

**LA EFECTIVIDAD DE LAS GARANTÍAS LABORALES
ESTABLECIDAS PARA EL PERIODO DEL
POSCONFLICTO EN COLOMBIA A PARTIR DEL 2016**

Presentado por:

Albeiro de Jesús Bonilla Beltrán
Paola Karina Navarro Rodríguez

Trabajo de Investigación

RESUMEN

Por más sesenta años Colombia ha estado enmarcada por el conflicto armado, inmersa por la violencia, el sufrimiento, el odio. Es por ello que el gobierno fue tomando medidas para contrarrestar, y frenar esta etapa violenta que padecía el país. En la cual decidió tratar de hacer acercamiento con el grupo mucho de esos acuerdos no tenían los resultados que el gobierno quería , para el periodo de 2002 – 2010 el grupo realizo un acercamiento con el grupo , pero nuevamente fueron interrumpidas las negociaciones , en la cual las fuerzas armadas de Colombia (FARC) dijo que no quería hacer acercamiento con este gobierno que esperarían un nuevo gobierno a ver si realizaban nuevas negociaciones , para el periodo de 2012 con la llegada de expresidente Juan Manuel Santos, el dio públicamente que existían acercamiento con el grupo que iniciarían las negociaciones en los siguientes años , es por ellos que el 26 septiembre en la ciudad de Cartagena con la presencia de varios presidentes se hizo una ceremonia simbólica con todas las solemnidades la firma del acuerdo de paz , que fue llevada a cabo entre el presidente Juan Manuel Santos y el jefe del grupo Rodrigo Londoño , en la cual daba por terminada esa esta etapa violenta que padeció

el país con el grupo , en la cual se establecieron muchos acuerdos . Pero en especial se establecieron las garantías en materia laboral que son objeto en este proyecto investigativo.

Conforme nuestro proyecto de investigación abordamos unos antecedentes importantes para hacer referencias a nuestro proyecto de investigación tuvimos en cuenta los referentes legales, históricos, teóricos y conceptuales en la cual fue un material muy necesario para realizar este proyecto ya que abordamos investigaciones que hicieron algunas universidades, tuvimos en cuenta aquellos sucesos que han surgido a medida del tiempo, y algunas normas legales que nos sirvió como referencia de nuestro proyecto de investigación titulado EFECTIVIDAD DE LAS GARANTIAS LABORALES ESTABLECIDAS ÀRA EL PERIODO DEL POSTCONFLICTO EN COLOMBIA A PARTIR DEL AÑO 2016. En consiguiente de esto desarrollamos unos objetivos específicos en la cual de estos de desarrollamos 3 capítulo en la cual fueron de gran importancia para nuestro conocimientos referente a las garantías laborales establecidas en el acuerdo de paz firmada con las fuerza armadas revolucionaria de Colombia.

Como primer capítulo tenemos las GARANTIAS LABORALES QUE SE ESTABLECIERON EN EL ACUERDO DE PAZ CON LAS FUERZAS ARMADAS REVOLUCIONARIA DE COLOMBIA.

Objetivos:

Objetivo general.

Analizar la efectividad de las garantías laborales establecidas para el periodo del postconflicto en Colombia a partir del año 2016

Objetivos específicos.

- Identificar las garantías laborales que se establecieron en el acuerdo de paz con las Fuerzas Armada Revolucionaria de Colombia. (FARC).

- Revisar informes, estudios del cumplimiento de las garantías laborales que se establecieron en el acuerdo de paz con las Fuerzas Armada Revolucionaria de Colombia
- Interpretar concepciones acerca de la efectividad de las garantías laborales que se establecieron en el acuerdo de paz con las Fuerzas Armada Revolucionaria de Colombia.

