

**Colombia,**

**Labour Prospects**

**of Energy Transition**

**in Coal Mining**

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## **CNV Internationaal**

Strives to achieve social dialogue, youth employability, and labour rights in (international) supply chains. We focus on coal and metal mining, as well as oil palm, sugar, and textile industries, among other sectors. We dedicate ourselves to improve the position of workers around the world every day because we believe everyone has the right to 100% fair work.

We have been working for over 55 years with independent trade unions in Africa, Latin America and Southeast Asia to improve working conditions for workers in the formal and informal economies. We are the international development agency of the CNV, one of the two major union confederations in the Netherlands, and we work closely with trade unions in all the continents.

## **The Labour Observatory for a Just Transition**

Is a new tool developed by CNV Internationaal, aimed at contributing towards a low carbon emissions economy that includes all stakeholders and leaves no one behind. The Observatory is a centre specialised in issues of just energy transition in the coal supply chain. It is focussed in Northern Colombia and its mission is to disclose relevant information to be used as inputs for improving just transition processes for Colombian workers and to monitor progress

## **The Workers' Collective for a Just Transition**

Is made up of trade unionists of the coal mining industry (Sintracarbón, Sintramienergetica, Sintradrummond, Sintracerrejon, and Sintradem). Their aim is to design and propose the government and employers a clear roadmap that ensure the energy transition in the coal industry is a process that leaves no one behind.

# 0 Introduction

In recent years, the decarbonisation of the economy has gained momentum around the world as one of the main issues on the agendas of countries seeking to reduce the impact of global warming. As a result of this interest, international agreements have emerged, such as the Paris Agreement, to move towards an industry based on clean and renewable energies. Despite this, recent developments, the economic recovery after the COVID-19 pandemic, and the war in Ukraine, have delayed this process. The current demand can only be met using conventional fossil energy sources.

In the context of Colombia's energy transition, while coal is a fuel destined to be abandoned, it might not disappear any time soon. The Northern region's dependence on coal extraction along with the international demand for this fossil combustible is on the rise. The mining multinationals remain unwilling to open a dialogue with local communities and workers on a just transition. The Colombian government must take these factors into account when it takes its first step towards the end of the coal industry. For these reasons, coal mining in Colombia is more complex than one would expect in a territory where coal has caused poverty and damages to the environment, forcibly displacing communities and wildlife, but at the same time created thousands of jobs, thus becoming one of the region's main economic activities.

This paper is, first of all, a contribution from a labour perspective on the current situation Colombia is facing in order to build a just energy transition in the coal mining value chain. In this regard, it is worth mentioning the position of the current government and the current policy instruments for the transition, to contextualise the country's relationship with this fuel, its dependence, the behaviour in the market at international and national level, the consequences of a mine closure, the actions of multinationals in terms of decent work and the position of workers in the coal sector.

Secondly, this paper responds to a proactive need to present proposals by unionised workers who together have decided to join the Workers' Collective for a Just Transition in order to draft roadmaps and impact in a energy transition plan. This section aims to highlight how important it is for workers to be part in the design of energy transition plans, based on the successful experiences in other countries where workers have played a key role in such policies. Later, the main ideas developed by the Workers' Collective after a year and a half of joint efforts, are presented.

The mining workers' movement is concerned about the way the transition will be handled, whether the workers' voices will be heard and how the social deficit in El Cesar, La Guajira and Magdalena will be settled and stop increasing and eventually paid off. regarding the accumulation of health issues and other consequences of the mining operation that will have a negative influence long after it has left the country. The trade unions that are part of the Workers' Collective for a Just Transition propose to establish a table for dialogue with mining companies and the government in order to discuss the decarbonising process and to define the role of workers of mining-energy sector in the discussions on the just transition plan.

Energy transition in coal mining is demanded in Colombia and on a global level, but it is a task that needs time, a national and regional planning to be agreed upon with the communities and the workers concerned, who, should a consensus not be reached, would suffer the adverse effects in the coal regions. The cost of the global energy transition cannot be the impoverishment of El Cesar, La Guajira and Magdalena.

# 1 Contextualisation

## 1.1. The current government

**Headed by President Gustavo Petro, the current government claims the transition must be fair and inclusive not only for companies, but also for communities and other stakeholders involved.**

The current Minister of Mines and Energy, Ms Irene Vélez, recognises the importance of the hydrocarbons industry for the country, inviting the sector to join the process for a fair, gradual and safe transition. The ministry has also pledged to work hand in hand with the private sector, trade unions, energy stakeholders and communities affected by the changes in order to define a roadmap towards decarbonising the economy.

Furthermore, the ministry has pointed out the potential of energy diversification, emphasising the development of pilot projects of green hydrogen generation in the country:

*'We will strengthen research, science and technology for our industrialisation and the use of all opportunities and resources available for the energy transition. Transition will be a fair, step-by-step, and social process in which communities will really be involved.'* (Vélez, 2022)

The government adopts a clear position on energy transition and takes workers, communities and the environment into account; however, the challenge remains imminent. Despite the new law on Energy transition (Law 2099, 2021), it focuses on diversifying the energy market, failing to mention the need for a fair transition, i.e., the need to repair the negative impact on employment caused to the labour market and make up for the environmental and social liabilities.

'The object of the present law is to modernise the current legal framework and dictate other provisions towards the energy transition; to revitalise the energy market through the use, development and promotion of non-conventional energy sources so as to reboot the economy, and in general, to establish rules to strengthen electric power and fuel gas public utilities.'

(Law 2099, 2021)

Among the relevant elements raised by Law 2099, the development of non-conventional energy sources, the declaration of public and social interest, the creation of the Non-Conventional Energy and Efficient Energy Management Fund (Fenoge) to promote projects for non-conventional energies, and tax incentives for those who invest in research and development of project in these energies (Soto L., 2021) are a couple worth mentioning.

