

# Fair Work Monitor

First annual report for the Latin  
American mining sector

**Diana Quiroz and Maria Paula Quiceno Mesa**

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## About this report

This report has been commissioned by CNV Internationaal to launch the first annual report of the Fair Work Monitor for the Latin American mining sector.

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## Authorship

This report was researched and written by Diana Quiroz with contributions by María Paula Quiceno Mesa (implementation of the digital survey, data analysis, and draft report review), Maurice van Beers (draft report review), Gianina Echevarria (draft report review), Ana Catalina Herrera (draft report review), Arnaldo Montero (draft report review), Luisa María Quinche Pardo (draft report review).

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## Summary

This document presents the first annual report of the CNV Internationaal Fair Work Monitor for the Latin American mining sector. The report is part of a series of investigations into the sector that CNV Internationaal, in collaboration with Profundo, has been conducting since 2022 on labour risks in the mining industries of Bolivia, Colombia, and Peru. The objective of this study was to capture the voice of the workers and assess the labour conditions and compliance with labour rights in the mining sector of the countries under study. The participatory digital monitoring for the Latin American mining sector included a sample of 367 mining workers, of whom 35 were employed in Bolivia, 129 in Colombia, and 203 in Peru. Data collection was carried out through the KoBoToolbox digital platform and its smartphone application, KoBoCollect, between May and July 2022. The surveyed workforce primarily consisted of individuals who identified themselves as male (97% or 355 of the respondents), with the remaining 11 being women and one person identifying as LGBTI+. Of the total surveyed workers, 79% were directly employed by the mining company, while the remaining 21% were subcontracted or outsourced.

Based on the results, it was observed that the employment contract was the most common type of contract among the surveyed workers, although there were differences by gender and country. In comparison to women, men more frequently had an employment contract, and the percentage of workers with employment contracts varied slightly among the three surveyed countries, being higher in Bolivia and lower in Peru. In Peru, more than 66% of the surveyed workers did not receive a copy of their employment contract, and half of all surveyed workers faced this issue.

This study found that 4% of the surveyed workers received a salary below the national minimum wage. It is noteworthy that the workers who reported receiving a salary below the minimum wage were Peruvian and Bolivian. Additionally, 14% of the workers stated that they received a salary lower than the decent wage benchmark in their respective countries. In this context, 20% of the surveyed workers in Peru and 6% of the workers in Colombia indicated receiving a salary below the national living wage. It is important to highlight that the fact that the majority of the workers indicated that their salary was above the living wage benchmark is not necessarily an indicator of financial solvency. In this context, more than half of the surveyed workers reported that their financial situation had worsened in the three months prior to the survey.

The results regarding freedom of association and trade union freedom depict a mixed picture. On one hand, the vast majority of surveyed companies have a union presence, and most surveyed workers consider it important to have unions in their workplaces. By contrast, there were instances of union-busting actions within these companies, particularly involving unjustified dismissals and efforts to discourage union membership. These actions were reported by nearly four-thirds of the surveyed workers, with Colombia and Peru having the highest incidences of union busting. Although 90% of the workers mentioned the existence of a collective bargaining agreement (CBA) in their company, two-thirds stated that the company did not comply with what was stipulated in the agreement, and the perception of the company's compliance with the agreement was not very different between direct and outsourced workers.

This study revealed that two-thirds of the surveyed workers frequently engaged in overtime work, with half of them doing so due to company requirements, while the other half did it to meet their financial needs. Concerning child labour, the presence of minors and children under 14 years old was reported in the mines of Bolivia and Peru. Although the surveyed workers indicated that these minors were in the mines accompanying their parents.

The majority of the surveyed workers were affiliated with a trade union, revealing some positive trends, such as the predominant presence of CBAs and the existence and utilisation of grievance and consultation mechanisms. These results are overshadowed by negative trends, such as an employer-worker relationship that, from the perspective of the surveyed workers, is deteriorating. However, the results also indicate that, despite labour union efforts opening up dialogues, unions still do not fully represent the opinions of all workers, even within the same company, due to the low rate of unionisation in Latin America.

Regarding gender equality, the data suggests a low participation of women in the mining sector in Bolivia, Colombia, and Peru, as well as in their trade unions. Furthermore, the results indicate a gender inequality situation, with nearly a third of the surveyed female workers and the LGBTI+ respondent reporting having been victims of gender-based discrimination and workplace harassment. By contrast, there were few reports of differential hiring based on gender, although it was found that, among the surveyed female workers, employment contracts were less common than among their male counterparts. Similarly, it was found that women and LGBTI+ person worked more overtime hours than men.

In summary, the study's findings highlight the vulnerability of workers in the mining sector and underscore the utmost importance of safeguarding workers' rights, particularly in a context of increasing mineral demand, such as that driven by the energy transition. It is anticipated that CNV Internationaal's participatory digital monitoring in the coming years will be able to confirm pertinent trends for all stakeholders involved in the mining sector of Bolivia, Colombia, and Peru, as well as for the countries sourcing minerals from this region.

## Abbreviations

<b>CBA</b>	Collective Bargaining Agreement
<b>ILO</b>	International Labour Organization
<b>ITUC</b>	International Trade Union Confederation
<b>PPE</b>	Personal Protective Equipment
<b>OSH</b>	Occupational Safety and Health



## Background

With the aim of placing greater emphasis on labour rights within international supply chains, CNV Internationaal has been focusing on international value chains such as sugar, palm oil, textiles, and mining since 2017. Since then, in collaboration with its global trade union counterparts, CNV Internationaal has conducted investigations into hidden risks and issues related to labour rights in these value chains. In this context, CNV Internationaal launched participatory digital monitoring in 2021, which constitutes an annual survey administered through digital tools to capture the voices of workers.<sup>1</sup>

CNV Internationaal's participatory digital monitoring results are made public through the Fair Work Monitor and the Labour Rights Observatory for a Just Transition. The latter constitutes an innovative platform that shares knowledge with investors, companies, and governments to promote due diligence and corporate responsibility in the critical mineral supply chain for the energy transition. Currently, the focus of the Labour Rights Observatory for a Just Transition is on coal mining in Colombia, but it will soon expand to encompass mineral mining in Peru and Bolivia.<sup>2</sup>

The Fair Work Monitor aims to address the increasing importance of monitoring and evaluating the application of workers' labour rights in critical production and supply chains. In this context, CNV Internationaal published the first annual report of the Fair Work Monitor for the sugar cane sector in 2022.<sup>3</sup> This document presents the first annual report for the Latin American mining sector and is part of a series of investigations into the sector that CNV Internationaal has been conducting in collaboration with Profundo over the past year. This includes a report on labour risks in the sector<sup>4</sup> and a study on health and safety risks in mining in Bolivia, Colombia, and Peru.<sup>5</sup>

The participatory digital monitoring for the mineral supply chain collected the opinions of Latin American mining sector workers for the first time through an online survey administered between March and July 2022. The survey was designed by CNV Internationaal's Latin America team and the regional coordination of the participatory monitoring. To identify issues of interest to trade unions in Bolivia, Colombia, and Peru, consultations were conducted with union leaders in these countries. These questions gathered data for Key Performance Indicators (KPIs) that will be used to monitor progress and setbacks in labour rights over the years, from the perspective of sector workers.

### Study objectives

The aim of the first annual report of the Fair Work Monitor for the Latin American mining sector is to listen to the voice of workers and assess the labour conditions and compliance with labour rights in the mining sector of Colombia, Peru, and Bolivia.

### Relevance of this study

This report constitutes first-hand information reported directly by the workers. It serves as a baseline for CNV Internationaal, allowing for the observation of future trends and the state of indicators. Additionally, the report aims to provide reliable information that will empower workers and union leaders in the respective countries to engage in informed discussions during negotiation processes in the context of the energy transition. Similarly, this report aims to enhance transparency within the sector by assessing companies' compliance across various segments of the supply chain concerning their obligation to protect workers' rights. In this context, the information presented here serves as an initial reference point that will be continually updated to monitor and analyse states and trends, whether positive or negative, throughout the years of sector monitoring.

The mining sector in Bolivia, Colombia, and Peru is a significant source of income, as it generates a substantial amount of foreign exchange and makes a significant contribution to economic growth. In these countries, mining contributed between 4% and 7.7% of the Gross Domestic Product (GDP) in 2021.<sup>6</sup> According to the Ministry of Energy and Mines of Peru, in the year 2021, mining production generated over US\$ 32 billion in exports and directly employed more than 246,000 people across the country.<sup>7</sup> In Bolivia, mining is also an important sector of the economy. According to a report from the Ministry of Mining and Metallurgy of Bolivia, in the year 2022, mining generated more than US\$ 6.2 billion in exports.<sup>8</sup> Furthermore, mining is one of the country's main sources of employment, directly employing around 140,000 people in 2017.<sup>9</sup> Similarly, in Colombia, mining generated US\$ 41 billion in 2021 and employed 350,000 direct workers in 2017.<sup>10</sup>

Despite its economic and employment significance, mining in Latin America operates within a context of increasing violations of labour rights. These violations encompass various issues, including long working hours, unsafe conditions, a lack of basic healthcare provisions, low wages, anti-union violence, child labour, discrimination, and racism.<sup>11</sup> Among those affected, women bear a significant burden, facing challenges such as inadequate use of protective equipment, difficulties in accessing maternity leave, or shorter working hours for breastfeeding due to production demands.<sup>12</sup> The participation of women in the labour market often results in extended working hours, as they must balance their paid employment with unpaid caregiving responsibilities. The COVID-19 pandemic has further exacerbated these challenges for Latin American women working in the sector.<sup>13</sup>

This document provides an initial overview of the labour conditions in Bolivia, Colombia, and Peru within the mining sector, collecting pertinent information based on the voices of workers throughout the various stages of mineral production in these countries. We take pride in presenting the inaugural report of the Fair Work Monitor for the mining sector in Bolivia, Colombia, and Peru. We acknowledge that this is just the beginning, and there is much to be done, both in expanding information and analysis in the future and in enhancing the methodology to ensure it is more robust and reliable. In this regard, we invite all readers of the report to share their observations and suggestions.

# 1

## Methodology

### 1.1 Data collection

The participatory digital monitoring for the Latin American mining sector included a sample of 367 mining workers, of which 35 were employed in Bolivia, 129 in Colombia, and 203 in Peru ([¡Error! No se encuentra el origen de la referencia.](#)). The surveyed Peruvian and Bolivian workers were employed in copper, lead, zinc, tin, gold, and silver mines, and the Bolivian workers were employed by private companies. In this project, only Colombian workers employed in coal mines were surveyed. These countries and mining operations were selected based on the importance of these supply chains for the energy transition, as well as the existence of CNV Internationaal union support programmes in these countries.

**Table 1 General information about surveyed workers**

Country	Nr. of companies included in the study	Nr. of surveyed workers			
		Men	Women	LGBTI+	Total
Bolivia	5	33	2		35
Colombia	4	121	7	1	129
Peru	5	201	2		203
<b>Total</b>	<b>14</b>	<b>355</b>	<b>11</b>	<b>1</b>	<b>367</b>

Data collection was conducted through the digital platform KoBoToolbox<sup>i</sup> and its smartphone application KoBoCollect between the months of May and July 2022. A cascading selection questionnaire with 123 basic questions was used for data collection. The questionnaire also included open-ended questions that allowed respondents to provide explanations and context for their responses.

The questionnaire was designed by the national coordinators and the participatory digital monitoring team of CNV Internationaal. To inform the survey design, the CNV Internationaal team conducted consultations with union leaders in Bolivia, Colombia, and Peru. In this context, questions of interest to unions and their workers were included. The questions were designed to collect baseline data for key performance indicators (KPIs), which will not only be used for this study and the online dashboard but also for the activities of local unions. The intention is for unions to rely on this data to engage in informed dialogues with their employers and thus improve their working conditions.

<sup>i</sup> <https://www.kobotoolbox.org/>

Union leaders and workers from 20 unions in 14 different companies participated in the implementation of participatory digital monitoring. With the support of these leaders, sampling was carried out using the snowball sampling approach, which is a non-probabilistic sampling technique where existing initial participants recruit other participants through their personal and professional networks, creating a sample that grows as more participants are added. This method is applied when seeking to access populations that are difficult to reach or when a complete population list is not available, as is the case with direct and outsourced workers in the Latin American mining sector.<sup>14</sup>

## 1.2 Presentation of results

This report uses as a reference framework two of the four pillars of the International Labour Organization's (ILO) Decent Work Programme: fundamental labour rights and social dialogue.<sup>15</sup> Regarding social dialogue, this report is based on the ILO's indicators, which include the rate of unionisation, the number of days not worked due to strikes and lockouts by economic activity, the coverage rate of collective bargaining agreements, anti-union actions, and the frequency of social dialogue activities such as consultation, negotiation, and information exchange between employers and workers.<sup>16</sup>

As for fundamental labour rights, this report focuses on indicators based on the relevant ILO conventions concerning freedom of association (C87) and the effective recognition of the right to collective bargaining (C98), living wages (C95 and C131), the elimination of the worst forms of child labour (C182), gender equality, including discrimination (in employment and occupation) (C111) and equal remuneration (C100), and the abolition of forced labour (C105).<sup>17</sup>

Through the participatory digital monitoring, data related to occupational safety and health (OSH) were also collected. Although these results have been separately published by CNV Internationaal and Profundo in a report exclusively focused on this dimension of labour rights in the context of the Latin American mining sector,<sup>18</sup> this report includes some aspects of OSH that impact other labour rights.