Materiales y Métodos:

Conforme esto tuvimos en cuenta una variedad de métodos para abordar nuestro proyecto de investigación, como material principal fue leer el acuerdo de paz que se firmó en el año 2016 con las fuerzas armadas revolucionaria de Colombia, buscar algunas investigaciones que habían realizado algunas universidades referente a las garantías laborales que se establecieron en el acuerdo de paz, y se buscó autores que hablaban referente a nuestro tema de investigación, por último se realizó una encuesta a personas conocedoras para así saber que opinan referente a esas garantías laborales, en la cual se pudo observar que fueron muy pocas las garantías labores que se establecieron en el acuerdo de paz.

Resultados:

Conforme a los resultados pudimos obtener unos mayores conocimientos referentes aquellas garantías laborales que se establecieron en el acuerdo de paz, ya que muchos conocedores del tema aportaron su punto vista argumentando su posición. Unos de estos nos llamó mucho la atención lo planteado por Veronica Tabares ya que esta autora dio un aporte muy importante ya que ella plantea que en el proceso de paz con las Farc debió significar una oportunidad, no solo para silenciar las armas y reducir el número de víctimas del conflicto armado, sino también para que la sociedad civil pueda ejercer con plenas garantías sus derechos. Tabares expresa algo muy importante en la cual nos dio a conocer que las organizaciones sociales, específicamente, representa una oportunidad de reconstruirse y de incrementar sus posibilidades de participación en la vida política y social

del país. Sin embargo, el proceso de implementación presenta hoy serios problemas para cumplir con los compromisos adquiridos.

En consiguiente a esto es necesario agregar que en el transcurso de la realización de nuestro proyecto obtuvimos muchos conocimientos acerca de esas garantías laborales, en la cual pudimos notar que en la firma del acuerdo de paz fueron muy pocas las garantías laborales que se plantearon, es por ello que creemos necesario que las personas conozcas un poco mas sobre todo lo relacionado a estas garantías, gracias a nuestro proyecto de investigación obtuvimos buenos resultados al momento de abordarlo.

Conclusiones

Las conclusiones que se llegaron en este proyecto investigativo quisiera abordarlas bajo dos momentos:

En un primer momento. Las garantías que se establecieron en los acuerdos de paz, y en especial las que se establecieron en materia laboral. Que son objeto de este proyecto, consideramos que fueron muy pocas, y por la cual se les debieron establecer muchas más.

Bajo un segundo momento, en el transcurso de estos cuatro años en los que se realizaron los acuerdo de paz, que le colocaron punto final a la violencia que padeció el país con la Farc. Se resalta que solo hay un cumplimiento de un 35% de todo el acuerdo de paz, bajo el seguimiento que hizo en tiempo real el instituto Kroc, inferimos que el porcentaje de cumplimiento de garantías en materia laboral es de un 23%, debemos de resaltar que el gobierno aún no ha implementado ni ha tomado iniciativas para empezar a realizar la formalización laboral rural. Este es una de las principales garantías en materia laboral que se sometió el gobierno a llevar a cumplir y bajo nuestra postura consideramos que un 23% de cumplimiento en materia laboral es un muy insignificantico. Sabiendo que el tiempo cronológicamente para todo el cumplimiento del acuerdo es de 15 años. Cuando de decimos que es insignificantico aun sabiendo que hay mucho tiempo para que el gobierno cumpla, debemos de resaltar que desde que se inició el proceso de paz muchos distractores no lo veían viables, considero que para la fecha se debía de haber un cumplimiento por lo mínimos de 45% para que las personas que se sometieron al acuerdo de paz. Se sientan más

seguras con el acuerdo, el gobierno nacional debería de incentivar mucho más a que se cumplieran los acuerdos. Podría inferir que el gobierno debería de tomar iniciativas y les propusiera a las empresas que contrataran a las personas que se sometieron al acuerdo, en la cual si se adoptaran esto tendría una disminución en la carga tributaria, esto ayudaría en gran medida a asegurar lo acordado y ayudaría a bajar la tasa de desempleo y en especial a evitar las posibles disidencias.