Other issues to be considered by the government relate to environmental public policies, which, under previous governments, used to be rather obliging to foreign investments, as in the case of 'express environmental licenses'<sup>1</sup>—normally granted after 16 to 24 months, but after pressures by hydrocarbon investors, CONPES 3762 (2014) was issued, allowing the government to grant mining and oil projects an environmental license after 3 months:

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1. A term coined in the book "Por una Transición Amplia, Sostenible y Democrática" Heinrich Böll Foundation(2021) ['For a large, sustainable and democratic transition'] [available online: <https://co.boell.org/sites/default/files/2022-05/hb%20transicion-%20digital.pdf>]

Making environmental licensing more flexible and reducing the time required for environmental licensing had been an aspiration that extracting companies had been working towards since 2013. It became a reality in 2014, despite alarms raised by social organisations, environmental experts and communities, for whom environmental impacts studies are much more than a mere procedure to meet private interests. (Pardo et al., p. 30, 2021)

These "express environmental licenses" are still a challenge for the current government. The stipulated period for granting environmental licenses to extraction operations should be adjusted.

Moreover, the environmental and social impacts of projects approved from 2014 to this day should be studied carefully. And the importance of citizens' involvement in assessing the way such projects have been carried out so far should also be acknowledged.

Public policy paper CONPES 4075 (2012), drafted by previous governments, is another instrument to be carefully revised by the current government. The object of this policy paper was to reduce Colombia's greenhouse emissions by 51% as of 2030 by multiplying the existing capacity of non-conventional, renewable energy sources and articulating the action of 18 governmental entities, such as the Ministry of Labour.





Among the challenges identified in this paper is the lack of labour training courses offered in non-conventional energy sources, which makes it difficult to relocate workers in energy industries such as the production of hydrogen and non-conventional renewable energies. 'Decarbonising our economy requires new knowledge and abilities that our country's labour market is currently unable to supply' (Ministry of Mines and Energy, 2021, quoted in CONPES, 2022).

'The Ministry of Labour, with the support of the Ministry of Education, the Ministry of Commerce, Industry and Tourism, and the Ministry of Mines and Energy, shall between 2023-2025, consolidate the workforce's qualifications designed for non-conventional, renewable energies, energy efficiency, energy districts, sustainable transportation, hydrogen, and environmental clean-up and recovery.' (CONPES, 2022, p. 66).

As stated in the CONPES paper, in 2025-2028, the National Learning Service (SENA) will design training programmes focussed on human resources and development. Such programmes shall fulfil sectoral needs for non-conventional, renewable energies, energy efficiency, energy districts, sustainable transportation, hydrogen, and environmental clean-up and recovery, with a view to closing gaps in human capital (CONPES, 2022, p. 67).

Furthermore, the Ministry of Labour, the Ministry of Mines and Energy, and the SENA shall develop a pilot programme of labour transition for oil and mining industries. According to the CONPES paper, the transition policy would cost about 306,378 million pesos. However, the Ministry of Labour has a budget appropriation of 1.453 million pesos, and only 60 million pesos have been budgeted to the Ministry of Commerce, Industry and Tourism.

Issues like social dialogue, social protection and economic diversification are therefore left aside. The current government, based on the principles of dialogue and consultation, has to design a public policy for a fair energy transition, and to include, in the National Development Plan, a fair revision of the existing CONPES of energy transition, so that the benefits of the new, green economy go to the workers and communities of coal regions.



## 1.2. Regional economic dependence on coal<sup>2</sup>

Coal mining was introduced in northern Colombia about four decades ago as an enclave economy that replaced other existing manufacturing sectors in the region, such as traditional agriculture. In addition to the royalties and jobs generated after its implementation in the north of the country, this economy is also characterised by the promotion of other sectors, such as tourism and transport.

In La Guajira, 31% of the Cerrejón mine financial outflows are royalties paid to territorial entities. The imminent closure of mining operations would therefore have direct consequences on the departmental economy:

**'If coal mining contributions to the departmental economy is suddenly interrupted, there will be a tax crisis for La Guajira and the municipalities around the mine's areas of influence, which would have to be compensated with subsidies from the national government.'** (Martínez, p. 2, 2019)

Coal production in El Cesar accounts for 53% of the national yearly output (Barríos, 2018) and the department should receive 475 million pesos in 2022 in royalties for mining operations (ACM, 2022).

However, according to Amarilys Llanos, member of Alianza Cesar Libre de Fracking, mining is not an adequate development proposal for the region because poverty is higher there than in other areas where mining is not practised<sup>3</sup>. Llanos asserts that Cesar and La Guajira are territories sacrificed to mining for reasons of "energy security".

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2. Ausencia de una transición justa: La minería de carbón en el norte de Colombia. (s.f).  
['Lack of a Just Transition: coal mining in Northern Colombia']  
Retrieved from: <https://justtransition.cnvinternationaal.nl/es/implementacion/ausencia-de-una-transicion-justa-la-mineria-de-carbon-en-el-norte-de-colombia>

3. Accidental Committee on Coal Mining on the Colombian Caribbean. (November 19, 2021). Public Hearing: ¿Un César más allá del carbón? Balance histórico de la mega minería y los desafíos de una transición participativa y justa. ['A future for El César after coal? Historic balance of megamining and challenges for a participative and just transition].

This is mainly because northern Colombia has had to undergo land-use planning in favour of mining, which has led to the diversion of aquifers, the loss of agricultural activities and the subjugation of communities to resettlement agreements. It has also led to social, economic, environmental and health problems.

**In addition, there is a strong historical relationship between the armed conflict and mining activity on Colombian territory. Due to dynamics such as displacement and land expropriation by illegal armed groups (Moor & Sandt, 2014), some multinational mining companies have indirectly benefited from the acquisition of these lands for the coal extraction.**

Miners' labour rights are violated on a regular basis: long, exhausting working days, health problems, limitations of trade union freedom. These have become daily realities in the mining corridor. In the current context of mine closures and massive layoffs by Prodeco (a subsidiary of the Swiss multinational Glencore), workers are the most affected stakeholders, for whom coal mining companies should take responsibility.