Similarly, the report is aligned with two instruments created to establish standards of accountability for multinational enterprises and to hold them accountable for human and labour rights: the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

Throughout the report, the obtained results are contextualised using the body of evidence regarding the state of labour rights in the sector, including the reports published by Profundo and CNV Internationaal in 2022 and 2023. The former focuses on labour risks in Latin American mineral supply chains, while the latter, as previously mentioned, is about occupational safety and health (OSH).<sup>19</sup> Other sources include fact sheets, analyses, and statistical reports published by trade unions, government agencies, civil society organisations, and the ILO.

## 1.3 Study limitations

This report collects data from a small yet highly diverse sample, which may have significant differences within its parts. Therefore, the results should be used with caution due to the possibility that the sample may not be statistically significant. Nevertheless, this report aims to be comprehensive, meaning it strives to cover all possible labour-related aspects concerning large-scale mining activity in the Latin American context. In this regard, the snowball sampling allows for a diverse sample of participants who provide perspectives typically not captured by studies focused on labour risks.

Similar to the first report from CNV Internationaal's Fair Work Monitor for the Latin American sugar sector, this first report for the mining sector in Bolivia, Colombia, and Peru aims to provide an initial snapshot of the labour situation in the sector, as voiced by the workers. Therefore, the information provided here will serve as a starting point that will be periodically updated to track both progress and setbacks in the sector during the monitoring years. Additionally, this information will be highly beneficial for enhancing sector transparency in terms of compliance with international standards, not only concerning due diligence but also to promote evidence-based social dialogue among employers and workers' perspectives.

# 2

## Characteristics of surveyed workers

**This section provides a brief overview of the surveyed workers' profiles, which will be further detailed throughout the report when referring to their survey responses. Therefore, it focuses on three aspects: general demographic information of the respondents, their job and workplace, and whether they identify as members of indigenous or Afro-descendant communities.**

### 2.1 Demographic profile of surveyed workers

The surveyed workforce is predominantly composed of individuals who self-identified as men (97% or 355 of the respondents); the remainder consists of 11 women and one person who identified as LGBTI+.

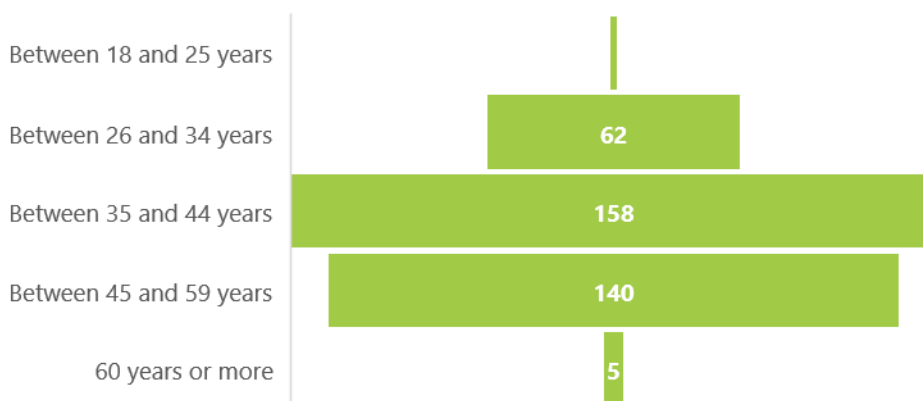
As for female participation in the survey, the number of surveyed women is below the percentage of women employed in the Latin American mining sector, estimated to be between 7 and 10% of the workforce.<sup>20</sup> It is worth noting that survey participants were enlisted by union leaders or unionised workers. While participants were not necessarily union members, it is undeniable that some proximity to the unions may have influenced the type of survey participants. Therefore, the fact that only 3% of the surveyed workers were women may actually reflect the still low participation of women in the labour movement, especially in the unions of the Latin American mining sector.<sup>21</sup>

While sexual orientation is different from gender identity, in this study, we have given surveyed workers the opportunity to indicate their affiliation with the LGBTI+ community. The inclusion of this category in the questionnaire arose from the suggestion of some participants in a pilot of the participatory digital monitoring conducted in 2022 by CNV Internationaal.

In some of the companies where the union counterparts of CNV Internationaal are present, self-organised groups of LGBTI+ workers have formed to discuss and raise awareness about the barriers faced by this community in accessing their right to a safe and discrimination-free workplace. By collecting disaggregated data by sexual orientation and gender identity, this study not only aims to support the self-recognition and visibility efforts of LGBTI+ workers but also responds to the call by the ILO to gather reliable and timely statistics on the situation of this community to understand the extent of workplace discrimination and its various forms.<sup>22</sup>

Regarding the age groups represented by the surveyed workers, the majority of workers were over 35 years old. In this context, 43% of them are between 35 and 44 years old, and 38% are between 45 and 59 years old (**¡Error! No se encuentra el origen de la referencia.**). When disaggregated by gender, 64% of the surveyed female workers are between 26 and 34 years old, while the remainder are between 35 and 44 years old. The self-identified LGBTI+ individual is between 35 and 44 years old. Although there are no up-to-date regional statistics on the age structure of the Latin American mining sector, available data for Peru and Colombia confirm our findings. In Peru, the largest group in 2020 was aged between 36 and 45 years old (36%). In contrast, the second-largest group (35%) was between 26 and 35 years old.<sup>23</sup> In Colombia, 60% of the workers employed in coal and gold mines were adults, and 30% were young.<sup>24</sup> Although the study documenting the age structure of the Colombian mining sector did not specify the age ranges that constitute adulthood, it is possible that these categories followed the guidelines of the Ministry of Health and Social Protection, which considers young people to be individuals between the ages of 14 and 26, and adults to be individuals between the ages of 27 and 59.<sup>25</sup>

**Figure 1** Age range of the surveyed population

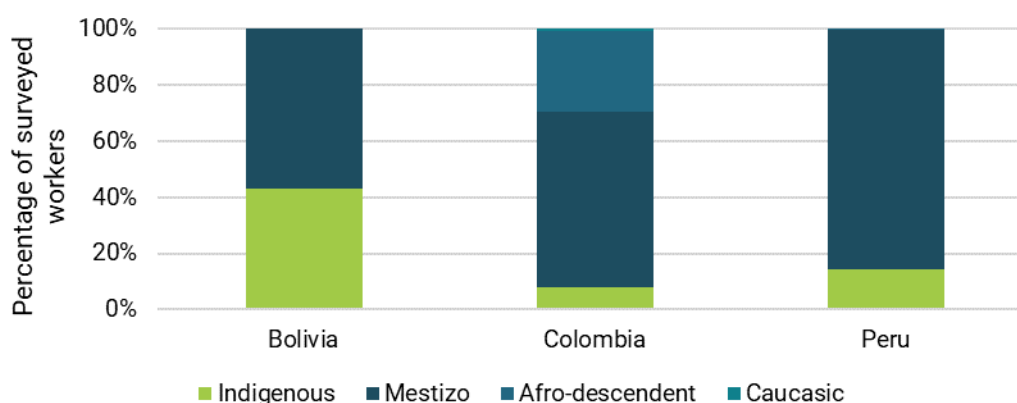


Question: Select the age range you belong to

### 2.1.1 Ethnic background

The digital survey also inquired about individuals' self-identification based on their ethnic identity. The majority of the surveyed workers (74%) self-identified as mestizo (meaning individuals with a mixture of indigenous and Caucasian ancestry). Approximately 15% identified as indigenous, 10% as Afro-descendant, and the rest as Caucasian (i.e., of European ancestry). When disaggregated by country, all self-identified Afro-descendant workers were employed in Colombia, while Bolivia had the highest number of individuals self-identifying as indigenous (**¡Error! No se encuentra el origen de la referencia.**). From a gender perspective, 27% of the surveyed female workers identified as indigenous, while the remaining 73% identified as mestizo. The LGBTI+ individual self-identified as Afro-descendant.

**Figure 2 Ethnic background of the surveyed workers by country**



Question: What ethnic group do you belong to?

## 2.2 Position and workplace

This survey characterised the mining production process in five stages: extraction, industrial processing or transformation, refining, transportation or hauling, and administration or services. In addition, respondents had the opportunity to mention other functions not covered in the survey questionnaire. Within the 'others' category, there are workers who perform maintenance tasks (carrying out preventive work in the mines), includes professional geologists (7 participants).

### Box 1. Stages of the mining production process

The **extraction** of minerals from the earth can be either open-pit or underground. Both underground and open-pit extraction begin with drilling, which requires prior analysis of the rock and subsequent drilling with a drill bit. The purpose of drilling is to create holes called drill holes in which explosives are placed to break the rock. The fragmented rock can be either ore or barren. Barren rock (which is rock with mineral content below the minimum concentration required for a deposit to be exploitable) is **hailed** to a barren material deposit. Ore rock is **transported** to the plant. The rock is loaded onto a heavy haul truck (also known as a mining truck) for hauling and transportation.

Once at the plant, the mineral undergoes various processes aimed at increasing its concentration (metal content). This stage is known as **industrial processing or transformation** and includes a wide variety of mineral treatment processes selected based on the characteristics of each mineral. There are two main processing methods: flotation, used for deep-seated sulfide minerals, and leaching, employed for surface oxide minerals. Once processing is complete, the mineral is ready for refining. **Refining** involves smelting and purification. Smelting is a pyrometallurgical process that separates metals contained in concentrates through high temperatures that melt the solid material, turning it into a liquid. Refining, the process of obtaining high-purity metals ready for use in industry, can be done through fire refining or electro-winning.

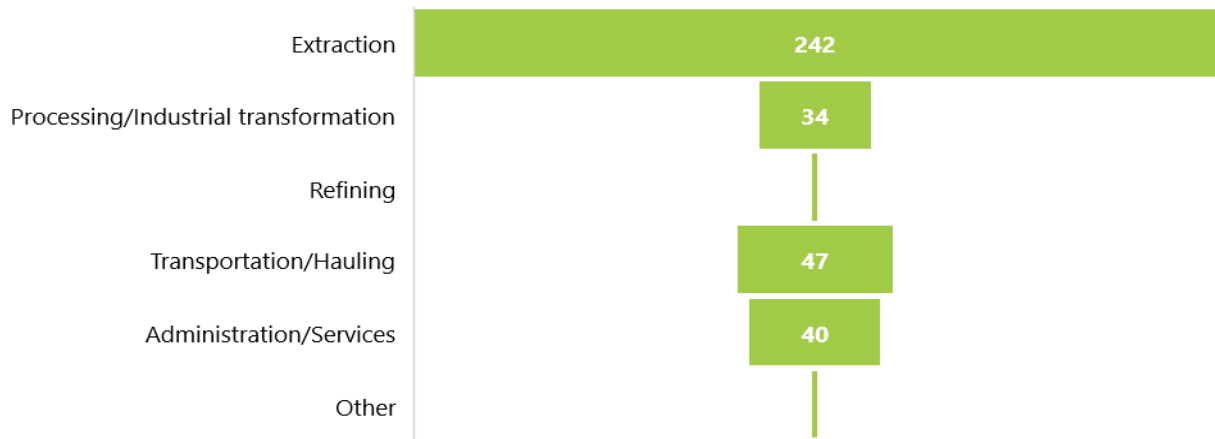
The **administration** process in mining operations includes functions such as planning, directing, and controlling processes and relies on human resource management. **Services** encompass support tasks ranging from machinery maintenance and medical care to cleaning and catering.

Source: Canfield, M. (2012, junio 7), *Etapas del Proceso Productivo de una Mina*. Curso de Minería para Periodistas, Santiago: SONAMI.

The majority of the respondents (66%) worked in the extraction stage. The second-largest group by job position was the transportation and haulage workforce, representing 13% of the surveyed workers. The group with the lowest representation was the refining segment, which had two respondents. Similarly, two workers who indicated belonging to the "other" group were involved in maintenance tasks (Figure 3). Broken down by gender, half of the surveyed female workers were involved in administrative tasks, while 27% worked in extraction, and 23% in the transformation stage. The LGBTI+ individual worked in the extraction segment.



**Figure 3** Stage of the production process in which survey respondents work



Question: What stage of the production process do you work in?

