted ways to circumvent that provision in the so-called union contracts with the health care sector. This is distorting to the labor unions as they place themselves as intermediaries with a discount for “unionized” workers which usually amounts to 15% of the worker’s value. The records of the health sector show that more than 100 unions were organized by employers and owners of the Associated Workers Cooperatives in the sector. Forcibly recruiting over 50 000 health workers, to falsify their labor formalization commitments, something which was shot down by the government as was also the case with circular No. 04578 of the March 22, 2012 which was signed by the Minister of Labor and the Minister of Health.

#### → **Supporting intermediation for oil workers in Puerto Gaitan, Meta**

The Minister of Labor in his efforts towards oversight of inspection and monitoring of the department of Meta has endorsed a fixed term contract of 28 days which was used in the recruitment of staff for the transnational Pacific Rubiales in Puerto Gaitan. This form of contract is blatantly illegal in Colombia after the 3<sup>rd</sup> renewal, at which time it must be

replaced by an indefinite employment contract which did not happen in this case. This type of contract is designed by the oil industry and in the case of Puerto Gaitán for more than 14,000 contracted workers who have no possibility of joining a union. If they try, in the new cycle of contracts, which lasts 28 days, they will be removed from their posts for this activity and will be placed on a blacklist which will be seen by all employers in the region who will refuse to hire them, an openly illegal activity in Colombia. This has not received any attention from government labor inspectors despite hundreds of cases of anti-union dismissals and vetoes for these practices.

Another important factor has been the serious allegations of police brutality, unfounded prosecutions against workers who participate in demonstrations or who engage in trade union activities which can be found in the records of human rights organizations in Meta.

### **→ “ASOTRECOL” Association of Sick Employees and Ex-Employees of General Motors COLMOTORES**

The case of 68 employees and ex-employees who had fallen ill due to overwork (occupational health diseases) as well as improper labor and health conditions at the General Motors plant-Colmotores in Bogotá, was denounced before the United States embassy in Bogotá. In addition, 90 more workers have records at the Juntas Calificadoras. The right of these workers to proper attention as well as fair and timely medical attention is violated. They are diagnosed by doctors who work for the same company (GM) instead of by their respective EPS.

Due to the medical history being handled by another employee of the same company, those in charge may lay off workers who detect labor related diseases. The Attorney ruled against a complaint filed by workers, which found irregularities in the handling of medical records.

Some of these workers have been compelled to sign settlement agreements with the company due to threats of legal action. For this reason, a disciplinary action was handed to labor inspector RCC8, Sr. Luis Édgar Alvarado Vázquez through the office of disciplinary action of what was then the Ministry of Social Protection. The IPS of the company commonly diagnosed the ailments of these workers as stemming from common afflictions, when the lesions obviously corresponded to poor working conditions and industrial safety, such as with hernias, for example. The ARP COLPATRIA also involved in the qualifying process and accepts the position of the company when dealing with these issues, therefore delaying the appeals of workers at the Juntas Calificadoras at the regional and national levels. Their issues are again labeled as common conditions, even when they present with the same musculoskeletal condition from having done the same work.

### **→ Association of state security workers. (DAS in liquidation)**

Following the scandal caused by the illegal surveillance operations carried out by the DAS and the extraordinary faculties that were conferred onto Congress by President



Santos, the DAS was dismantled causing uncertainty for 620 workers which have not been reintegrated into any other part of government. Of these workers, 84 are union leaders, people with disabilities, heads of households and pensioners. Neither the head of DAS, nor the national government has spoken out about the futures of these employees. However, his policies further advance the process of creating immunity by removing these jobs without any protection of the worker's fundamental rights.

The actions taken by the DAS to undermine the unions have led to the resignation of some of their leaders who are fearful of what the organization might do to them due to their role as union leaders. Employees are also fearful of joining or creating a union due to possible reprisals from managers, especially when it appears that union members are the only ones being fired (84 in a factory of 5532 people). The relocation of these people does not threaten their fundamental rights to equality and work, as found in articles 13 and 25 of the CPC

The non-relocation of these workers, for whom the government ordered, through Decree 4057 of article 11 paragraph 6: "to advance the process of increasing the jurisdiction for dismissal" which would go against what was put forth in Law 1444 of 2011 and would be a clear demonstration of trade union persecution and of the violation of the right of association under article 39 of the CPC.

Similar irregularities presented themselves in the case of 500 detectives who were made to complete their time before they could receive their pension (social retention) and who were sent to other offices, thus affecting which conditions were necessary to receive their benefits (20 years of service as a detective-Decrees 1933 from 89 and 1047 from 78). As well, more than 100 employees had their labor and salary conditions downgraded, being linked to a different position than that which they actually held at the time of their termination. The National Civil Service Commission which blamed the DAS for this mistake.

### **→ USO-Labor Union of the Oil Industry**

The labor section of the hydrocarbons industry is experiencing problems with the application of pension reforms by legislative act 01 of 2005. The problem in terms of oil policy is focused primarily on issues such as: rent, royalties, and fuel prices, allocation of territory and recovery methods.

There is no single national scale for wages and social benefits afforded to oil industry workers, a fact which ignores decree 0248 of 27 and its implementing regulations 0644 of 59. In addition to this, the industry holds an interest in the environment as well as in protected communities including indigenous, Afro-Colombian, peasant and *raizales* that the same workers denounced, but which companies such as Pacific Rubiales dismiss in favor of the case of Puerto Gaitán in the department of Meta. This is coupled with the penalization of protests and union activity as members of the executive community of each of the sections of the USO have been victims of disciplinary actions, dismissals and threats from paramilitary groups which endlessly pursue union activity in the oil industry.