Nevertheless, an abrupt closure of mines would only generate more instability and increase extreme poverty in the region, since most of the region's workforce is employed by the mining companies. However, some experts believe the exploitation of this fossil fuel no longer generates the expected profits (García, 2022). Continuing this activity on the long run would therefore be counterproductive.



### 1.3. Coal in the international markets

International treaties for decarbonising the economy undoubtedly are a stimulus to stop using polluting energy sources like coal. In the wake of the COVID-19 pandemic, however, the world's economic recovery has been based on traditional energy sources. On the one hand, renewable energies have not yet reached cost-effectiveness to fulfil the demand for energy; on the other hand, a genuine energy transition requires higher GDPs in order to have enough resources to invest in energy sources diversification.

In April 2002, Professor Mario Valencia, economic analyst and University Professor, states in a report on the current and future prospective for coal in Colombia, asserted:

**'Practically the whole world has increased coal consumption in recent years and this trend is expected to continue until at least 2024; after reaching a peak, coal consumption should begin decreasing, pursuant to commitments regarding climate change.'**  
(Valencia, 2022, p. 4)

Furthermore, geopolitical issues, e.g. the Russia-Ukraine war, have also contributed to a higher international demand for coal.

This economic black swan brings with it a rise in the cost of this fuel, which means coal mining companies will most likely continue operating for international markets.

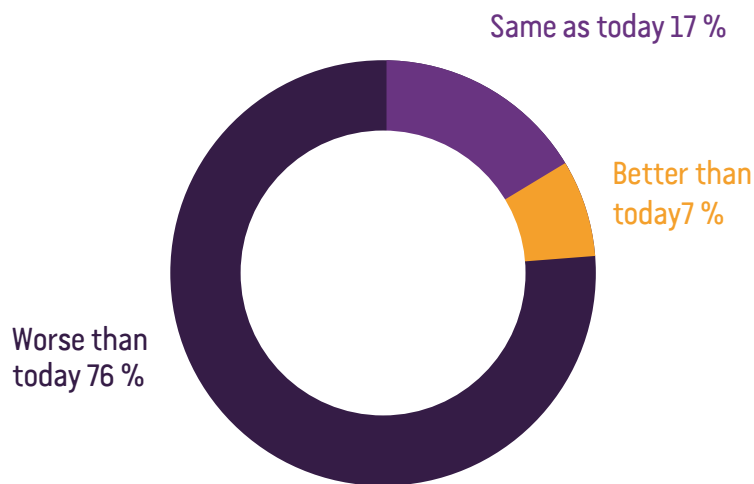
According to the International Energy Agency, Europe may need up to 50 million metric tons of coal in order to close the gaps Russia's blockade is causing (Kemp, 2022). According to Fraunhofer ISE data, European power plants burned about 51% more sedimentary rock than a year ago (2021). The increase has coincided with a decline in gas demand. Meanwhile, Colombia has an annual production of around 54,3 million metric tons of coal.

### 1.4. Prospects on the national coal market

Coal production in Colombia is said to have dropped by 34 million tons during the Covid-19 pandemic (Caparroso, 2022). In addition, Prodeco (a Glencore subsidiary) has given up its mining rights for La Jagua and Calenturitas mining sites, which led to a reduction of 19 million tons in coal production (Valencia, 2022).

Prodeco's decision impacted more than five thousand families in the northern region of Colombia (Attorneys Collective, 2021). Labour contracts were arbitrarily terminated - without warning the workers - thus wreaking havoc not only among the people affected, but also in the region's economy.

## What is your perception of the future of the region where you work?



Source: CNV Internationaal participatory digital monitoring database (2022)<sup>4</sup> survey: 128 workers of coal companies Carbones del Cerrejón, Drummond LTDA, and Prodeco answered questions.

This situation is not an optimistic prognosis for the territory. According to a participatory digital monitoring survey carried out this year by CNV Internationaal, 76% of surveyed workers think the future of the region is worse than today.

However, the need to revive the economy and the Ukraine conflict are green lights for Colombia's coal industry to grow again. After a 50% drop in 2020, foreign investments in the sector soared 131% in 2021 (Valencia, 2022, p. 8).

According to the Ministry of Mines and Energy, Colombia was the biggest coal producer in Latin America from 2012 to 2020, and the fifth largest exporter worldwide (Valencia, 2022). Similarly, the country has currently granted 1,156 coal mining titles, of which only 3% correspond to open-pit mining in El Cesar and La Guajira. Still, El Cesar accounts for 64% of the country's coal production (ANM, 2019), while coal mining is the main source of income for La Guajira's economy (Barrios, 2020).

Valencia's study shows that the international situation and the coal consumption in emerging markets of Southeast Asia are giving Colombia an opportunity to create jobs, attract investments and cash-in royalties. The country's coal exports in volumes are mainly transported to Turkey (7.2 million), the Netherlands (3.5 million), and China (3 million) (Valencia, 2022).

Rather than increase private shareholder's profits, the rise in coal prices should be an opportunity to finance the country's energy transition processes, providing incomes for social protection, economic diversification and labour conversion in El Cesar, La Guajira and Magdalena.

4. The participatory digital monitoring in mining is a CNV Internationaal project, the purpose of which is to know the situation, perceptions, opinions and knowledge of workers in the coal mining chain, regarding the company they work for and the fulfilment of their rights as employees. Surveys were carried out in Colombia, Peru and Ecuador.

## 1.5. Mine closures; gender-differentiated impacts

In terms of gender, the mining industry has also contributed to women's impoverishment, as stated by the CINEP (Centre for Investigation and People's Education):

“Mining contributes to the feminisation of poverty, expressed in the low number of women employed (in 2006, 19.8% of the workforce in mines were women). Women suffer precarious labour conditions, are subject to “typical” female jobs and are overloaded with care work. (Barón, 2013, p. 1)

Although it is not enough, some progress has been made by companies to fill the gender gap in relation to labour activities around coal mining.

In the case of Drummond, it was decided to carry out a study on gender equality within the company in order to identify opportunities for improvement, thus recognising that equality contributes to society's integral development and to economic growth (Semana, 2021).