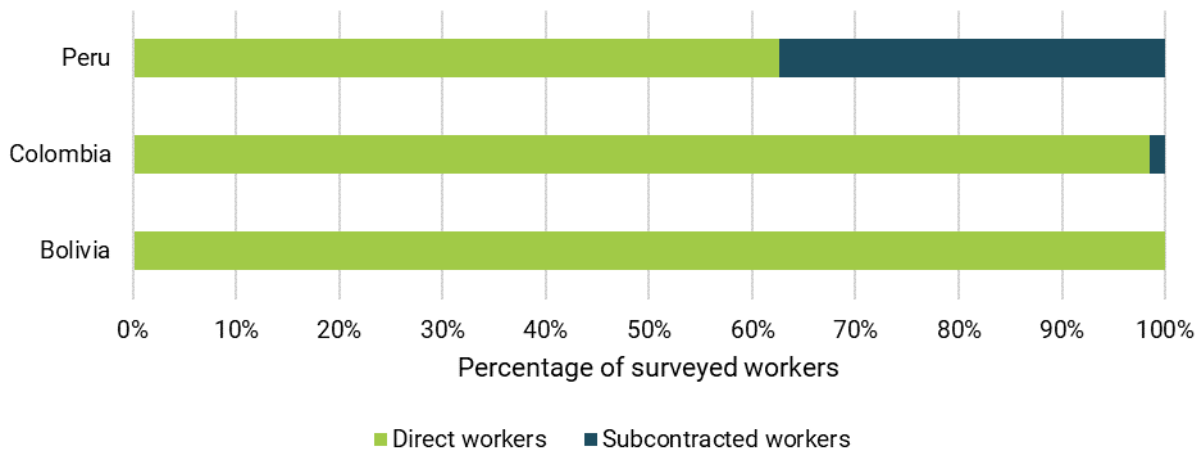
# 3

## Rights at work

### 3.1 Contracts and job security

Of the total surveyed workers, 79% were directly employed by the company, while the remaining 21% were subcontracted or outsourced. The highest number of subcontracted workers was found in Peru, where 37% of the surveyed workers were outsourced (Figure 4). Disaggregated by gender, 22% of men and 8% of women were outsourced workers. The LGBTI+ individual was directly employed by the company. It is worth noting that the number of subcontracted workers in Peru and Colombia reported in this study is representative of the sector. For example, in Peru's mining sector, approximately 72% of the workforce is outsourced.<sup>26</sup> In Colombia, it is estimated that there are three subcontracted workers for every direct worker.<sup>27</sup> In Bolivia, outsourcing is not permitted (and if necessary, can only occur under government supervision).<sup>28</sup>

Figure 4 Employment relationship with the company



Question: The company you work for is:

Regarding the intersection between employment status and ethnic origin, 35% of mestizo individuals were subcontracted, whereas 5% of Afrodescendants and 10% of indigenous people were subcontracted. Lastly, the numbers indicate that the lowest percentage of subcontracted workers can be found in the refining stage. In contrast, the highest percentage of subcontracted workers is in the extraction stage. (Table 2)

**Table 2 Share of subcontracted workers by stage of the production process**

Stage of the production process	% of subcontracted workers
Extraction	53
Processing/Industrial transformation	1
Refining	1
Transportation/Hauling	7
Administration/Services	16

Question: The company you work for is: / What stage of the production process do you work in?

The surveyed workers reported two types of employment contracts: labour contracts and service provision contracts, with the former being the most common (Figure 5). As explained in Box 2, the service provision contract does not imply an employment relationship between the contractor and the company. In this context, workers with a service provision contract are subcontracted or, when there is an intermediary company providing subcontracting services, they are outsourced. In this report, both terms (subcontracted and outsourced) are used interchangeably to refer to workers who were employed by an intermediary company. Against this background, it is noteworthy that employment contracts were more common among men, with 87% having this type of contract. By contrast, 64% of women had an employment contract. The LGBTI+ individual reported having an employment contract. Likewise, 84% of the surveyed workers in Peru had an employment contract, while 93% of workers in Colombia and 88% of workers in Bolivia had this type of contract.

**Figure 5 Type of employment contract of surveyed workers**



Question: What type of contract do you currently have with the company where you work?

### Box 2. Types of employment contract

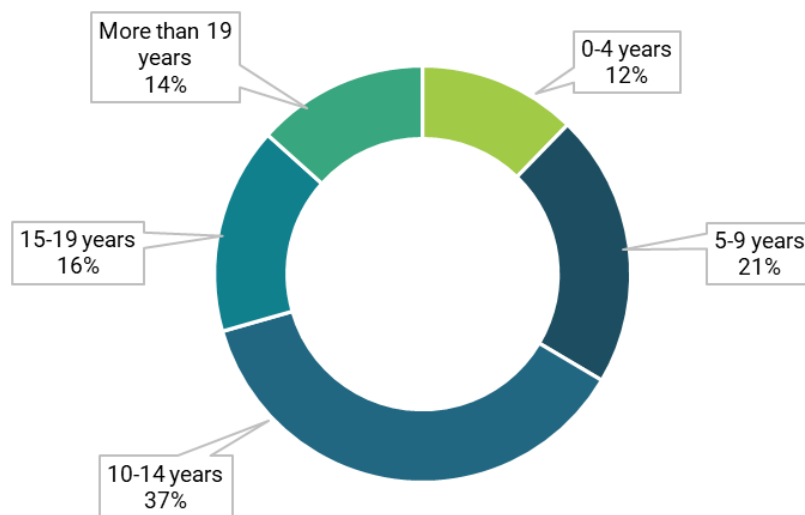
The **service contract** is established when a company hires a worker to carry out a specific project or task, and the worker provides their services as an independent contractor. In this type of contract, the worker does not have an employment relationship with the company but provides a service autonomously and is usually responsible for their own tax and social security obligations.

The **employment contract** is the most common type and is established when a company hires a worker to perform specific tasks as an employee. The employer is responsible for paying a salary to the worker and providing them with the corresponding legal benefits and protections. In this type of contract, the worker has formal employment and is protected by the applicable labour laws in their country. The employment contract can be permanent or fixed-term.

Source: Cornejo Vargas, C. (2011), Algunas Consideraciones sobre la Contratación Laboral, *Derecho & Sociedad*, 37: 138-150.

Regarding the seniority of the survey respondents in the company, more than one-third of them had been employed for 10 to 14 years. The least numerous group consisted of employees with four years of employment or less in the company (Figure 6).

Figure 6 Length of employment among surveyed workers



Question: How many years have you been working in your current company?

In many countries, labour laws stipulate that employers must provide workers with a copy of their employment contract at the time of hiring or within a specified period after employment begins. This document is important for workers because it outlines the terms and conditions of their employment, including the duration of the contract, salary, working hours, benefits, and more. If an employer fails to provide a copy of the employment contract to the worker, it can hinder the worker's understanding of their labour rights and obligations, making it more challenging for the worker to assert their rights in case of disputes or legal claims.<sup>29</sup> Against this backdrop, half of the surveyed workers reported not having received a copy of their employment contract (Figure 7). In this context, the highest rate of non-compliance with the duty to provide information by the employer was in Peru, with 71% of surveyed workers reporting that they did not have a copy of their contract. In contrast to Peru, 25% of surveyed workers in Colombia and 20% in Bolivia did not have a copy of their employment contract. These results are striking because, of the three countries, only Peru, through the Employment Promotion Law, stipulates the employer's obligation to provide the worker with a copy of the employment contract.<sup>30</sup>

**Figure 7 Employer's compliance with providing a copy of the contract to the worker**

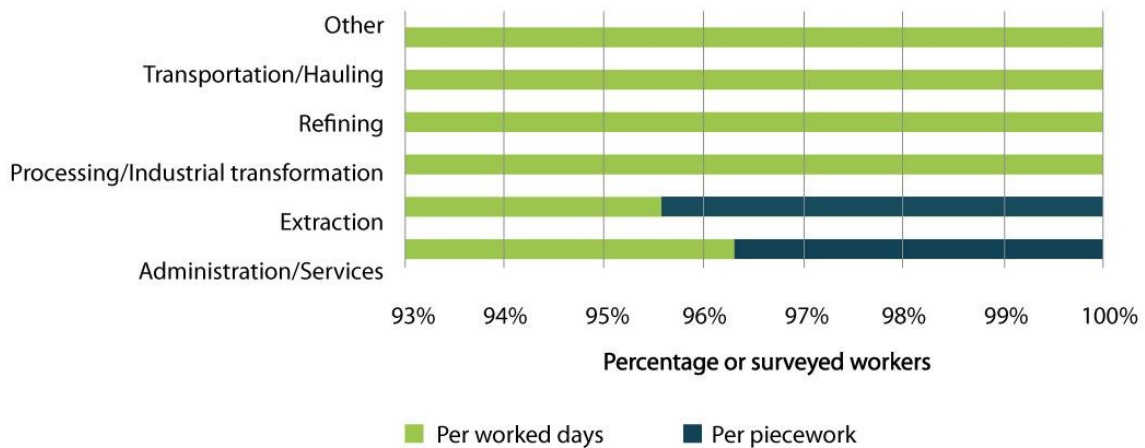


Question: Do you receive a copy of your employment contract?

### 3.2 Wages

Regarding the salary payment method, 96% of the surveyed workers reported receiving a wage for days worked. The remainder were paid by piecework, meaning they were paid for completed work. When broken down by stage of the production process, piecework payment was only reported among workers in the extraction and administration or services segments (**¡Error! No se encuentra el origen de la referencia.**). In this context, 53% of the workers stated they received their salary every fifteen days, while the remaining 47% reported receiving a monthly salary.

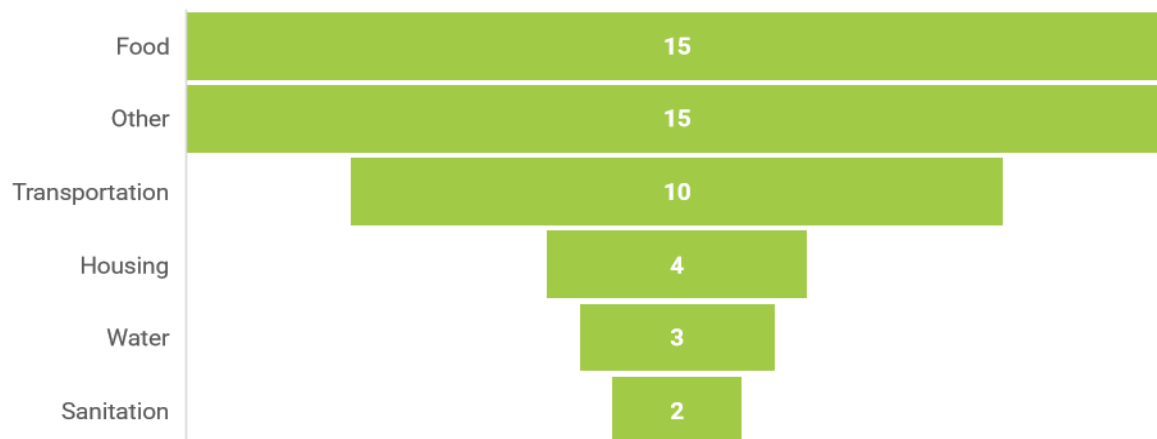
**Figure 8 Types of payment**



Question: At the company where you work, do they pay your salary:

Benefits are an essential part of an employment contract, as they are contributions that an employer is legally obliged to provide to employees in addition to the base salary. Employee benefits can include health insurance, sick days, life insurance, pension plans, but also housing, accommodation, and transportation. The importance of benefits lies in their contribution to improving the quality of life for employees and their families.<sup>31</sup> In this context, the surveyed workers were asked whether they could keep their entire salary or if they had to pay for services provided by the company. 91% of the workers said they could keep their entire salary. Among the services mentioned by workers who said they had to pay for services to the company (9%), the most common ones were food and other services such as health insurance, school loans, housing loans, and life insurance (**¡Error! No se encuentra el origen de la referencia.**). A Bolivian informant reported deductions for explosive materials.

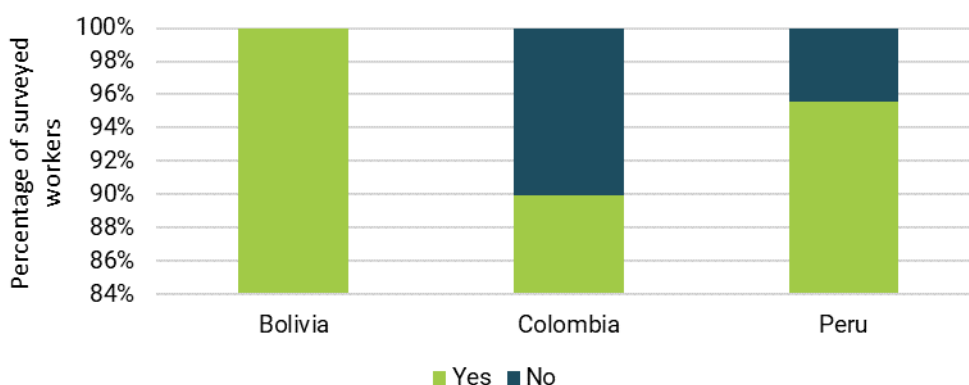
**Figure 9 Salary deductions**



Question: Regarding the salary you earn at the company where you work:

The surveyed workers were also asked if they had health insurance paid by their employer. 94% of them responded that they did have such insurance. Among the three countries, Bolivia was the only one where all surveyed workers reported having health insurance paid by the employer. This is because, in Bolivia, private mining companies are legally obligated to comply with short and long-term social security payments, and this study exclusively surveyed workers from such companies in Bolivia. In this context, the Vice Ministry of Mining Regulation and Supervision (VPMRF) estimated in 2020 that 100% of workers in large and medium-scale mining were insured.<sup>32</sup> Similar to Bolivia, in Colombia and Peru, the law establishes the employers' responsibility to contribute to their workers' health insurance.<sup>33</sup> Although the proportion of surveyed workers without health insurance paid by their employer was 10% in Colombia and less than 5% in Peru (**¡Error! No se encuentra el origen de la referencia.**), the fact that there are workers who reported not having insurance suggests that some employers may not be complying with their obligation to contribute to workers' health insurance, possibly constituting a labour violation.