Palabras clave: Efectividad, garantías, postconflicto

ABSTRACT

For more than sixty years, Colombia has been framed by the armed conflict, immersed by violence, suffering, and hatred. That is why the government was taking measures to counteract, and stop this violent stage that the country was suffering. In which it decided to try to get closer to the group, many of those agreements did not have the results that the government wanted, for the period 2002 - 2010 the group made a rapprochement with the group, but again the negotiations were interrupted, in which The armed forces of Colombia (FARC) said that they did not want to approach this government that they would wait for a new government to see if they would carry out new negotiations, for the period of 2012 with the arrival of former president Juan Manuel Santos, he publicly stated that there was rapprochement with the group that would begin negotiations in the following years, it is for them that on September 26 in the city of Cartagena with the presence of several presidents a symbolic ceremony was held with all the solemnities of the signing of the peace agreement, which was carried out between President Juan Manuel Santos and the head of the group Rodrigo Londoño, in which he considered that this violent stage that suffered The country came together with the group, in which many agreements were established. But in particular the guarantees in labor matters that are the object of this investigative project were established.

In which we address those labor guarantees that were raised in this agreement as labor guarantees, we have the following • Rural labor formalization and social protection: this guarantee was carried out by the government and the revolutionary armies of Colombia. To

emphasize these guarantees, we address the innovation that some women had in the department of La Guajira, in rural areas In which it was to present a project to strengthen the income capacities of displaced women and heads of household by raising laying hens for egg production, its main objective was to provide job alternatives and economic growth and increase opportunities for job

- The guarantee of social protection, Through a periodic economic benefit for workers in the field of retirement age and a subsidy for occupational hazards, proporcionar to individual savings accompanied by a subsidy from the State
- The promotion of the employment relationship of people with disabilities
- Strengthening the fixed labor inspection system and the creation of a mobile inspection system in rural areas that allows workers to duly demand their labor rights and properly process labor disputes.
- The creation of the mobile system seeks to implement a dynamic and programmed mechanism through which the Ministry of Labor takes the offer of services in Inspection, Surveillance and Control to the regions in which it is difficult to approach the community with emphasis on the sector rural.

As our research project we addressed some important antecedents to make references to our research project, we took into account the legal, historical, theoretical and conceptual references in which it was a very necessary material to carry out this project since we approached research that some universities did, We took into account those events that have arisen over time, and some legal norms that served as a reference for our research project entitled EFFECTIVENESS OF LABOR GUARANTEES ESTABLISHED FOR THE POST-CONFLICT PERIOD IN COLOMBIA FROM THE YEAR 2016.

Consequently, we developed some specific objectives in which of these we developed 3 chapters in which they were of great importance for our knowledge regarding the labor guarantees established in the peace agreement signed with the revolutionary armed forces of Colombia.

As the first chapter we have the LABOR GUARANTEES THAT WERE ESTABLISHED IN THE PEACE AGREEMENT WITH THE REVOLUTIONARY ARMED FORCES OF COLOMBIA.

From the peace agreement that ended the conflict between the government and the FARC, it is important to follow up on the peace agreements, and to inquire about all the most relevant information in the fulfillment of the peace agreement, but especially on labor matters. It is important to address the position of the Kroc Institute, in which in a third follow-up report, which cuts the accounts up to February 28 of this year, also indicates that 35 percent of the commitments have reached advanced levels of implementation and the 12 percent are expected to be fully implemented in the stipulated time. Within the explanation for these delays, the report highlights that in some cases of the few regulatory advances to expedite rural reform are due to “significant obstacles” or delays that prevented this type of regulatory implementation priorities from being met to this date.

- In any case, Kroc highlights, taking into account that the peace agreement's implementation schedule has been established for 15 years, “progress has been significant and shows the commitment of the agreement's signatories.

Background:

We address the different references that have been had through the effectiveness and labor guarantees that have been given in the signing of the peace agreement signed in 2016.