Currently, the company has approximately 195 women directly employed, according to its last sustainability report, which corresponds to only 4% of the its entire workforce (Drummond, 2021).

As for Glencore, it is implementing a diversity and inclusion policy as well as an equal-opportunities policy, after committing to foster the role of women in mining (Glencore, 2021).

Finally, it is worth mentioning that Cerrejón is working towards a zero gender pay gap within the company (Cerrejón, 2022). But mining continues to be masculinised and the impacts of mine closures should also be analysed from a gender perspective, as these closures directly affect the supporting services that takes place around and inside mines. Food services inside mines, for instance, are outsourced and precarious; these outsourced workers are mainly women. For this reason, mine closures have a direct impact on them and their families.

A gendered-based approach to mine closures must be analysed and put on the table in the dialogue and consultation processes; it cannot continue to be an invisible issue, otherwise it will deepen further inequalities.

Knowing the number of women affected should be a first step before any closure, in order to assess the impacts and to figure out responses in the form of new jobs and training opportunities.

## 1.6. Coal mining multinationals' actions in the area of Decent Work – Labour Debt

While the current situation seems promising for the coal sector, concerns on the part of workers and trade union organisations are a constant that seems to have no turning point. Exhausting working hours, like the so-called “death shift” (CNV Internationaal, 2022), massive dismissals due to mine closures (CNV Internationaal, May 2022) and violations of labour rights against workers with union privileges, sick leave and pre-pensioners (CNV Internationaal, April 2022) are some of the abuses for which workers have had to resist and organise themselves to find solutions in the face of the lack of openness to dialogue.

For more than a year, labour conditions at the Cerrejón mine have deteriorated, especially by imposing the “death shift”, where workers are forced to work 240 hours per month (the Law in Colombia has specified a maximum of 192 hours per month), without adequate rest, and literally risking their lives. On top of that, the company has downsized its workforce by as much as 80%, according to workers.

The case of Prodeco also raises concerns. On 17 May 2022, the Ministry of Labour authorised the termination of 247 contracts (collective dismissal) of 644 submitted by the company after giving up its mining rights.



Even though the Ministry assured in the minutes that the company is not able to terminate the contracts of employees with a legal status, several workers with labour qualification pathologies denounced the termination of their contracts.

These massive dismissals are not at all justifiable because the company Glencore owns Cerrejón, which means this would entail a process of employer substitution, as the parent company would remain the same. That could imply a guarantee that Prodeco's workers will keep their jobs at Carbones el Cerrejón

In order to cut down labour costs, these companies are downgrading workers' benefits through outsourcing. This way they make sure workers do not join unions and, therefore, do not enjoy the conventional benefit packages, deteriorating labour conditions. And when energy transition occurs, outsourced workers will simply be left behind.



## 1.7. Coal workers' position

As a response, Sintramienergética, Sintracarbón, Sintracerrejón, Sintradrummond and Sintradem have decided to act in a unified manner by creating the Workers' Collective for a Just Transition. This is a space where workers can draft and propose roadmaps with the government and to employers, so that the transition leaves no one behind. Although they recognise the importance of a global decarbonising process, the workers know that, without them, the transition would be destined for social collapse; therefore, the workers' needs must be taken into account.

When the former government of Iván Duque and multinational corporations refused to listen to the workers, they launched actions at an international level, such as meeting with coal buyers' organisations. On 23 April 2021, they informed Bettercoal of the news about workers' problems at Prodeco, Cerrejón y Drummond facilities.





The workers sent Bettercoal a letter about Prodeco in which they raised their concerns on the restitution of mining titles and, in cases of mine closures, the management's lack of fairness.

**Among other issues, the following were raised:**

1) The company has offered three voluntary retirement plans in the form of bonds (one of them amounting to a worker's 12 months of basic wages) as ways to terminate the labour contracts. However, such plans are tantamount to scams and have no voluntary basis whatsoever. Workers are just offered money in exchange of relinquishing their rights. Workers were also warned that if they refuse, they would be fired without cause and only receive the dismissal compensation set by the law.

2) More than 70% of the workers who have had their contracts terminated have occupational diseases.

3) Despite the dismissals, the company is recruiting workers with lower wages, fixed-term contracts and, obviously, no conventional benefit packages. Short-term contract workers tend not to unionise for fear of not having their contracts renewed. (Workers' Collective for a Just Transition, p.2, 2021)

**The Workers' Collective for a Just Transition argued:**

Glencore should consider a different way out than giving up the mining titles, a solution less damaging for a country and a region that, for so many years, have given so much to the company. Selling or passing on the mining titles resorting to a legal substitution of employer, should be solutions to be considered by each company. (Workers' Collective for a Just Transition, p.2, 2021)

In Cerrejón's case, the workers mentioned the pathologies as a result of open-pit mining practices, shift changes and massive dismissals:

Therefore, the workers have warned:

1) The company has reduced its workforce by 80%.

2) After 20 years, a new shift pattern has been imposed, and will directly impact the workers' health due to fatigue and micro sleep. Despite a 91-day-long strike, no agreement has been reached so far.

3) The change of shift also impacts wages, that is to say, a regression of rights. Workers at Cerrejón now work 72 days a year for free, because the new shift pattern has added 6 working days per month, but with no wage adjustment.

4) On 23 February, the company has had 450 workers to resign from their work contract by means of a "mutually agreed contract" in which they were offered benefits that they had to accept or reject within two hours of the calls, and if they did not accept, the contract was terminated without just cause and unilaterally. (Workers' Collective for a Just Transition, p.3, 2021)

Open-pit mining causes many diseases that prevent most senior workers to enjoy their retirement benefits for more than three years. This is why it is important to insist to declare open-pit mining a high-risk professional activity, so that workers, and particularly gallery miners, can enjoy an earlier retirement. (Workers' Collective for a Just Transition, p.3, 2021)

In the Drummond case, workers denounced occupational diseases and the lack of freedom of association because the Sintradem trade union has been persecuted and harassed; its leaders have been fired and the number of outsourcing has increased.