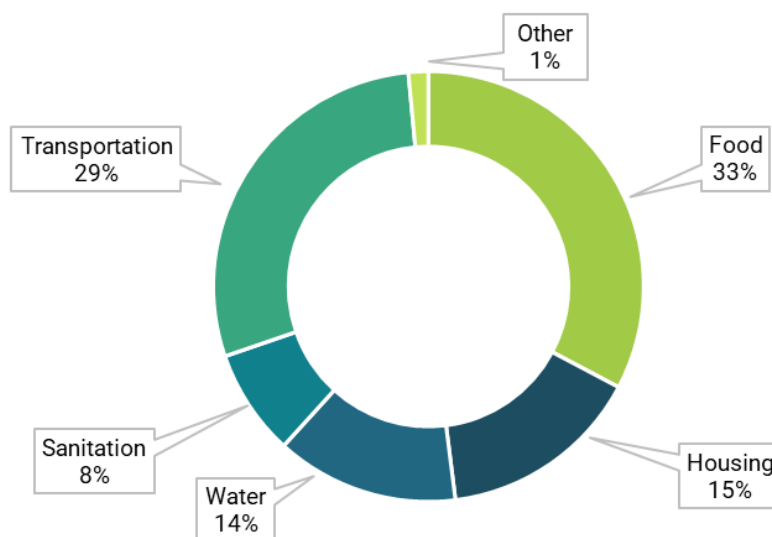
**Figure 10 Health insurance paid by the employer**



Question: Do you, as a worker, have Health Insurance paid by your employer?

Furthermore, the surveyed workers were asked about the provision of benefits by the employer, such as food, transportation, or housing. 53% reported that these were not included as part of their employment contract. Food and transportation were the two most frequently mentioned provisions by workers who indicated that these were included in their employment contract. Less common contributions included school supplies, education, and uniforms, which are grouped under the "other" category in Figure 11. When broken down by type of employment relationship, 77% of subcontracted workers stated that their salary did not include any type of benefits. By contrast, 50% of direct workers indicated that their salary did not include benefits.

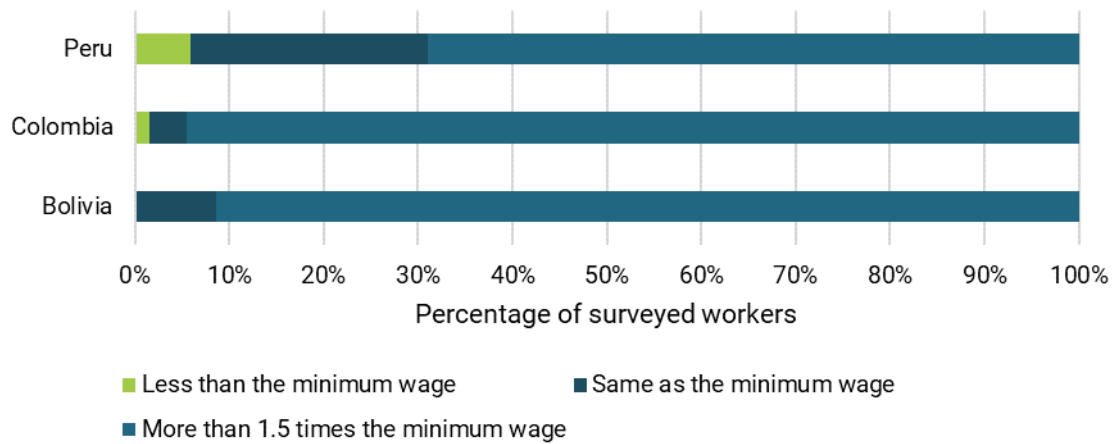
**Figure 11 Benefits provided by the company as part of the employment contract**



Question: What type of provisions?

Regarding the minimum wage, 4% of the respondents, all of them male Peruvian and Colombian workers, reported receiving a salary below the national minimum wage (**¡Error! No se encuentra el origen de la referencia.**). Disaggregated by stage of the production process, 82% of the workers who reported receiving a salary below the national minimum wage worked in the extraction segment, 9% in the refining or industrial transformation segment, and the remaining 9% in the administrative or service area. Additionally, 14% of the workers who indicated getting a salary below the national minimum wage were subcontracted. The LGBTI+ individual reported receiving a salary above the national minimum wage.

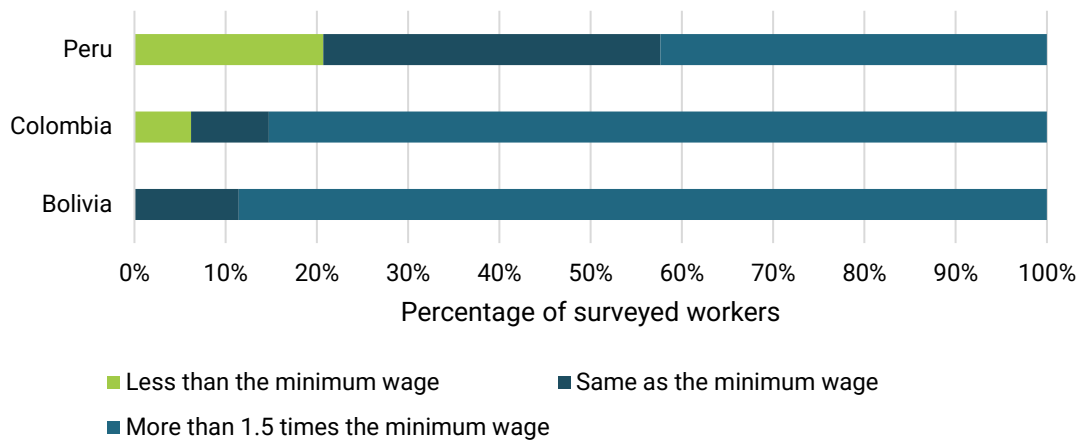
**Figure 12 Minimum wage**



Question: Regarding the MINIMUM wage in the country where you work, do you earn per month: [Consider the MINIMUM REFERENCE wage per country: Bolivia BS 2,164, Colombia: \$1,117,172.00, Peru: (Mining Industrial Minimum Wage: PEN 1,162,050)]

Regarding living wages, 13% of the respondents reported earning a salary below the living wage. Of the 50 workers who indicated receiving a salary below the living wage, 9 were subcontracted workers. Broken down by country, 20% of Peruvian workers and 6% of Colombian workers reported receiving a salary below the national living wage (Figure 13). By stage of the production process, 70% of the workers who reported receiving a salary below the national living wage were employed in the extraction segment. On the other hand, 2% of the workers who reported receiving salaries below the living wage were women. The LGBTI+ individual reported earning a salary above the living wage.

**Figure 13 Living wage**

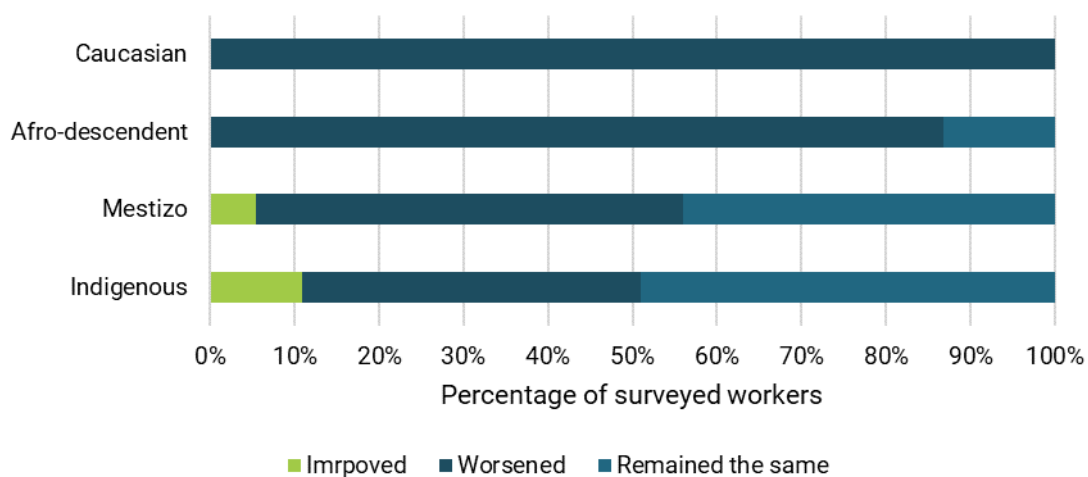


Question: Regarding the Decent Wage in the country where you work, how much do you earn per month? [Please consider the following Decent Wage REFERENCES by country: Bolivia (Applies National Minimum Wage) 2,164 Bolivianos, Colombia: \$1,717,518, Peru: US\$465 (PEN 1,582)]



The surveyed workers were asked if their economic situation had changed in the three months prior to the survey. 53% of them said their economic situation had worsened, while 41% said it remained the same, and 6% said it had improved. Notably, all the workers who indicated improvement were men. 36% of women stated that their situation had worsened, while 53% of men reported a deterioration in their economic situation. The LGBTI+ person mentioned that their economic situation remained the same. It is also noteworthy that the majority of workers who reported an improved economic situation identified as mestizo (Figure 14). Among subcontracted workers, 32% indicated that their economic situation had worsened, 59% said it remained the same, and 9% stated that it had improved. By country, 80% of Colombian workers reported a worsening economic situation, compared to 40% of Peruvian workers and 26% of Bolivian workers. These results can be explained in the context of rising inflation in Colombia, where the year-on-year inflation rate as of April 2022 was 9.23%,<sup>34</sup> while in Peru, year-on-year inflation up to April 2022 was 7.96%.<sup>35</sup> By contrast, year-on-year inflation in Bolivia as of April 2022 was 0.87%.<sup>36</sup>

**Figure 14** Changes in the economic situation of workers in the past three months



Question: Has your economic situation in the last three months: (Improved, Worsened, Remained the same)

### 3.3 Trade union freedom

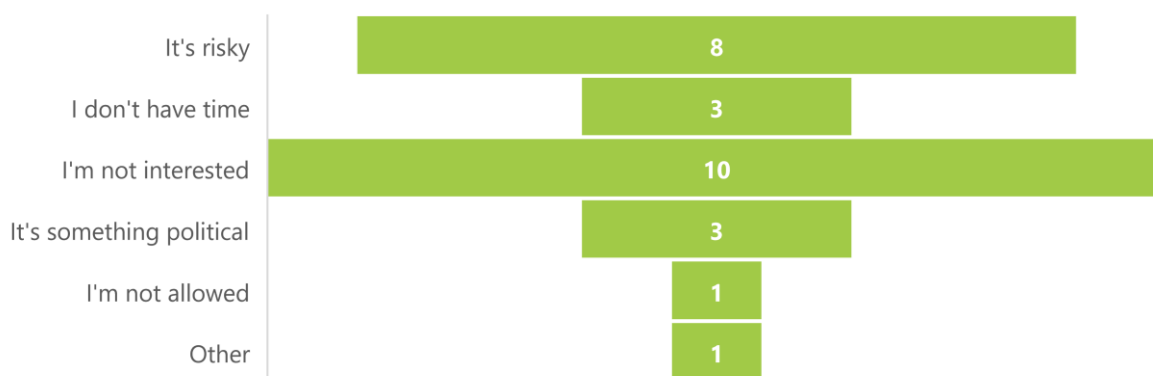
Ninety-nine percent of surveyed workers reported the presence of a union in the company where they worked. Among the workers who reported the presence of a union in their company, 95% were affiliated with the union. Bolivia was the only one of the three countries where 100% of the surveyed workers were unionised. In Colombia, union membership among surveyed workers was 99%, while in Peru, it was 92%. Two companies, one in Peru and one in Colombia, accounted for all the non-unionised workers. When disaggregated by gender, all the women were affiliated with a union. The LGBTI+ person was also unionised. In this context, 21% of surveyed workers who were unionised held a leadership position. Of these, 2 were women and one was an LGBTI+ person. One of these individuals was the union president, another was the secretary of complaints, and another was a delegate. In total, 21,601 workers were affiliated with one of the 35 unions in the 14 companies sampled in the three countries (Table 3). Since not all mining companies in Bolivia, Colombia, and Peru were covered in this study, the total number of unionised workers in the three countries may be even higher. However, the proportion of union members in the three countries is only a fraction of the total workforce, considering that the sector employs 140,000 workers in Bolivia, 350,000 in Colombia, and 247,195 in Peru.<sup>37</sup>

**Table 3 Information about unions in the surveyed companies**

Country	Company	Union	Nr. of men	Nr. of women	Total
Bolivia	Company 1	Union 1	400	1	401
		Union 2	390	25	415
	Company 2	Union 1	108	2	110
		Union 2	40	0	40
	Company 3	Union 1	187	2	189
	Company 4	Union 1	72	5	77
Company 5	Union 1	130	0	130	
Colombia	Company 1	Union 1	3,000	450	3,450
		Union 2	180	4	184
	Company 2	Union 1	85	5	90
		Union 2	90	8	98
		Union 3	5,000	1,000	6,000
	Company 3	Union 4	85	5	90
		Union 1	400	10	410
	Company 4	Union 2	120	125	245
		Union 1	350	200	550
	Peru	Company 1	Union 1	17	1
Union 2			1,000	0	1,000
Union 3			1,000	70	1,070
Union 4			1,000	1	1,001
Union 5			800	30	830
Union 6			1,000	1	1,001
Union 7			100	0	100
Union 8			1,000	1	1,001
Union 9			200	10	210
Company 2		Union 1	435	23	458
		Union 2	250	10	260
		Union 3	300	10	310
		Union 4	400	8	408
		Union 5	400	15	415
Company 3		Union 6	355	20	375
		Union 1	172	2	174
Company 4		Union 1	230	1	231
		Union 2	250	10	260
Company 5		Union 1	n/a	n/a	n/a
<b>Total</b>		<b>14</b>	<b>35</b>	<b>19,546</b>	<b>2,055</b>

The workers who were not unionised were asked about their reasons for not joining the union. The majority cited a lack of interest and the risks associated with union membership as the main reasons for not joining a union (**¡Error! No se encuentra el origen de la referencia.**). In this context, all the workers who considered union membership to be risky were from Peru, a country where, according to the International Trade Union Confederation (ITUC), workers' rights are systematically violated.<sup>38</sup> As for the opinion of the surveyed workers regarding the importance of unions' presence in companies, 99% of them found it important. The rest did not consider union presence in their company important because they believed that the company complied with current legislation, because they thought that unions called too many strikes, or because union leaders were offered better conditions. Among the workers who did not consider union presence in the company important, 40% were subcontracted.