1. LEGAL REFERENCE: according to this reference, what we wanted to do was look for those regulations that are related according to our project

2. HISTORICAL REFERENCES: One of the events that has arisen during the peace agreement and the labor guarantees is the reincorporation of the ex-combatants

3. THEORETICAL REFERENCES: according to this reference we propose research that some universities have carried out according to our research project

4. CONCEPTUAL REFERENCES: by means of this reference, what was done was to choose 3 words that were identified with our research project.

EFFECTIVENESS: Effectiveness is the ability or faculty that a person has to achieve a goal or desired end.

LABOR GUARANTEES. It is a mechanism to ensure compliance with an obligation and thus protect the rights of any of the parties in a commercial or legal relationship.

POSTCONFLICT.

The Post-conflict is what comes after the peace with the FARC.

Objective:

Overall objective.

Analyze the effectiveness of the labor guarantees established for the post-conflict period in Colombia from 2016

Specific objectives.

- Identify the labor guarantees that were established in the peace agreement with the Revolutionary Armed Forces of Colombia. (FARC).
- Review reports, studies of compliance with the labor guarantees established in the peace agreement with the Revolutionary Armed Forces of Colombia.
- Interpret conceptions about the effectiveness of the labor guarantees that were established in the peace agreement with the Revolutionary Armed Forces of Colombia.

Materials and Methods:

As we took into account a variety of methods to approach our research project, the main material was to read the peace agreement that was signed in 2016 with the revolutionary

armed forces of Colombia, to look for some research that some universities had carried out regarding the labor guarantees that were established in the peace agreement, and we looked for authors who spoke about our research topic, finally a survey was carried out with knowledgeable people in order to know what they think regarding those labor guarantees, in which it was possible to Note that there were very few labor guarantees that were established in the peace agreement.

Results:

According to the results, we were able to obtain greater knowledge regarding those labor guarantees that were established in the peace agreement, since many connoisseurs of the subject contributed their point of view arguing their position. Some of these caught our attention what was raised by Veronica Tabares since this author gave a very important contribution since she states that in the peace process with the Farc it must have meant an opportunity, not only to silence the weapons and reduce the number victims of the armed conflict, but also so that civil society can exercise their rights with full guarantees. Tabares expresses something very important in which he made known to us that social organizations, specifically, represent an opportunity to rebuild and increase their possibilities of participation in the political and social life of the country. However, the implementation process today presents serious problems in meeting the commitments acquired.

Consequently, it is necessary to add that in the course of carrying out our project we obtained a lot of knowledge about these labor guarantees, in which we could notice that at the signing of the peace agreement there were very few labor guarantees that were raised. For this reason, we believe it is necessary for people to know a little more about everything related to these guarantees, thanks to our research project we obtained good results when addressing it.

Conclusions:

The conclusions that were reached in this research project I would like to address under two moments:

In the first moment. The guarantees that were established in the peace agreements, and especially those that were established in labor matters. That they are the object of this project, we consider that they were very few, and for which many more should have been established.

Under a second moment, in the course of these four years in which the peace accords were made, which put an end to the violence that the country suffered with the FARC. It is highlighted that there is only 35% compliance with the entire peace agreement, under the monitoring carried out in real time by the Kroc institute, we infer that the percentage of compliance with guarantees in labor matters is 23%, we must highlight that the government has not yet implemented or taken initiatives to begin to formalize rural labor. This is one of the main guarantees in labor matters that the government submitted to comply with and under our position we consider that 23% of compliance in labor matters is very insignificant. Knowing that the chronological time for the entire fulfillment of the agreement is 15 years. When we say that it is insignificant even knowing that there is a lot of time for the government to comply, we must emphasize that since the peace process began, many distractors did not see it as viable, I consider that by now there should be compliance so 45% minimums for the people who submitted to the peace agreement. They feel more secure with the agreement, the national government should give much more incentive to comply with the agreements. It could infer that the government should take initiatives and propose to the companies that they hire the people who submitted to the agreement, in which if they were adopted this would have a decrease in the tax burden, this would greatly help to ensure what was agreed and it would help to lower the unemployment rate and especially to avoid possible dissent.

KeyWords:

Effectiveness, guarantees, post-conflict

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