Another international move was made in February 2022, when a request, to use the Declaration concerning Multinational Enterprises, was sent to the ILO's Enterprises Department, to have an honest dialogue between the workers and Prodeco. The request sought a facilitation space with ILO members for the promotion of good faith dialogue between workers and companies. However, the opportunity for dialogue continues to depend on the willingness of the company and there has been no response from Prodeco - Glencore to this request.

Later, members of the Workers' Collective for a Just Transition knocked on some doors and, with the support of IndustryALL and CNV Internationaal, they were able to attend the annual shareholders meeting of Glencore, in Switzerland in April 2022. Their intention was to meet representatives of the company and express the will of Colombian miners' trade unions to open a formal dialogue under the auspices of an ILO mediator, in order to reach an agreement on a closure plan regarding the reinstatement of workers at the Cerrejón mine, recently acquired by Glencore.

Despite the willingness of the union leaders, Glencore's response was that Prodeco had always been inclined to talk to workers, mentioning that Prodeco had even been involved in a dialogue with Sintramienergética and organised three meetings.

The truth is that there never was any inclination whatsoever to talk in good faith, to jointly discuss the needs of workers, some of whom would be dismissed without a chance of vocational retraining, while others would be left behind with pathologies that would prevent them to be hired again in a mine. (CNV Internationaal, August 2022)

Furthermore, in May 2022, CNV International, Sintracarbón and Sintracerrejón filed a complaint before the Single Entry Point of the European Commission (CNV Internationaal, May 2022). This is the first time a social and union organisation has used this possibility in order to denounce equal rights violations and discriminatory practices against outsourced workers by Glencore-Cerrejón in Colombia. Hopefully, the European Commission will issue a statement before the end of this year.

The Workers' Collective's efforts to tell the world what is happening in Colombia started as a first step in response to the authorities' refusal to open a dialogue. The former government of Iván Duque's designed an energy transition based only on the market, without any regard for the communities and workers who are the real driving forces of the country's economy. The Collective's hopes are pinned on the new government of Gustavo Petro. Initial talks have already taken place with representatives of the new government.





# 2. Workers are central to a just transition

## A. Best practices: international examples

An energy transition is a complex process that requires taking into consideration the historic, economic, environmental and cultural patterns of the country in which the industry has evolved. However, past experiences in different countries have been successful whenever governments have listened to workers who elaborated transition plans which considered the needs of communities and of those who had worked in mines for so many years.

The energy transition in the Netherlands is an example, where the first energy transition process took place in the late 1960s. There, the trade unions played a key role in accepting the closure of the mines only if the government secured alternative jobs for them. For their part, coal owners might have had an incentive to continue mining until marginal cost equalled revenue, but labour had to benefit from a subsidy, until profits evaporated.

Secondly, the re-industrialisation department was created in the Dutch State Mines directorate. This became a service institution for external investors, creating a project fund with easy access to finance (CNV Internationaal, 2021)

In Spain, where trade union influence gave rise to programmatic agreements seeking a transition to a cleaner and more sustainable economy, the transition has been carried out with social justice. Comisiones Obreras (CC.OO., a union confederation) and Unión General de Trabajadores (UGT, a national trade union) were decisively involved in both the National Strategy on Climate Change and the National Strategy on Energy Saving and Efficiency.

In turn, they also proposed measures for the technical and academic training of workers and union organisations on climate change and transformation plans that affected the workplace (CNV Internationaal, 2021).

Lessons learned from past experiences show that when workers are involved in drafting an energy transition plan, social dialogue, economic diversification and the state leadership are essential for the process to be successful.

The South African experience shows that other countries' investments can be crucial for developing countries to implement an energy transition plan according to their own context. Just as in the Netherlands and in Spain, workers in South Africa played a key role, especially to guide investments from the United States and the European Union.

In the field of energy policy, South African unions have struggled for a carbon reduction in the economy.

Although their priority was to solve the employment crisis and protect the environment, the unions also advocate for a just transition that is capable of reducing inequality in the country and that can protect workers' wages and social benefit as well as remedy environmental damages left by the coal industry (CNV Internationaal, 2022).

Canadian unions have been working on a fair transition law, arguing that 'unions must have more than an advisory role' (ITUC, 2022).



## Do you think that trade unions and workers should have a word in the economic future of departments?



Source: CNV Internationaal participatory digital monitoring database (2022) survey: 128 workers of coal companies Carbones del Cerrejón, Drummond LTDA, and Prodeco answered questions.

These figures not only represent the high awareness levels of workers on their importance in drafting a development plan for the region, they also represent the workers' political will and commitment to building a fair future.

Drawing lessons learned and best practices from other national and international experiences<sup>5</sup> will serve as inspiration to prepare ourselves in advance for challenges that will undeniably rise in the transition process.

This process will take time and an environmentally sustainable economy cannot be detrimental to SDG 1 on ending poverty; it cannot feed inequalities, nor can it go against ILO Convention 169 on previous consultation of indigenous and tribal peoples, as it is happening in La Guajira where windmills are being built, 'A business model based on compensation and bondage schemes' (Barney J. & González C., 2019) cannot happen again nor keep happening.

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5. Spain, Germany, the Netherlands, South Africa, New Zealand, Canada.

## B. The Collective's lines of action: recommendations and proposals for a just transition from a labour perspective

The Workers' Collective for a Just Transition has been preparing for more than a year for a horizontal dialogue with the government and employers to build a just energy transition agenda.

Based on the above, it has identified four lines of action to be considered from a labour perspective in order to foster energy transition in the mining corridor of El Cesar, La Guajira and Magdalena.

1. Social dialogue and trade union freedom
2. Social protection
3. Economic diversification
4. Vocational retraining

### B.1. Social dialogue and trade union freedom

Creation of the tripartite thematic sub-commission as part of the standing commission on wage and labour policies, on a Just Energy Transition of Coal Mining.

The Workers' Collective assumes the value of social dialogue in energy transition processes and the need for strong trade unions in such processes. Clearly, one of the major victims of mine closures could be the union movement, weakened by management decisions to outsource and downsize the workforce of certain companies.