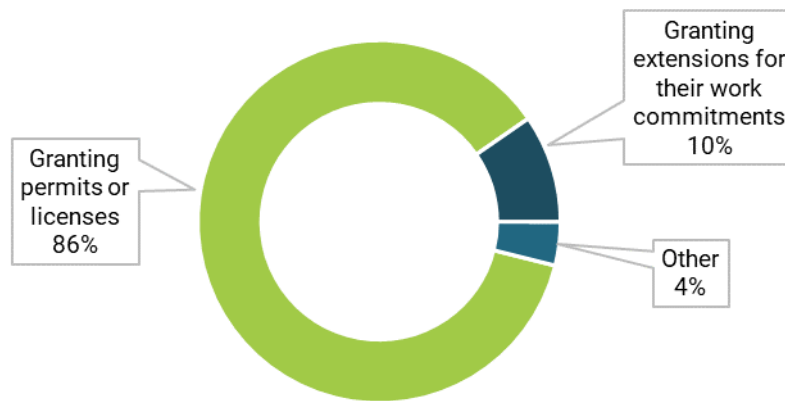
**Figure 15** Reasons not to join a union



Question: Reasons not to join

Regarding the employer's obligation to facilitate workers' activities during collective bargaining, 57% of the workers said that the company did comply with this obligation. However, 49% of the respondents in Bolivia, 41% in Peru, and 38% in Colombia stated that their company did not fulfill this obligation. Workers provided various reasons to explain the actions of their companies, with a common theme being that companies are not interested in or do not benefit from workers engaging in union activities. Other frequently mentioned reasons include companies having anti-union practices, not wanting to disrupt production, and having a poor relationship with the unions. Among the support provided by companies, the most notable are permits or leaves. Other types of support include logistical support, permissions to hold informational meetings, and committees (Figure 16). In contrast to the aforementioned support, 53% of the surveyed workers stated that the company did not provide a physical space for workers to carry out their tasks. Additionally, 52% said that the company did not offer facilities to the union to inform its members about their activities.

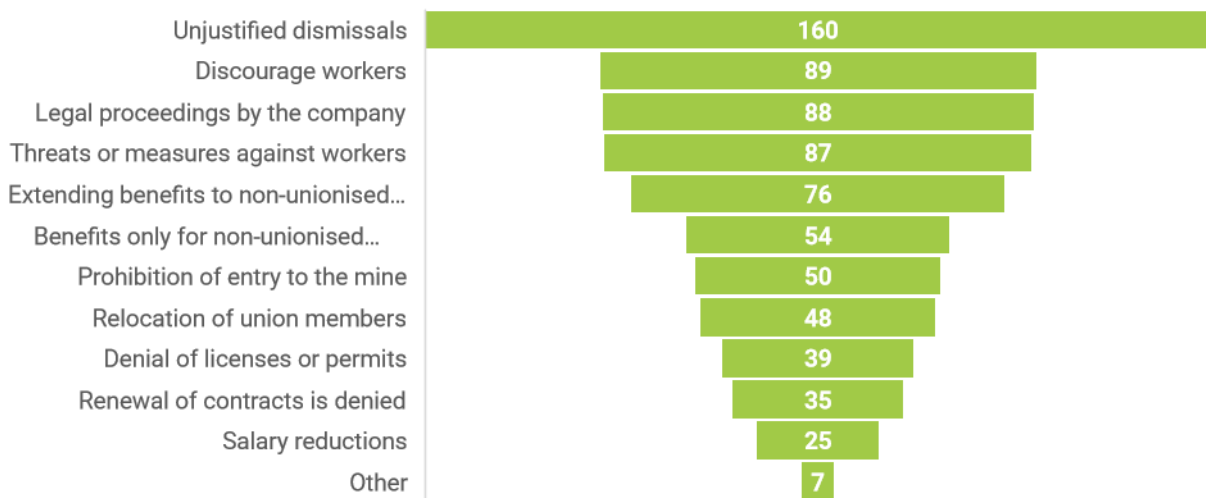
**Figure 16** Types of support provided by the companies for union activities



Question: What type of support?

78% of the workers reported having observed anti-union actions by the company in the last year. In this context, Peru was the country where the most union-busting actions were reported, with 81% of the workers in that country reporting these actions. By contrast, 79% of Colombian workers and 60% of Bolivian workers reported union-busting actions by their employers. These figures are in line with the reports from ITUC, which in 2022 ranked Colombia among the top 10 most dangerous countries for union activities, and considered Peru and Bolivia as countries where rights are not guaranteed and where rights are regularly violated, respectively.<sup>39</sup> Regarding the types of union-busting actions reported by the workers, unjustified dismissals, discouraging workers from joining unions, and legal proceedings initiated by the company, among others, stand out (0).

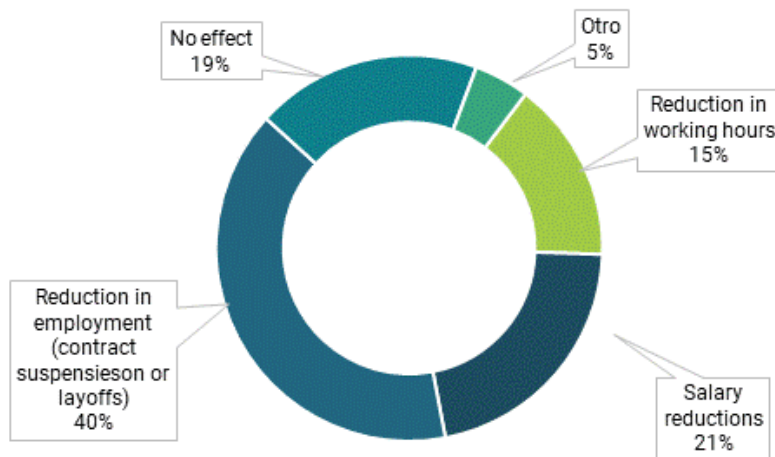
**Figure 17** Union-busting actions reported by surveyed workers



Question: What kind of union-busting actions?

Furthermore, 74% of the workers reported dismissals, forced resignations, and suspensions by the company citing the COVID-19 pandemic situation. In this context, 78% of Peruvian workers and 73% of Colombian workers reported these types of union-busting actions. By contrast, 17% of Bolivian workers reported dismissals, forced resignations, and suspensions by the company in the context of COVID-19. The surveyed workers were also asked if they had experienced any negative effects on their employment due to COVID-19. While 19% said they had not experienced any effects, the rest had suffered from reductions in their working hours to contract suspensions or dismissals (Figure 18). Reductions in working hours disproportionately affected subcontracted workers. In this context, 80% of the reductions in working hours occurred among these workers.

**Figure 18** Negative effects of COVID-19 on the work of surveyed workers

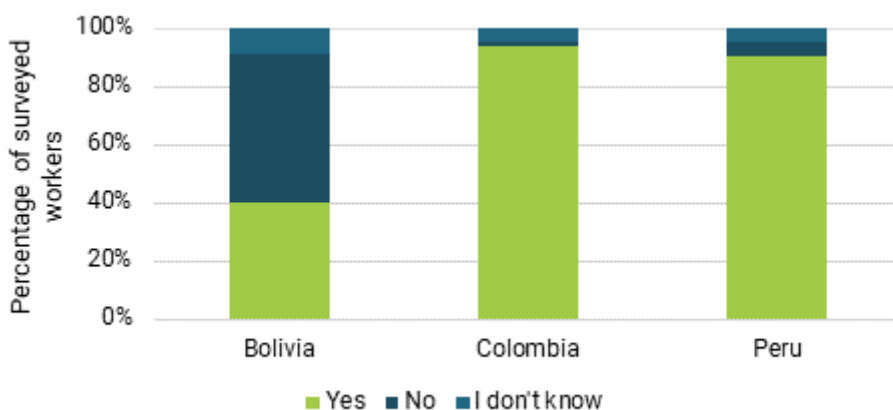


Question: In the course of your work, have you suffered any of the following negative effects caused by Covid-19?

### 3.4 Right to collective bargaining

87% of the respondents reported an existing collective bargaining agreement (CBA) in the company where they worked, 8% said that there was no CBA in force in their company, and 5% said they did not know. Broken down by country, Bolivia had the highest number of workers reporting the absence of a CBA in force (**¡Error! No se encuentra el origen de la referencia.**). Furthermore, 75% of the workers stated that they had access to the CBA. Regarding the scope of the agreement, workers were asked if it included specific gender-related issues. 39% of the respondents said yes, 41% said no, and 20% said they did not know.

**Figure 19** Existence of a bargaining collective agreement



Question: In the company where you work, is there a collective bargaining agreement?

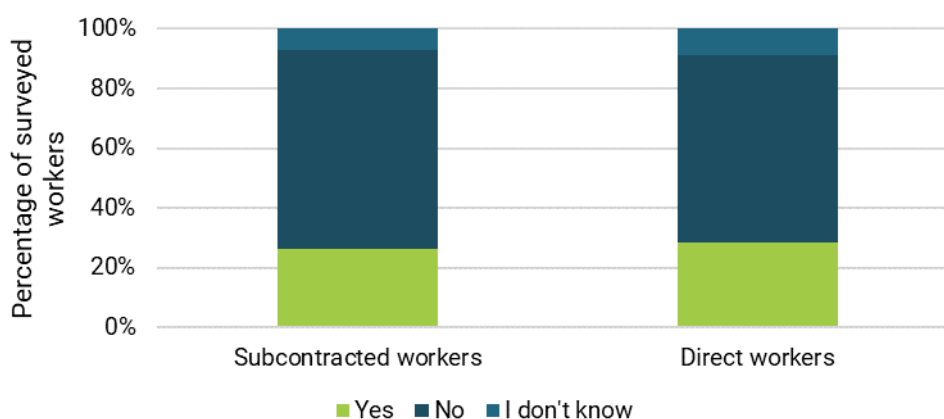
### Box 3. What is collective bargaining?

Collective bargaining is a **fundamental right** supported by the International Labour Organization. Through **social dialogue**, collective bargaining aims to establish agreements between employers, trade unions, and workers to ensure fair wages, appropriate working conditions, and good work relations. The objective of collective bargaining is to achieve a **collective bargaining agreement** that regulates employment conditions and the rights and responsibilities of the parties, promoting harmony and productivity in workplaces. In addition, inclusive collective bargaining and collective agreements contribute to reducing inequality and expanding labour protection.

Fuente: OIT (n.d.), "Negociación colectiva y relaciones laborales", online: <https://www.ilo.org/global/topics/collective-bargaining-labour-relations/lang-es/index.htm>, viewed in May 2023.

Among the respondents who reported the existence of a CBA in force in the company, 65% said that the company did not comply with this agreement. Broken down by country, 68% of Peruvian respondents and 65% of Colombian respondents said that the company did not comply with the CBA. By contrast, 14% of Bolivian workers believed that the company did not comply with the provisions of the CBA. It is worth noting that the perception of compliance with the agreement by the company was not significantly different between direct and subcontracted workers (Figure 20). The aspects of collective agreements that are most frequently not fulfilled include negotiated benefits with the union (other benefits), payment of agreed bonuses, negotiated salary increases, and agreed union leave.

Figure 20 Companies' compliance with CBAs

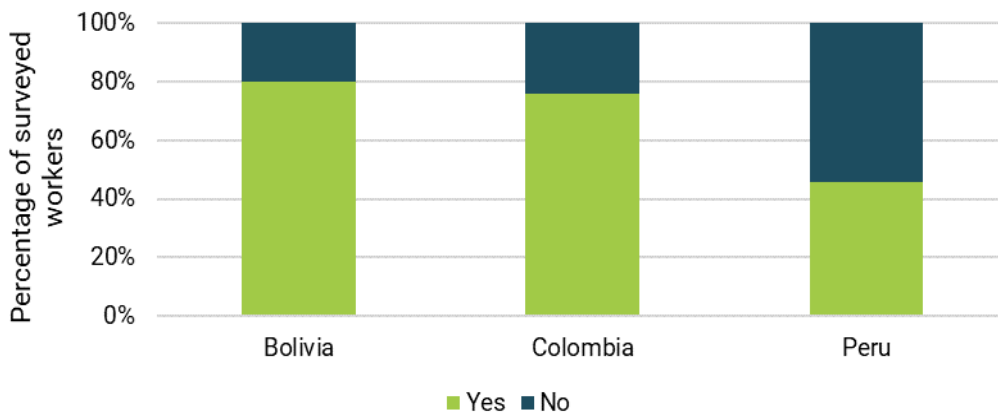


Question: Does the company comply with what is stipulated in the Collective Agreement?

