



TO WORK IN PEACE

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Photos Alberto Sierra

The right to work is an important part of the Peace Agreement with the FARC. But many challenges still lie ahead—independently of the peace process—in adjusting existing labor regulation to the current Colombian reality.

Work is a key element of any state policy aimed at ending armed conflicts. The degree to which those involved have access to labor options affects the transition to their effective reintegration; society, meanwhile, is looking for the conditions needed to avoid any repetition of these violent situations.

Added to this is the characteristic work brings in the form of a ‘citizen’s passport’: through their training and tasks, people obtain recognition for what they do for society. So, in the case of peace processes, those involved in past conflict cease to be ‘fighters’ or ‘guerrillas’, becoming ‘carpenters’, ‘teachers’ or ‘farmworkers’, for example.

It was precisely following the Havana peace talks and subsequent final Peace Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), signed in 2017, that the Faculty of Jurisprudence of

THE GOVERNMENT AND SOCIETY FACE THE CHALLENGE OF CREATING THE RIGHT CONDITIONS SO THAT ALL THOSE AFFECTED BY THE WAR FIND WAYS TO MAKE PROGRESS WITHIN THE LAW.

the Universidad del Rosario initiated research to identify which aspects of labor law could be affected or conditioned by the deal.

This project, which led to the book *El derecho del trabajo como elemento de construcción de paz y reconciliación* (*The right to work as an element for building peace and reconciliation*) turned into a multidisciplinary work also involving the University's Faculty of Economics and the Faculty of Political Science, Government, and International Relations, as well as this same University's Labor Observatory.

"When we started the project, the Peace Agreement was still being negotiated in Havana, so there was frequent talk about what had been the *causes of the war*.

We decided to look for the *causes of the peace*, finding something like a forgotten and unknown land in respect of the traditional right to work, namely the right to agrarian work," declares Iván Jaramillo, doctor *cum laude* at the University of Castilla-La Mancha (Spain) and professor at the Faculty of Jurisprudence.

Researchers on this project singled out interdisciplinarity as the prime approach for carrying it out, acknowledging that it could not be limited merely to labor norms and regulations but requires input from the aforementioned faculties to help explain the general theory of the resolution of conflicts. "Thanks to this joint work, we managed to go over models of conflict resolution bound to evidence of the economic impact of peace processes and the commitments created through fulfilment of rights and the financial component, thus connecting up with actual construction of the right to work," Jaramillo recalls.

THE LAND COUNTS

As part of their findings, researchers determined the need for reforms of labor law to reflect the reality of rural working, and to bring the main players into the picture. These are changes that must be independent of the



signed Agreement. Research threw up a clear agrarian component in the argument, as well as in the FARC's proposals, which called for an adjustment of the labor model the country has followed for centuries. "Colombia currently follows a model designed for more industrialized urban work (known as Fordist), which has not been properly updated and which has overlooked recognition of labor rights in the rural sector," the professor points out.

Above all, casual employment is as high as 90 percent in the rural sector, partly due to the lack of legislation reflecting and responding in practical terms to the reality of rural life. For example, in some regions of Colombia it is common for peasants to be paid part of their salary in kind—food and accommodation—or to be employed only on a seasonal basis, or to prefer to remain in their workplace during their free time. "The casual nature of rural life is a cultural subject, one

for which the right model of intervention is needed in order to provide guarantees. I cannot apply an Urban Labor Code since this would be like lending my jacket to someone; it could be too long for him or very short, depending on his needs," says Jaramillo.

Considerations among modifications for establishing new legislation pertinent to rural work include the elimination of forms of child labor currently prevalent in these markets, as well as tackling the so-called *care economy* (*economía del cuidado*), which is laid down by sexist employers so that women have other agrarian duties not recognised by current law, such as housekeeping or looking after certain facilities.

Jaramillo points out that there is nothing in the Peace Agreement with the FARC that is directly related to work. "What it has in point number one is there to give guarantees and dissemination to diverse social protest schemes and to

→ In peace processes, those involved in past conflict cease to be 'fighters' or 'guerrillas', becoming 'carpenters', 'teachers' or 'farmworkers', for example, points out Iván Daniel Jaramillo, professor at the Faculty of Jurisprudence.



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labor rights in the rural sector, fundamentally encapsulated in social housing and inclusion guarantees against social risks, access to which workers have not previously had. This is complemented by a strong budgetary allocation for inspection, monitoring, and control in the rural sector, which currently doesn't exist; and the presence of the state in those sectors linked to certain areas such as regulation of child labor, which is a burning issue," he continues.

While these changes are not expressly written into the Final Agreement, their implementation needs to begin now in order to provide solutions for social integration during the post-conflict period, a stage that could turn out to be more violent than the initial conflict if opportunities for development are not forthcoming. "In El Salvador, for example, there are now more deaths from firearms than occurred during the war there. For a researcher, the five years following the deal are more interesting, since these contain the signs that will show the erroneousness or the accuracy of certain theses."

Although the subject of labor seems distant from what was agreed with the FARC, the government and society now face the challenge of creating the right conditions so that all those affected by the war—as victims or aggressors—can find ways to make progress within the law. Only in this way can we achieve true peace. ■