According to the ILO (the Internationale Labour Organisation, the only tripartite UN agency), social dialogue is part of decent work, and includes:

"[...] any kind of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. Social dialogue is the best of ILO tool to promote better living and working conditions, as well as social justice.



The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability, and boost economic progress.

For this reason, the main proposal of the Workers' Collective for a Just Transition on realising its thematic action lines is to create a Tripartite Thematic Sub-commission on a 'just transition of coal mining', as part of the standing commission for wages and labour policies<sup>6</sup>, which is an institutional, constitutional tripartite space of dialogue in Colombia.

The standing commission is a tripartite space for social dialogue created by Article 56 of the Political Constitution of Colombia, which is responsible for promoting good relations between workers and employers, and to discuss wages and labour policies<sup>7</sup>.

At present, the standing commission depends on several thematic sub-committees of different topics: gender, public sector, conflict resolution, formalisation of the rural sector, labour migration, ILO Convention 169 implementation, productivity, international affairs (Ministry of Labour).



Considering Colombia's international commitments and the current government's policy for a just transition, it is necessary to open a formal, institutional space of dialogue, duly regulated through a Resolution by the Ministry of Labour, in order to address and draft a just transition policy from a labour perspective. The process must be tripartite and put labour stakeholders, i.e., workers, at the centre.

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6. Law 278, 1996.

7. Among the duties of the Standing Commission, Law 278 of 1996 (Article 2, paragraph e) states: 'To define, in a concerted manner, the labour policy by means of strategic plans on the following: the workforce's welfare; new forms of vocational training; jobs creation; production and productivity improvements; vital and mobile minimum remuneration in proportion to work quality and quantity; fair income redistribution; industrial reconversion and vocational retraining; workers' involvement in a company administration; universalisation of social security; guarantees to the rights of women, working minors, and other vulnerable workers, and guarantees to union rights; ...'

Among such sub-commission's duties, the Workers' Collective for a Just Transition propose the following:

1. To analyse and discuss the effects and proposals to be taken into account in the event of mine closures, transfer of mining titles or restitutions, viewed in light of other countries' experiences.
2. To act as a space of dialogue on labour issues in the mining sector in order to avoid further increase of the social deficit caused by the mining operation.
3. To elaborate in a joint diagnosis on the possible impacts of mine closures in El Cesar, La Guajira and Magdalena, in terms of employability and social protection.
4. To draft a joint policy for a just energy transition, sustained by strategic plans in favour of workers in the mining corridor of Northern Colombia, El Cesar, La Guajira and Magdalena.

As for the composition of the sub-commission, the Collective proposes the following members: the trade union confederations (CUT, CTC and CGT), the trade unions of the Workers' Collective for a Just Transition (Sintracarbón, Sintramienergetica, Sintracerrejón, Sintradrummond y Sintradem), the employers' associations, Glencore multinational, Prodeco, Carbones del Cerrejón, Drummond, the Ministry of Labour, the National Planning Department, the National Mining Agency, the Mines and Energy Ministry, the Environment Ministry and the SENA (National Learning Service).

The Collective also proposes to add permanent guests from the international community, such as the Dutch, German, Swiss embassies and the delegates of the European Union — countries where main coal energy companies and buyers come from. And finally, it has been suggested to invite the ILO and the World Bank to provide technical support in the just transition process from a labour perspective.

Such a space for dialogue needs to be formally established, with a specific agenda and planning, so to draft a just energy transition proposal for El Cesar, La Guajira and Magdalena, departments that, as mentioned earlier, largely depend on coal mining. In the dialogue, companies shall be transparent regarding their mine closure plans and how the labour debt of decent work will be paid off. Union freedom shall be respected.

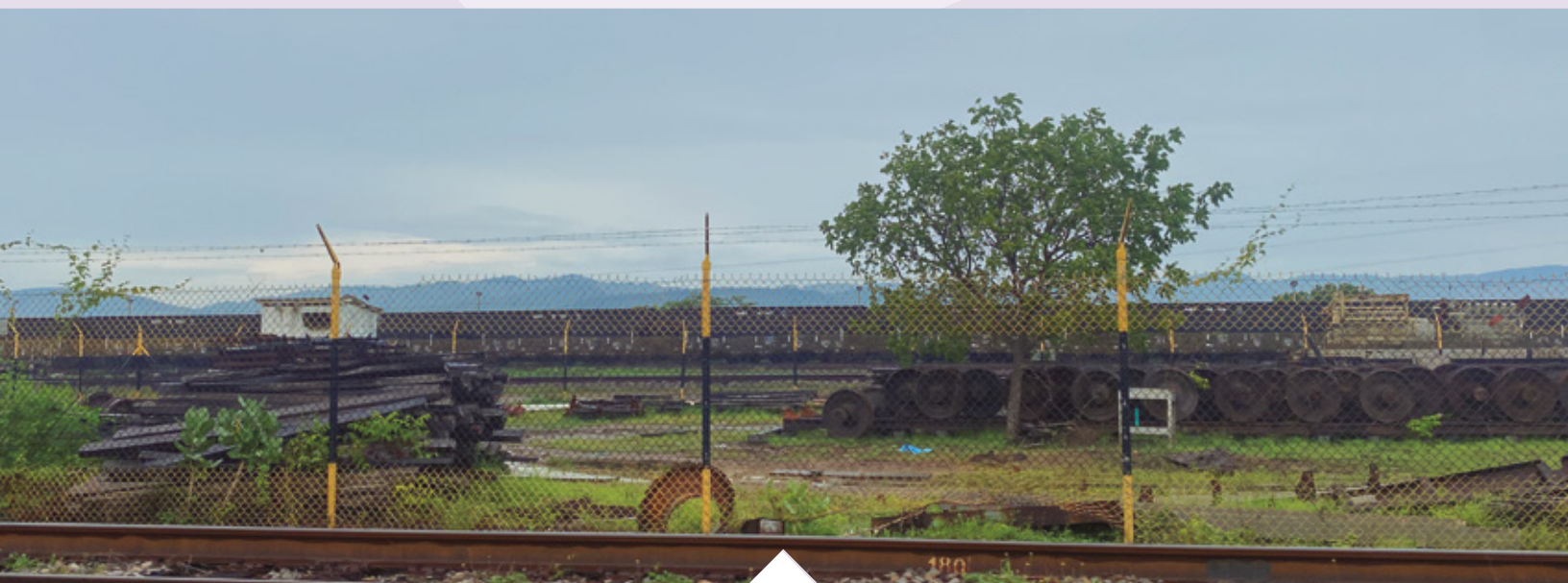
The ILO has stated that enabling conditions of social dialogue require the following: strong, independent workers' and employers' organisations with the technical capacity and the access to relevant information; political will and commitment on the part of all the parties; respect for the fundamental rights of freedom of association and collective bargaining, as well as an appropriate institutional support (ILO, 2022).

