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Institution: Inter-American Commission on Human Rights
File Number(s): Case No. 1749
Session: Thirtieth Session (16 - 27 April 1973)
Title/Style of Cause: Labor Union v. Colombia
Doc. Type: Decision
Decided by: President: Dr. Justino Jimenez de Aréchaga (Uruguay)
Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil)
Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico);
Dr. Robert Woodward (United States); Dr. Genaro R. Carrio (Argentina);
Dr. Andrés Aguilar (Venezuela)
Dated: 16 - 27 April 1973
Citation: Labor Union v. Colom., Case 1749, Inter-Am. C.H.R., OEA/Ser.L/V/II.32,
doc. 3 rev. 2 (1973)

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[1] Case No. 1749, August 24, 1972, denouncing acts of the Government of Colombia in violation of the right to free labor union activity.

[2] Because the claim did not meet the requirements set forth in articles 38 and 54 of the Regulations of the Commission, the Secretariat requested the claimants to complete it.

[3] The claimants sent information on the labor union dispute, on the actions of public officials, and on the remedies initiated both by the labor unions and by the companies affected, especially the AVIANCA airline, in order to deal with the matter by legal means before the Legislative Houses, the Ministry of Labor and Social Welfare, and the President of the Republic of Colombia.

[4] By a note dated October 13, 1972, the Commission, pursuant to articles 42 and 44 of its Regulations, requested the pertinent information from the Government of Colombia, to which it transmitted the relevant parts of the claim.

[5] In a note dated April 2, 1973, the Government of Colombia replied, enclosing a copy of the report submitted by the Ministry of Labor and Social Welfare to the International Labor Organization with regard to the complaints made to the CIDH and ILO.

[6] The following points are, in summary, those presented in the report to the Commission:

a. The collective strike was declared illegal by resolutions 2043 and 2052 of August 16 and 17, pursuant to articles 430, 450, and 451 of the Labor Code. In light of these resolutions, the company could dismiss the workers without prior authorization from the Ministry of Labor.

b. On August 29 the labor unions requested the Ministry of Labor to lift the sanction consisting of the suspension of juridical personality, asserting that they were willing to comply with legal standards, etc., and to make available to the Labor Union Audit Department of the Ministry all books and documents

for purposes of accounting, etc.

c. By resolution 2162 of August 29, the Ministry of Labor revoked the suspension of juridical personality, paving the way for a stage of conciliation between the company and the workers that lasted until September 29, 1972, after which time a compulsory Arbitration Board was convened, as required by law, by means of resolution 2538 of October 6, 1972, in order to resolve the labor dispute.

d. In view of the difficulties that arose with regard to membership on the Arbitration Board, the Labor Ministry appointed Dr. Alberto Aguilera Camacho as the third arbitrator, from a list forwarded by the Labor Chamber of the Supreme Court, in compliance with resolution 2739 of November 3, 1972.

e. On this point the statement mentions the procedure followed by the Arbitration Board, maintaining that the three unions involved violated current labor standards and that at no time were labor union rights or labor union freedom impaired, nor were ILO conventions Nos. 87 and 98 violated the authorities limited themselves to safeguarding the interests of the workers, of the national economy, and of employee-employer relations, doing no more than implement the administrative steps for resolving the dispute.

[7] During its Thirtieth Session (April 1973), the Commission examined case 1749, together with the information provided by the Government of Colombia. In light of Article 39.d of its Regulations, it declared the communication inadmissible because the events or situations bore no relation to a disregard of the right to free labor union activity by the Government of Colombia, this decision to be made known to that government.

[8] In accordance with the foregoing, the Commission sent the Government of Colombia a note dated June 15, 1973.