The negotiation process that was unfolding was abandoned by the Minister of Labor and their inspectors, ignoring both Colombian convention and the international conventions of the ILO. Various crises such as that of GUAICARAMO, PALMAR DEL NORTE, PUERTO GAITÁN, CAMPO JAGUAR, TOROSENTADO, CARACARA, MUNICIPIOS DE TRINIDAD Y SAN LUIS DE PALENQUE, TAURAMENA, among others demonstrated a strong anti-union campaign (including persecutions, threats and propaganda) and the ineffectiveness of the authorities when faced with necessary compliance to the list of demands related to each of these conflicts.

**→ SINTRAIMAGRA- The Trade Union of Agricultural Workers, Food Trade, the Textile Industry and the like.**

In the region of the eastern planes, Aceites Manuelita S.A. and Unipalma oil companies, through the use of Worker's Associated Cooperatives, Simplified Stock Companies (SAS) temporary companies and contracting services maintain the job placement scheme prescribed by the Obama-Santos accords. This is also true for workers in palm oil, flower, banana and tobacco industries.

Cases in the palm oil industry of abusive instances in which the promised base salary is reduced or there are payments required on the part of the worker that were not included in the initial contract. There are also cases of non-membership in proper social security, where workers do not even possess proper risk insurance. When workers are unable to work due to health conditions that do not permit it, they are required to bring "crop insurance" their proceeds from that day. The complaints placed before the Ministry of Labor reflect the same irregularities due to bias of the inspectors and a failure to monitor compliance with the list of demands. Furthermore, there are cases when the above mentioned companies did not cancel the week corresponding to the pension funds with respect to the rights of workers.

In this same sector, deplorable labor conditions can be found due to bad hygiene for workers as well as abusive labor activities that involve having workers stay past the hours permitted by law. As well, cases where workers affiliated with SINTRAIMAGRA have been persecuted and harassed occupationally and their lists of human rights demands have been dismissed by the companies.

**→ National Union of AVIANCA/SINTRAVA**

Using the CTA's COODESCO y SERVICOPAVA, job placements are realized for the AVIANCA Company which currently has 6000 officials, including ground staff, flight attendants, maintenance and commercial services. Article 63 of law 1429 from 2010 expressly prohibits public or private institutions or companies from following processes or activities with the CTA's mission.

The ground crew used to have a direct contract, but this was changed, in more than 95% of times violating the right of association. As well, the existence of a Collective Agreement has been reported at the Avianca airline, called the *Voluntary Benefits Plan*, was used by the company to destroy the *Sintrava* union, which is also prohibited in the

Labor Action Plan. The Ministry of Labor has admitted the existence of an investigation into the case of associated labor cooperatives at Avianca, yet actions on this issue has yet to be taken.

**→ Port Workers Union, dockworkers, Case of Buenaventura, Valle del Cauca, and Turbo, Antioquia.**

Dockworkers in Buenaventura still reports labor intermediation by cooperatives, companies, temporary employment agencies and other business figures in port operations in the maritime terminal of Buenaventura, by the private port operator, the Regional Port Society of Buenaventura.

It should be noted that in the case of the port sector, the national government has not announced any plans to stop these intermediary companies that violate the norms of Decree 2025. Many members of the Port Societies are noted politicians such as senators, councilors, mayors, governors while also being owners or members of cooperatives or companies involved in temporary employment agencies.

This situation of labor informality and persecution is also present in the region of Urabá in the department of Antioquia, at the port operation of Turbo, in the gulf of the same name (Urabá). In this case, serious complaints were expressed of labor intermediation using worker cooperatives and temporary businesses that systematically violate labor laws as called for in labor agreements. More than 500 workers with contracts to work in ports such as *Servicios J y J*, *Open Mar*, *Cargovan*, as well as business services such as wincheros, braceros, stevedores, tallymen and brocheros must last more than 36 continuous hours of work. During the spring, they must also endure precarious employment, lack of social benefits, lack of basic hygiene and sanitation, industrial safety and social security. Recent attempts, (2011) to organize a union were harshly repressed with the dismissal of those who tried to build their list of demands. At this time, attempts to have the Ministry of Labor intervene at the port of Turbo to help salvage worker's rights have been unsuccessful.

**► The case of the union organization SINTRAMASIVO, in Cali, Cauca Valley; Assassination of Efraín Amézquita**

Efraín Amézquita, union leader of the newborn union organization SINTRAMASIVO of the Massive Transport System workers in Cali, who according to his family was killed Wednesday, February 15 at 7:30pm, in the city by two gunmen approached him after leaving the union.

Although the Metrocali manager said before the media in the city of Cali that he was killed for robbery; his family claims that when they left the union with him, a few meters were approached by two unidentified gunmen on a motorcycle and without saying a word, shot at Efraín, taking his life. These facts and the serious allegations made by Efraín Amézquita in the sense that they were violating workers' labor rights in the massive transport system MIO and by the constraint to these for not joining the union organization is considered that this crime is the latest violent persecution made against

the Colombian trade movement in the last period.

The slain Efraín Amezcuita was the Sintramasivo union founder and in reality, was one of the most preferred leaders to hold the union leadership because of his determination to confront workers' labor rights violations that provide their services to the Western Masivo Transport System, MIO in the city of Cali. In exercise of his labor union, Efraín Amezcuita had maintained heavy confrontations with the MIO system Unimetro direct operators in the final period.

The union organization Sintramasivo was recently founded and during its short existence, had been subject to severe persecution on behalf of the MIO masivo transport system operators; their union negotiators were fired, more than 30 affiliates have been sanctioned, and the current board has been heavily harassed. The case of Efraín Amezcuita constitutes the third murder of union leaders so far in 2012 in Colombia-

Thank you for your outreach

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