Today the state can play a decisive role by enabling a political environment of trust to allow for drafting proposals based on the workers' concerns about the energy transition and mine closures.

What happened when Prodeco (Glencore's subsidiary in Colombia) gave up its mining titles cannot be repeated: communities and workers appealing to constitutional judiciary instances, searching for protection of their fundamental rights like, inter alia, an access to transparent information, freedom of speech, previous consultation.

On that occasion, the Administrative Court of Valledupar Seventh District ordered Prodeco (which tried to challenge the sentence) and the Environmental Licensing Authority (ANLA) to convene all stakeholders in September 2022 at the latest to establish the environmental and social obligations pending before closure of the exploitation of the La Jagua de Ibirico de Calenturitas, after 25 years of operations (Administrative Tribunal of Valledupar, August 26, 2022).

The current situation allows for transparent dialogue to begin, with anticipation and in an orderly manner, so as to avoid increasing poverty and social instability in coal regions, and with respect to human and labour rights towards a truly just and sustainable energy transition. The labour perspective in the energy transition must be addressed, and this space for tripartite dialogue should be bound to drafting a joint labour policy, from the workers' point of view, for a fair energy transition of coal mining.





## B.2. Social Protection

Creation of a social protection fund for miners and working men and women who depend on the mining sector - Declaration of open-pit mining as a high-risk activity

Social protection is one of the pillars of decent work (ILO, 2015) and is fundamental in guaranteeing the well-being, dignity and rights of the older persons and their families. Losing a job has a direct impact on social protection, particularly on access to pensions.

In terms of pensions, members of the Workers' Collective have systematically demanded the right and access to an early pension, because open-pit mining must be considered a high-risk occupation<sup>8</sup>. The daily intake of coal dust throughout the working day has an impact on the health and life expectancy of workers in the sector. Maximising the benefits of decarbonisation must go along with minimising its possible negative impacts, especially in the field of social protection when jobs are lost.

A social protection fund should therefore be set up for miners and for men and women whose jobs depend on the mining sector. Hence the need for mapping the main economic activities surrounding mines, such as care jobs, and for a thorough survey of all direct and indirect jobs generated by the mining sector. The impacts of the transition among women should also be assessed.

'The coal industry is said to generate some 130,000 formal, direct jobs in the country, 30,000 of which at major mining sites in El Cesar and La Guajira. The sector also benefits indirectly almost half a million Colombians across the country, through productive entanglements, support to local industries and purchases of goods and services.' (Foundation 1 de mayo, p. 71, 2021).

Sick workers (who are the majority) will certainly have a hard time finding new jobs. This should be considered in the new social protection fund. Companies, once they close down, should have long-term insurance to guarantee possible litigation against them for liability for occupation diseases, recognising that the labour justice system is overburdened and that a liability litigation often takes more than five years.

8. More information on miners' diseases: Sintracarbón, Rosa Luxemburg Foundation, (2018, October). Carbón tóxico: Daños y riesgos a la salud de trabajadores mineros y población expuesta al carbón. [Toxic coal: health damages and hazards among coal-exposed miners and populations] PDF file in Spanish retrieved on : [https://censat.org/apc-aa-files/686468646b6c61736a6b6c646a61736b/frl\\_carbon\\_toxico\\_web\\_compressed.pdf](https://censat.org/apc-aa-files/686468646b6c61736a6b6c646a61736b/frl_carbon_toxico_web_compressed.pdf)



The new fund should also provide for a specific unemployment insurance to the sector's direct and indirect workers, with a two-year coverage.

This is because finding a new employment source will not be easy for whom have dedicated their lives to the extraction industry, to mining. The funds in the regions could be run by the social insurance funds.

Now, while open-pit mines are operating, employment should be guaranteed to workers in sites that have closed. This solution has worked well in Spain and could have been implemented in Colombia after the return of Prodeco's mining titles by Glencore multinational. A few months after giving up the titles, Glencore acquired the whole of Carbones del Cerrejón S.A.S.

On such cases, the multinational corporation should guarantee the employment stability, thus allowing workers to keep the same working relations under a substitution of employer<sup>9</sup>.

For the Workers' Collective, the new mining tenders in Colombia should include a sustainable development section to promote decent work and prioritise the hiring of nationals over foreigners. Tenders should also compel bidders to publish their policy in case of mine closure. These measures are aimed to preventing bidders from increasing the decent work gaps in the regions.

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9. Substantive Labour Code, Article 67: 'The substitution of employer is defined as any replacement of an employer by another one, for any reason, as long as the establishment keeps its identity, i.e., provided that no essential variation affects the establishment's activity or business.' So the sole substitution of employer cannot be the cause of any termination, suspension or modification of existing labour contracts.

### B.3. Economic diversification

Creation of a Fund for Economic Diversification, with special emphasis on green jobs generating decent work.

The environmental commitments of Colombia and the main coal buyers make energy transition inevitable, which means a different, low-carbon-emissions economy will be the main environmental course of action along with the country's energy sovereignty.