### 3.5 Forced labour

Workers who feel pressured to work overtime in order to earn the minimum wage may be experiencing forced labour, according to the ILO, even if their employers do not explicitly threaten them with dismissal for refusing to work overtime. This is due to the persistent fear of losing their jobs that workers may feel.<sup>40</sup> In this context, 60% of the surveyed workers indicated that they work overtime. Of these, 31% said they do so because their employer forces them to, and 32% said they do it because they need the money to meet their budget. The remaining 37% said they work overtime for unspecified reasons. Among the workers who reported working overtime, the largest group was in Bolivia (Figure 21). Broken down by gender, 63% of female workers and the LGBTI+ person reported working overtime. By contrast, 59% of men reported working overtime. Of the workers who reported working overtime, 63% worked in the extraction segment, 11% in industrial processing, 15% in transportation or hauling, and 9% in administration or services.

**Figure 21 Share of surveyed workers working overtime**

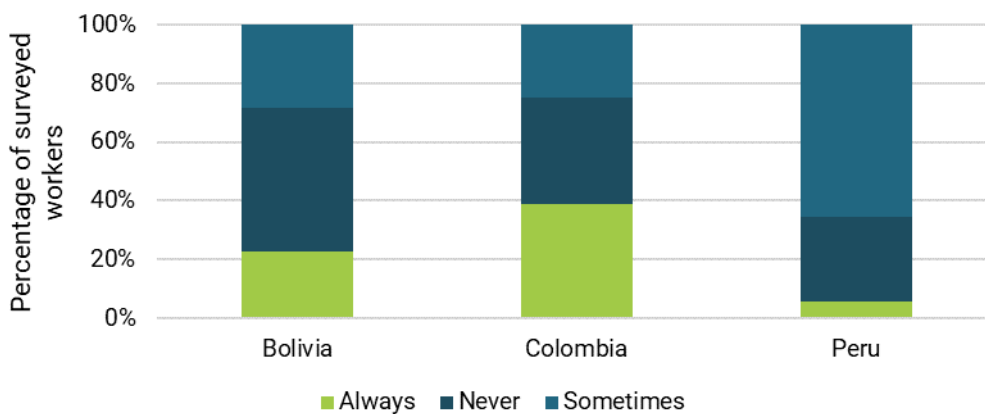


Question: In the company where you work, do you work overtime?

As for the frequency with which the surveyed workers worked overtime, 32% said they did it occasionally, 16% on several days a week, 4% on one day a week, 17% on several days a month, 1% on one day a month, and 30% every day. Of the latter, 44% said they worked overtime every day out of obligation, while 18% said they did it to earn additional income to make ends meet. The rest mentioned unspecified reasons. Broken down by gender, 57% of women who reported working overtime said they did it to make ends meet, and 14% out of obligation. Among the men who said they worked overtime, 30% did it to complete their budget, and 32% out of obligation. The LGBTI+ individual said they worked overtime to complete their budget.

Regarding overtime pay, 48% of the surveyed workers said the company paid overtime sometimes, 33% said the company never paid, and 19% said the company always paid overtime. Broken down by country, 49% of Bolivian workers said their company never paid overtime, and 39% of Colombian workers said their company always paid overtime (**¡Error! No se encuentra el origen de la referencia.**). In this context, 55% of subcontracted workers and 46% of direct workers said the company paid them overtime sometimes. In contrast, 22% of direct workers and 9% of subcontracted workers said the company always paid overtime.

**Figure 22 Additional payment for overtime work**



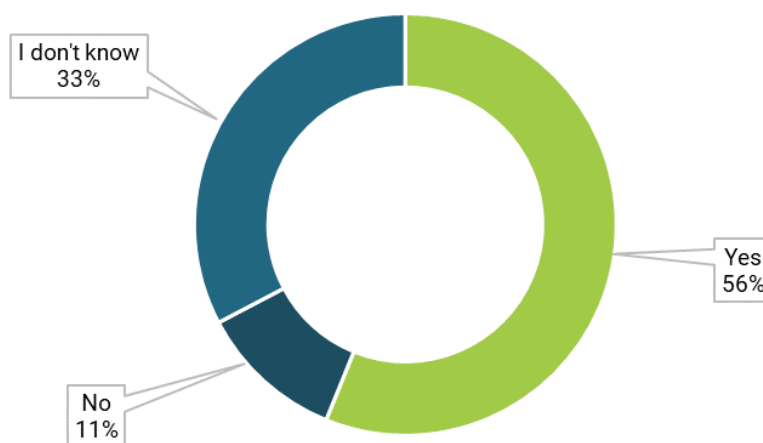
Question: In the company where you work, do you get paid for overtime?

### 3.6 Child labour

The surveyed workers were asked if there was a policy or protocol prohibiting child labour in the company they worked for. More than half of the workers responded that their company did have such a protocol (**¡Error! No se encuentra el origen de la referencia.**). However, 5% of these workers reported knowing of the presence of minors in the mines. Likewise, 30% of Bolivian workers and 3% of Peruvian workers reported the presence of minors in the mines. According to 25% of the surveyed workers who indicated the presence of child labour in the mines, the workers who were minors in the mines were under 14 years of age (the rest indicated that the minors were 14 or older). The workers who reported the presence of minors under 14 years old were from Bolivia.

Additionally, surveyed workers indicated that minors were in the mine accompanying their parents, because they worked in the mine, or for unspecified reasons. A quarter of the workers who reported minors working in the mines said that these were informal workers. Nevertheless, the incidence of child labour in the mines included in this study is likely non-existent, not only because the workers who reported the presence of underage workers represent 1% of the total surveyed workers, but also because Bolivian union leaders who informed this study reiterated the absence of child labour in large-scale mines. In this context, child labour has been documented in Bolivian mines operated by cooperatives.<sup>41</sup> However, the presence of non-employed minors in the mine is an indicator of child labour risk and also a serious concern, as it raises issues related to the education, safety, and health of minors.<sup>42</sup>

**Figure 23** Existence of a protocol on child labour



Question: In the company where you work, is there a company policy or protocol prohibiting child labour?

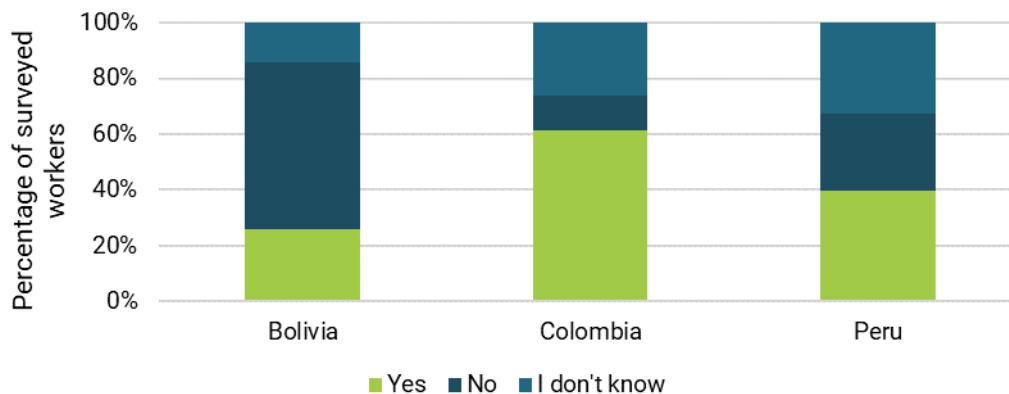
### 3.7 Gender equality

Regarding the existence of a gender committee that workers can turn to in case of harassment in the surveyed companies, 34% of the surveyed workers said that such a committee existed in their company. By contrast, 35% said that there was no gender committee in their company, and the remaining 31% said they didn't know if such a committee existed. Broken down by country, 74% of Bolivian respondents reported the absence of a gender committee in their company. By contrast, 38% of respondents from Peru and 20% from Colombia said there was no gender committee in their company.



Surveyed workers were also asked if the gender committee in their companies had been established in collaboration with the unions. 32% said yes, 34% said no, and the remaining 34% did not know if the gender committee in their company had been established in collaboration with the unions. Surveyed workers were also asked if their company had a protocol or policy in case of harassment. 46% said that such a protocol or policy existed in their company. By contrast, 25% said there was no such protocol, and 29% said they did not know if there was a harassment policy in their company. Broken down by country, over 60% of surveyed workers in Colombia said that their company had a harassment protocol, while 40% of respondents in Peru and less than 30% of respondents in Bolivia reported the existence of such a protocol in their company (Figure 24).

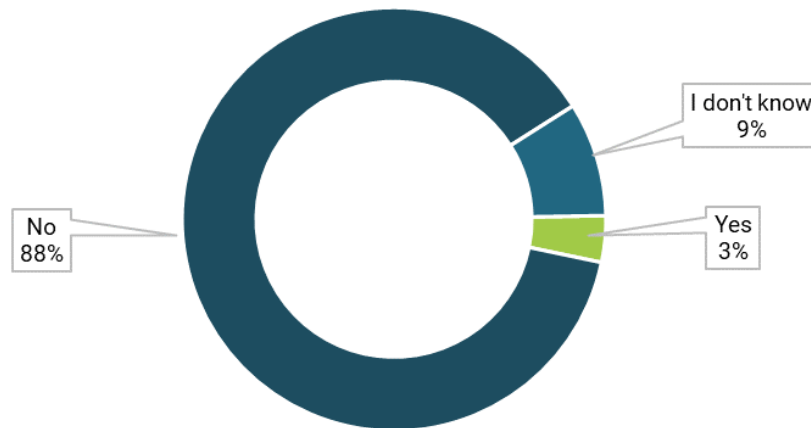
**Figure 24 Existence of a policy or protocol in case of gender harassment**



Question: Does your workplace have a policy/protocol in case of harassment

Similarly, surveyed workers were asked if they had been victims of workplace harassment due to their gender. Thirteen respondents (3% of the total) reported having been victims of harassment (Figure 25). Broken down by gender, 27% of female respondents and 2% of male respondents reported having been victims of harassment. Additionally, the LGBTI+ individual reported having been a victim of gender-based workplace harassment. Broken down by country, the highest percentage of reports of gender-based workplace harassment occurred in Colombia, where 8% of respondents had been victims. By contrast, 5% of Bolivian participants and less than 1% of Peruvians reported having been victims of gender-based workplace harassment. Among female informants who reported being victims of harassment, 67% were from Bolivia, with the rest from Colombia. In the case of men who were victims of harassment, 89% were from Colombia, and the rest from Peru. Similarly, all the workers who reported not knowing if they had been victims of workplace harassment were men, 9% from Bolivia, 22% from Colombia, and 69% from Peru. The forms of harassment experienced by the victims included verbal abuse, intimidation, and harassment of women. Of those who reported being victims of gender-based harassment, 89% had reported the situation to their employer, while the remainder had not. Among the informants who had reported to the company, 90% said the company had not taken any measures in response, while the remaining 10% said they did not know if the company had taken any measures regarding the harassment situation.

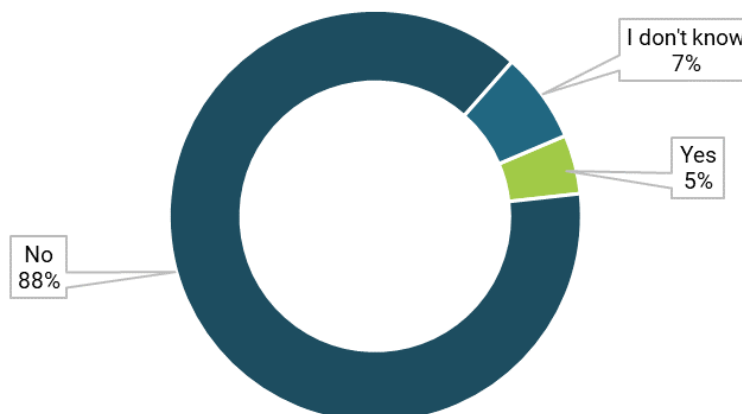
**Figure 25 Gender-based harassment in the workplace**



Question: Have you been a victim of gender-based harassment at your workplace?

In terms of gender discrimination in the workplace, 5% of the surveyed workers reported being victims of this type of discrimination (Figure 26). Broken down by country, 65% of the workers who said they had experienced gender discrimination at work were from Peru, 23% from Colombia, and 12% from Bolivia. Disaggregated by gender, 27% of the surveyed women and 4% of the men reported having been victims of gender-based discrimination. The LGBTI+ person also reported experiencing workplace gender discrimination. Among those who reported not knowing if they had experienced workplace gender discrimination, 4% were women, and the rest were men. By country, 2% of the surveyed workers in Bolivia, 23% in Colombia, and 69% in Peru fell into this category. The forms of discrimination reported by victims included wage discrimination, verbal abuse and harassment, as well as the assignment of typically feminised tasks (such as shopping and sending packages) that were not part of the victim's responsibilities. Of the respondents who had been victims of gender-based workplace discrimination, 65% had reported the situation to the company. Among those who had reported it to the company, 90% said that the company had not taken any action regarding the situation, while the remaining 10% said they did not know if the company had taken any measures in response to the discrimination situation.

**Figure 26 Workplace gender discrimination**



Question: Have you been a victim of gender-based discrimination in your workplace?

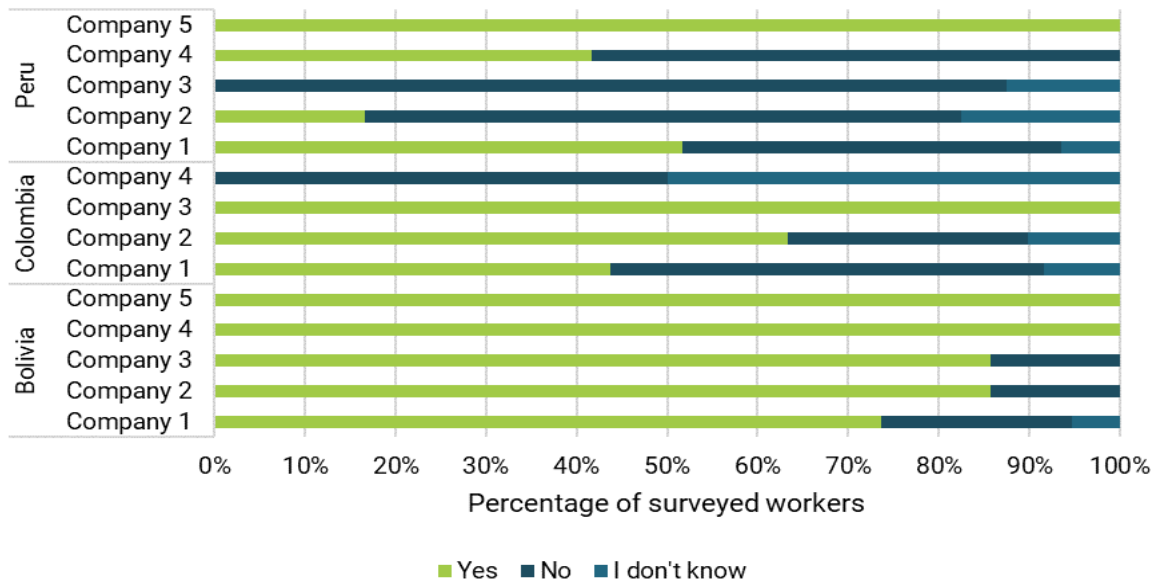
Lastly, the surveyed workers were asked if they knew whether, in their workplace, men and women were hired differentially for performing the same job. 6% said yes, 45% said no, and 49% said they did not know if in their company, men and women were differentially hired for doing the same job. In this context, workers who responded that there was differential hiring between men and women were asked about the types of contracts each gender received. According to the respondents, the contracts given to men differentially included permanent employment and contracts for mining work, among others. According to the informants, the contracts given differentially to women included permanent, fixed-term contracts, and roles for cleaning or office work. Broken down by country, among the workers who reported differential contracts for men and women, 17% were from Bolivia, 33% from Colombia, and 50% from Peru.

# 4

## Social dialogue

The surveyed workers were asked if there were other company-worker dialogue spaces in their company besides collective bargaining meetings. 77% of Bolivian workers reported the existence of such spaces in their company, compared to 54% of Colombian workers and 29% of Peruvian workers. In this context, it is worth noting that in one of the Peruvian companies, none of the workers reported the existence of these spaces (Figure 27). In this context, all the workers in that company were direct employees.

**Figure 27** Presence of alternative company-worker dialogue spaces

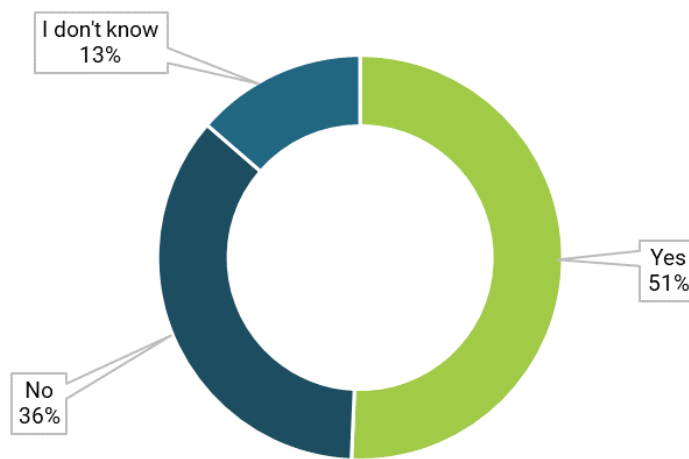


Question: Are there other company/worker dialogue spaces in this company other than collective bargaining meetings?

Regarding access to grievance or conflict resolution mechanisms at work, more than half of the surveyed workers stated that they had access to such mechanisms (Figure 28). Broken down by contract type, 61% of subcontracted workers reported not having access, and 12% were uncertain about their access to these mechanisms. By contrast, 29% of direct employees reported not having access to grievance and conflict resolution mechanisms, while 51% affirmed that they did have access to such mechanisms.

It is noteworthy that 66% of the total respondents from Peru reported not having access to, or being uncertain about their access to, grievance or conflict resolution mechanisms in their workplace. In comparison, 37% of surveyed employees in Bolivia and 25% in Colombia indicated not having access to such mechanisms or were unaware of their existence. Additionally, 27% of the female respondents reported not having access or being unsure about the existence of these mechanisms. The respondent identifying as LGBTI+ mentioned having access to grievance or conflict resolution mechanisms at work. Among the surveyed workers who were aware of the existence of these mechanisms, 82% expressed familiarity with them. In this context, 52% of those surveyed in Colombia and 36% in Peru were acquainted with grievance and conflict resolution mechanisms. By contrast, only 12% of those surveyed in Bolivia were familiar with these mechanisms.

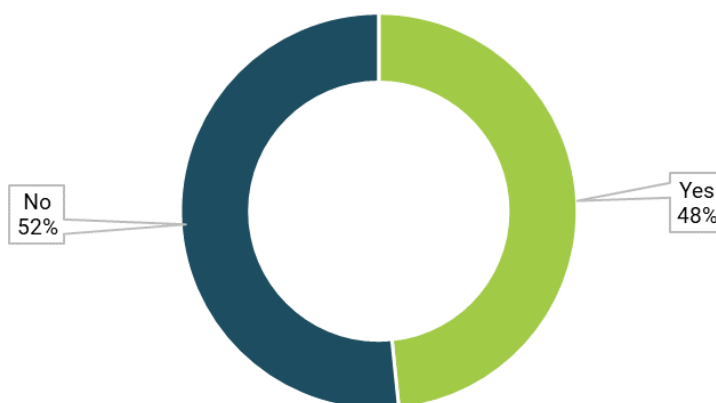
**Figure 28 Access to grievance or conflict resolution mechanisms**



Question: Do you have access to grievance or conflict resolution mechanisms in the company where you work?

A little less than half of the surveyed workers reported having used workplace grievance or conflict resolution mechanisms (Figure 29). In this context, 40% of the surveyed Bolivian workers and 29% of Colombian workers reported having used these mechanisms. By contrast, only 19% of Peruvian respondents reported having used these mechanisms. Broken down by gender, only 9% of the surveyed female workers had used such mechanisms.

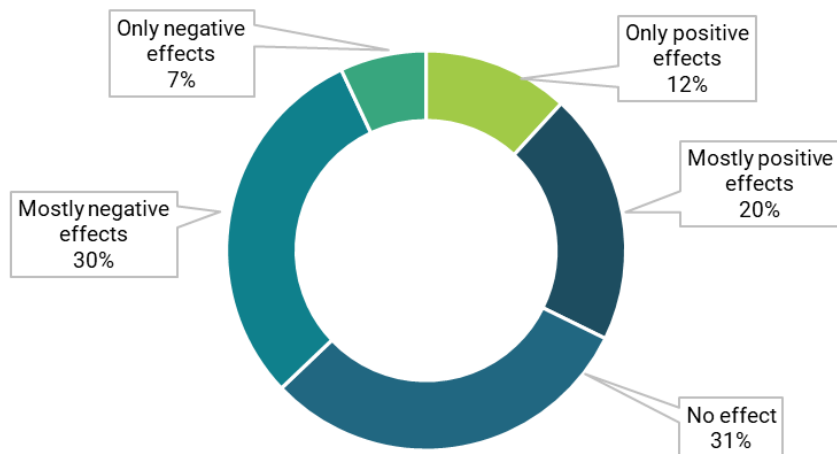
**Figure 29 Workers' use of grievance resolution mechanisms**



Question: Have you used these mechanisms?

This survey did not inquire about the types of mechanisms used by workers, but it did ask about the perception of surveyed workers regarding the effectiveness of these mechanisms. In this context, 44% of the workers stated that the mechanisms were not effective. By contrast, 31% said that they were effective, and 25% said that they did not know if they were effective. Additionally, respondents were asked if there had been consequences because of using grievance or conflict resolution mechanisms. More than a third of the respondents said that they had mainly experienced negative effects or only negative effects ([¡Error! No se encuentra el origen de la referencia.](#)).

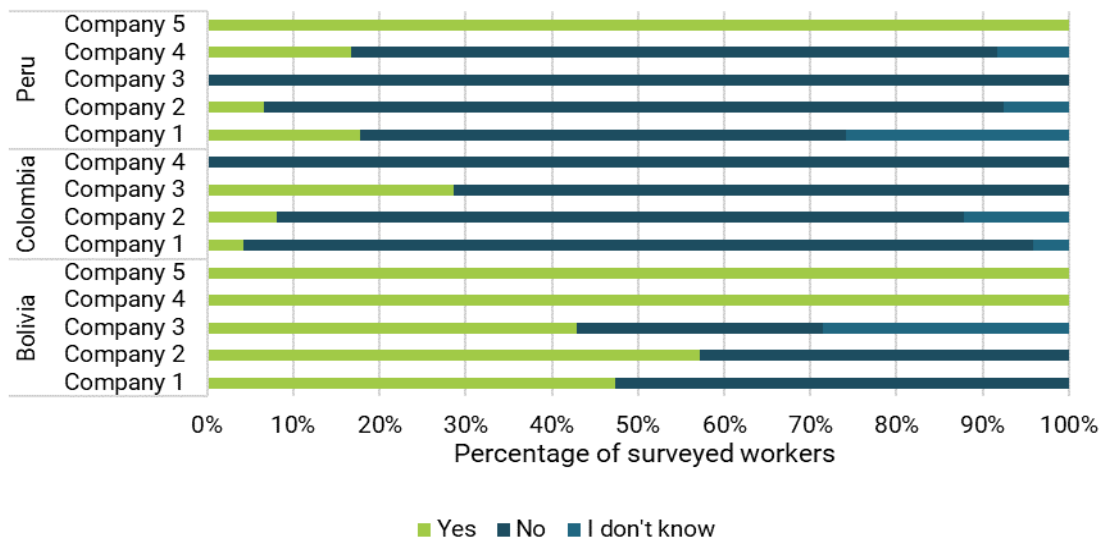
**Figure 30** Consequences of using grievance resolution mechanisms



Question: Do you know if there have been consequences in the use of these mechanisms?

Regarding the inclusion of workers by the company in making important decisions, 13% of the surveyed workers indicated that the company usually consults with them before taking significant actions. 77% stated that the company does not consult with them, and 10% said they were unsure if they were consulted. Broken down by country, 51% of Bolivian employees said that their company consulted with them before making important labour-related decisions. By contrast, 7% of Colombian workers and 11% of Peruvian workers reported that their companies consulted with them before making important labour-related decisions ([¡Error! No se encuentra el origen de la referencia.](#)).

**Figure 31 Companies that consult with their workers before making important decisions**



Question: Does the company you work for consult with the union and/or the workers before making significant labour-related decisions?

According to the majority of surveyed workers who indicated that their employers consult with them before making important decisions, these companies had consulted them less than three times in the year before the survey (Figure 32). Among the workers who stated that consultations occurred four or more times in the year, half were from Bolivia, and the other half were from Peru.

**Figure 32 Frequency of consultations**



Question: How often have these consultations occurred in the last year?

#### 4.1 Company-union relations

The majority of surveyed workers perceived that social dialogue had not improved in the company over the last six months (Figure 33). It is important to note that 60% of the workers who perceived an improvement in social dialogue in the last six months were Bolivians, and only 1% were women. The LGBTI+ individual did not believe that social dialogue had improved during this period. Additionally, 87% of the workers who perceived that social dialogue had improved were direct employees.

**Figure 33 Perception of workers regarding social dialogue**



Question: Do you believe that in the last 6 months, social dialogue has improved in the company you work for?

Similarly, 58% of the surveyed workers perceived a poor or very poor labour relationship between the company and the workers. The highest level of satisfaction was recorded among the Bolivian respondents, with 34% of them believing that the relationship between workers and the company at the time of the survey was good or very good. By contrast, 5% of Colombian workers and 2% of Peruvian workers reported a good or very good company-worker relationship. It's worth noting that the satisfaction percentage among Bolivian respondents is likely because all of them were union leaders and possibly more satisfied with their own role in the social dialogue with the company. Although the level of dissatisfaction between direct and subcontracted workers was not significantly different, there were more positive perceptions of the company-worker labour relationship among direct workers (Figure 34). In this context, 92% of indirect workers (the majority of whom were from Peru) were dissatisfied with the company-union labour relationship.