The departments of El Cesar, La Guajira and Magdalena depend largely on extractive industries. However, focussing on transition may give birth to:

'new demands for other extractive resources, especially minerals and metals that are essential to renewable energy technologies: batteries in electric vehicles, components of solar panels, (...) Renewable energies need lithium, cobalt, graphite, nickel, aluminium, gold, and copper' (Arond E. & Trujillo M., 2022).

This may be an alternative for the region, as the energy transition will increase the demand for such metals.

The fund for economic diversification should work with local, national and international stakeholders in fostering and supporting research and development as well as innovations in the departments of El Cesar, La Guajira and Magdalena, breaking the barriers of extractive dependence.

Support pilot projects for former workers of the mining sector and communities and their governing bodies. The economic diversification should take into account tourism and agriculture. Furthermore, projects related to clean energies should count on the economic involvement of communities and the support of former mining workers' associations and cooperatives.

Generating green jobs is a necessity and workers must be trained to such processes, in order to protect and restore ecosystems affected by coal mining operations. In the Collective's opinion, five UN agencies (ILO, UNIDO, UNDP, UNEP, and UNITAR) could provide support to local actions in this area.

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10. Green jobs are decent jobs that contribute to preserve or restore the environment, be they in traditional sectors such as manufacturing and construction, or in new, emerging green sectors such as renewable energy and energy efficiency. (ILO).

The Workers' Collective considers that, should the 10% tax on extraordinary coal exports be approved<sup>11</sup>, the incomes thus generated should help financing a JUST energy transition in favour of economic diversification and social protection.

11. The effective rate of such tax shall be proportional to the size of the positive price cycle and the extraordinary profit thus generated.

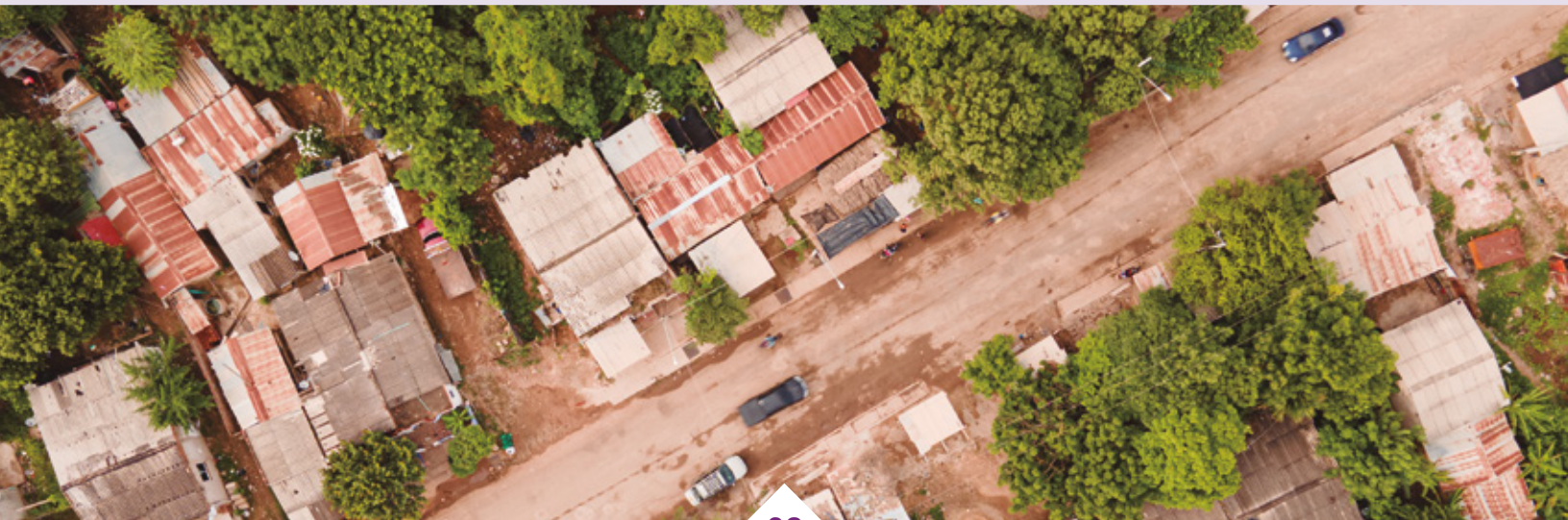
This tax is bound to affect only the part of the exports value deriving from an international price higher than the defined threshold. Tax Reform Draft, 2022

## B.4. Vocational retraining

Creation, in coordination with workers, of a strategic vocational retraining scheme according to future needs of supply and demand.

Most workers of the mining sector have built their life around mining. While some multinational corporations have signed collective bargaining agreements with provisions to finance further education, the truth is that due to today's work shifts this is almost impossible.

Vocational retraining and the creation of new labour competencies for a just transition require an active involvement of the National Learning Service (SENA) and the Ministry of Labour, in order to aim the educational offering to the vocational retraining of the workers of the mining sector. Incidentally, their current training, among other things, could be difficult to apply in other economic sectors. It is therefore necessary to analyse the workforce of the departments of the mining corridor, as well as the productive possibilities of the land.



Do you think that SENA educational offering in the departments of El Cesar, La Guajira and Magdalena should be coordinated directly with the regions' trade unions?



Source: CNV Internationaal participatory digital monitoring database (2022)  
survey: 128 workers of coal companies Carbones del Cerrejón, Drummond LTDA, and Prodeco answered questions.

According to the digital participatory monitoring carried out by CNV Internationaal, 96% of the workers surveyed think that the SENA should coordinate its educational offering in the departments of El Cesar, La Guajira and Magdalena directly with the region's trade unions.

We must begin now to prepare our workforce to the new demands for training, research and development, and innovations.

The Ministry of Labour should have its own strategy for the workforce transition, by listening to the workers and probing the skills they have or wish to develop. It should analyse the current and prospective labour market on a gender basis, with a view to ensure that men and women enjoy equal opportunities in the process. The National Learning Service should be involved and adjust its educational offering in order to generate the skills necessary to a just transition towards clean energies.



# 3

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