**Figure 34 Quality of the company-worker labour relationship**

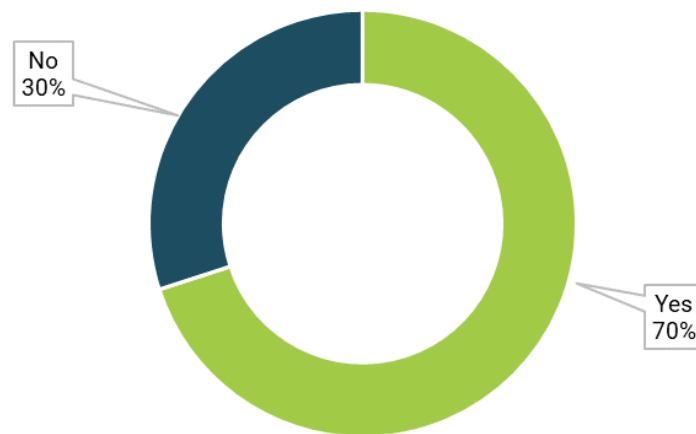


Question: How would you rate the labour relations between the workers and the company you work for today?



Workers were also asked if there had been strikes in their company in the year before the survey. More than two-thirds responded affirmatively (Figure 35). In this context, 74% of the workers who reported strikes in the last year were Peruvians. By contrast, 2% of the strike reports occurred in Bolivia. These results could be explained by the strength of Bolivian mining unions articulated within the Bolivian Workers' Center (COB), which has been a fundamental part of the state project of the Movement for Socialism (MAS) governments since 2006.<sup>43</sup> Against this background, during the period from April 2021 to April 2022 (the year before the survey), there were no labour strikes in the Bolivian mining sector, but there was a general strike that took place in the context of a multisectoral demand for the repeal of a law aimed at combating money laundering and terrorism financing, which would have affected informal economy traders.<sup>44</sup>

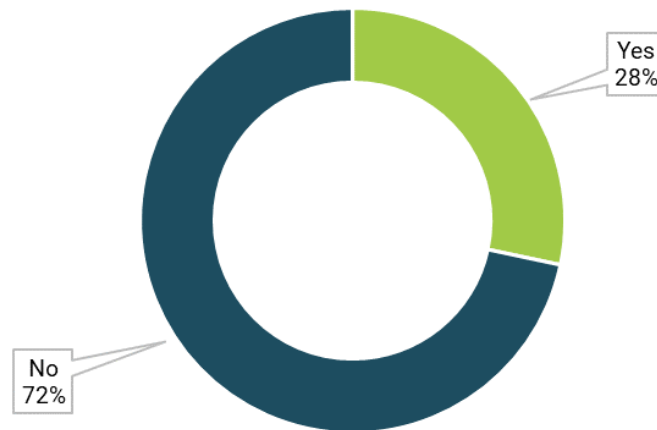
**Figure 35** Incidence of strikes in the past year



Question: In the company where you work, have there been strikes in the past year?

Almost two-thirds of the surveyed workers perceived that there was no freedom to raise issues with the employer (Figure 36). Of these, 56% were Peruvians, 38% were Colombians, and 5% were Bolivians. Likewise, 54% of women and 77% of subcontracted workers perceived that there was no freedom to raise issues with the employer. The LGBTI+ individual did not feel free to raise issues with their employer. The results did not show significant differences between direct and subcontracted workers. In this context, 70% of direct workers and 76% of subcontracted workers said they do not feel free to raise issues with their employer.

**Figure 36 Perception of the freedom to raise issues with the employer**



Question: As a worker, do you feel free to raise issues or problems with your employer?

The majority of the surveyed employees indicated that the company had not organised social dialogue meetings with workers to implement COVID-19 prevention measures (Figure 37). More than 56% of Peruvian employees reported the absence of social dialogue in the context of COVID-19. By contrast, less than 3% of Bolivian workers reported the absence of social dialogue in the context of COVID-19.

**Figure 37 Social dialogue in the context of COVID-19**



Question: Did the company hold social dialogue meetings with workers to implement COVID-19 prevention measures?

# 5

## Conclusions

This study investigated the labour rights situation of workers in the mining sector in Bolivia, Colombia, and Peru, with a focus on aspects such as wages, social dialogue, and the protection of workers' rights. The data reveal a combination of positive and negative outcomes. For example, it was found that, although the number of workers reporting earnings below a living wage was low, over half of the workers reported an unfavourable economic situation.

It was also highlighted that, while union presence in the studied countries is high, union membership remains relatively low. Furthermore, the relationships between companies and unions have not shown improvement in recent months, with less than two-thirds of companies fulfilling their obligation to facilitate union activities during collective bargaining.

### 5.1 General conclusions

Based on the results, it is observable that the percentage of subcontracted workers surveyed is not representative of the Latin American mining sector. In this context, subcontracted workers surveyed for this study represented 21% of the sample. By contrast, it is estimated that over 50% of the workforce in the Peruvian and Colombian mining sectors consists of subcontracted workers.<sup>45</sup> Clearly, future iterations of participatory digital monitoring should make a greater effort to capture the opinions of a larger number of subcontracted workers.

In summary, the study's results confirm the vulnerability of workers in the mining sector and underscore the importance of ensuring workers' rights, especially in a context of increasing demand for minerals, such as in the energy transition.<sup>46</sup> It is expected that continuous participatory digital monitoring in the coming years can confirm relevant trends for all stakeholders involved in the mining sector of Bolivia, Colombia, and Peru, as well as for countries that source minerals from this region.

#### 5.1.1 Job security

Regarding job security, it was observed that the employment contract was the most common type of contract among the surveyed workers, although there were differences by gender and country. In comparison to women, men more frequently had an employment contract, and the percentage of workers with employment contracts varied slightly among the three surveyed countries, being higher in Bolivia and lower in Peru.

It was also found that a significant portion of the surveyed workers (half of them) had not received a copy of their employment contract. This is especially concerning in the case of Peru, where more than two-thirds of the surveyed workers reported not having received a copy of their contract, despite Peruvian law stipulating that employers must provide a copy of the employment contract to the worker. As mentioned earlier, access to a copy of the employment contract is crucial for the exercise of workers' rights, as the contract not only informs workers of their rights but serves as a tool to enforce them.<sup>47</sup> In this context, the results suggest the need to enhance labour protection and workers' rights in the surveyed countries, including ensuring access to clear and detailed information about the terms and conditions of their employment.

### 5.1.2 Wages

This study found that a small percentage of workers (4%), primarily in the extraction segment, reported getting a salary below the national minimum wage. It is noteworthy that the workers who reported getting a salary below the minimum wage were Peruvian and Bolivian. Furthermore, the percentage of workers who reported getting a salary below the national living wage benchmark was relatively low (14%). In this context, 20% of surveyed workers in Peru and 6% of workers in Colombia indicated receiving a salary below the national living wage.

It should be noted that the fact that the majority of workers indicated their salary was above the living wage benchmark is not necessarily an indicator that it allows them to live without economic concerns. In this context, over half of the surveyed workers reported that their economic situation had worsened in the three months prior to the survey. While rising inflation, especially in Peru and Colombia, helps explain the worsening economic situation of workers in these countries, it is undeniable that factors such as job quality (i.e., benefits such as paid vacations and leaves, health insurance, food vouchers, and other perks) and each worker's individual situation (e.g., growing financial obligations and family responsibilities) play a role in this.<sup>48</sup>

Against this backdrop, this study found that the majority of surveyed workers reported having employer-paid health insurance, but only half of them said they received benefits such as food, transportation, and housing as part of their employment contract. In order to arrive at a more accurate explanation of the economic situation of workers, future iterations of participatory digital monitoring should also capture information about the workers' household economy, including family income, number of dependents, housing, and expenses and debts. Delving into the factors that influence the economic situation of workers is of utmost importance in light of the increasing demands placed on miners in Latin America in the context of the energy transition.<sup>49</sup>

### 5.1.3 Union freedom and right to collective bargaining

The results regarding freedom of association and union freedom present a mixed picture. On the one hand, the vast majority of surveyed companies had union presence, and most surveyed workers indicated that they considered it important to have unions in the companies. By contrast, there were union-busting actions in the companies, especially unjustified dismissals and efforts to discourage unionisation. These actions were reported by nearly three-quarters of the surveyed workers, with Colombia and Peru having the highest incidence of union-busting actions. This corroborates the reports from the CSI regarding the prevalence of union-busting actions in both countries.<sup>50</sup>

On the other hand, almost 90% of the surveyed workers indicated the existence of CBA in force in their company. However, two-thirds of the workers stated that the company did not comply with what was stipulated in the CBA. It is worth noting that the perception of compliance with the agreement by the company was not significantly different between direct and subcontracted workers.

### 5.1.4 Forced labour and child labour

This study found that two-thirds of the surveyed population frequently worked overtime, and half of these workers did so because they were compelled by the company, while the other half did it to make ends meet. The latter also constitutes a situation of forced labour, according to the ILO.<sup>51</sup> Additionally, a significant number of workers reported that the company did not pay them for overtime or only paid them occasionally.

Regarding child labour, minors and children under 14 years in the mines of Bolivia and Peru were reported. Although surveyed workers indicated that minors were in the mines accompanying their parents, there were also reports of underage workers working there. While reports of workers under 14 years old in the mines account for less than 1% of the surveyed workers, minors in the mines must be taken seriously, as it poses risks to their well-being and safety and health.<sup>52</sup>

### 5.1.5 Social dialogue

As mentioned earlier, the majority of the surveyed workers were affiliated with a union, revealing some positive trends, such as the predominant presence of CBAs and the existence and use of grievance and consultation mechanisms. However, these results are overshadowed by negative trends, such as an employer-worker relationship that, from the perspective of the surveyed workers, is deteriorating. Additionally, there were many reports of strikes (most of which occurred in Colombia and Peru), and more than two-thirds of the workers reported not feeling free to file complaints.

Nevertheless, the results also show that, despite the work of unions in opening up social dialogue, they still do not fully represent the opinions of all workers, even within the same company, due to the low unionisation rate in Latin America, as mentioned earlier. It is essential to note that these results cannot be generalised, and therefore, it is crucial to include individuals working in non-unionised companies in future surveys to confirm these trends.

### 5.1.6 Gender equality

The data collected by this study suggests low participation of women in the mining sector of Bolivia, Colombia, and Peru, as well as in their unions. Furthermore, the results indicate a gender inequality situation, with almost a third of the surveyed female workers and the LGBTI+ individual reporting being victims of gender-based discrimination and workplace harassment. By contrast, there were few reports of differential gender-based hiring, although it was found that among the surveyed female workers, employment contracts were less common than among their male counterparts. Similarly, it was found that women and the LGBTI+ individual worked more overtime hours than men.

While the results could provide some insight into the sector's reality, it is necessary to conduct a more rigorous sampling that also confirms other significant findings of this study, such as the participation rate of women in the mining sector and their unions. Additionally, the upcoming rounds of participatory digital monitoring could increase their efforts to capture the perspectives of LGBTI+ individuals to provide a more representative diagnosis of this group's situation in their workplace.

## 5.2 Conclusions by country

### 5.2.1 Bolivia

One of the most significant findings in Bolivia was the reports of the presence of minors in the mines. Although Bolivian union leaders reiterated the absence of child labour in large-scale mining, monitoring the presence of minors in the mines is important to detect and prevent situations that compromise their rights.

This study found a combination of positive and negative indicators of the company-worker relationship in Bolivia. On one hand, the majority of surveyed workers had access to complaint mechanisms and had used them with mostly positive results. However, less than half of surveyed companies had a CBA, although more than three-quarters of the surveyed population in Bolivia mentioned the existence of other spaces for social dialogue. More than half indicated that labour relations were regular, and that social dialogue had not improved recently. Additionally, a high rate of unionisation and participation in union positions was observed, but there were also union-busting actions by companies, such as threats and disincentives to unionise.

Although the situation may seem negative, it is important to consider that these results do not reflect the complete reality of the sector, and that with a broader and more varied sampling, more encouraging trends could emerge.

### 5.2.2 Colombia

In Colombia, a high level of anti-union actions by mining companies was reported. In this context, the most frequently cited anti-union actions by surveyed workers were unjustified dismissals and threats to union leaders. None of the Colombian workers reported an improvement in their economic situation in recent months, and less than 6% of surveyed workers reported receiving remuneration below a decent wage.

Furthermore, despite the high rate of union membership and workers' recognition of the importance of union presence in the company, the results do not align with the country's overall level of unionisation, where less than 10% of the total workforce is unionised.<sup>53</sup>

Lastly, it is noteworthy that two-thirds of the surveyed Colombian workers work more than 60 hours per week, and nearly 80% regularly work overtime. Despite the majority of workers reporting salaries above the minimum wage, 80% of the workers indicated that their economic situation had worsened in the 3 months prior to the survey.

### 5.2.3 Peru

The data reveals a low level of social dialogue in many Peruvian companies, where a lack of conflict resolution mechanisms is common. According to Peruvian informants, although there are CBAs at their companies, compliance is unsatisfactory. Furthermore, labour relations are described as fair or poor, with little consultation before making important decisions, leading to strikes in some companies. Surveyed workers in Peru do not feel free to raise issues with the employer.

Regarding the hiring practices of Peruvian companies, it was found that direct employees tend to have permanent contracts, while subcontracted workers only have temporary contracts. Likewise, although many workers earn more than the minimum wage and a decent wage, 52% work more than 60 hours, sometimes with additional payment for overtime. In this context, almost two-thirds of workers reported working overtime to make ends meet.

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# Profundo

Research & advice

Radarweg 505  
1043 NZ Amsterdam  
The Netherlands  
+31-20-8208320  
[profundo@profundo.nl](mailto:profundo@profundo.nl)  
[www.profundo.nl](http://www.profundo.nl)