



WORKER RIGHTS · COLOMBIA

Working in Colombia: Your Rights

Your contract, your pay, and your benefits, in plain language.
No legal jargon.

Colombian labor law uses Spanish terms you'll see on your contract and payslip (desprendible de pago). This guide keeps those terms and explains each one in plain English. The rules below apply to everyone who works in Colombia, whatever their nationality. This guide is general information about Colombian employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

Your Contract, and Why “At-Will” Doesn’t Exist Here

Colombia has no US-style at-will employment. Your employer cannot simply end your contract for no reason at no cost. A contract can end by agreement, by reaching its end date, by finishing the agreed work, or for a legally recognized just cause (*justa causa*). If your employer ends it unilaterally without just cause, you are owed a statutory payment called an *indemnización* (see “If Your Contract Ends” below).

- The main contract types: *término indefinido* (open-ended — the default under the 2025 labor reform), *término fijo* (fixed-term — must be in writing, and since the reform it cannot exceed 4 years in total), and *obra o labor* (for a specific project, also in writing).
- Probation (*período de prueba*): maximum 2 months, and only if agreed in writing. Your benefits accrue from day one either way.
- Watch out for *prestación de servicios*: that’s a civil services contract, not an employment contract — no *prima*, no *cesantías*, no employer social security. But Colombian law follows the reality principle (*contrato realidad*): if you work a fixed schedule, take orders, and are supervised like an employee, the law treats you as an employee with full rights, whatever the paper says.

Your Pay

- Minimum wage (salario mínimo) for 2026: COP \$1,750,905 per month. If you earn up to two minimum wages, you also receive the transport allowance (auxilio de transporte): COP \$249,095 per month — a total of \$2,000,000.
- You may hear that the 2026 wage decree is being reviewed by the courts. It is in force. Your employer must pay the 2026 figures now, and no worker has to return money already paid — the Ministry of Labor (Mintrabajo) has said so expressly.
- Payday and payslip: You should receive a desprendible de pago each period showing your salary, extra hours, surcharges, and deductions. From your pay, 8% is deducted for social security: 4% pension (pensión) + 4% health (salud). Your employer pays its own larger share on top — it never comes out of your wage.
- Your employer must be paying into PILA (the social security payment system) for you every month, at your real salary. If your reported salary is lower than your actual salary, your pension, sick pay, and cesantías are all being short-changed.

Your Mandatory Benefits (Prestaciones Sociales)

These are legal entitlements on top of your salary — not favors:

- **Prima de servicios:** 30 days of salary per year, paid as 15 days by June 30 and 15 days in the first 20 days of December.
- **Cesantías:** one month of salary per year, deposited into your severance fund (fondo de cesantías) by February 14. It's your cushion if the job ends — you can also draw on it earlier for housing or education.
- **Intereses de cesantías:** 12% a year on your cesantías balance, paid directly to you by January 31.
- **Vacaciones:** 15 working days of paid vacation per year of service. If your contract ends with vacation untaken, it must be paid out in money.
- **Dotación:** if you earn up to two minimum wages and have more than 3 months in the job, your employer must give you work shoes and clothing free, three times a year (April 30, August 31, December 20). It cannot be replaced with cash.

Hours, Overtime, and Surcharges (Recargos)

- Maximum workweek: 42 hours (the legal week finished stepping down in July 2026) — with no cut to your salary for the shorter week. You are always owed at least one paid rest day per week.
- Night work starts at 7:00 p.m. (since December 2025). Hours worked between 7:00 p.m. and 6:00 a.m. carry a 35% night surcharge (recargo nocturno) — that applies to ordinary night hours, not just overtime.
- Overtime (horas extras): daytime extra hours pay +25%, nighttime extra hours +75%, capped at 2 extra hours a day and 12 a week.
- Sundays and holidays (dominicales y festivos): working them pays a surcharge of 90% on top of your ordinary rate in 2026 — rising to 100% from July 1, 2027. If you work Sundays only occasionally, you can choose the money or a compensatory rest day; if you work them habitually, you get both.

If You Earn Tips (Propinas)

- Tips are regulated by Ley 1935 de 2018. A tip is voluntary: a restaurant may suggest a percentage on the bill (never more than 10%), but the customer must be asked and can refuse or change it.
- Tip money belongs only to the service chain — the staff who serve the customer — and must be handed over within one month at most.
- Your employer may not touch tips: no keeping a share, no using them for breakage, supplies, or house costs, no deciding the split for you.
- Tips are not salary and never count toward the minimum wage.

Sick Leave and Family Leave

- General illness (incapacidad): your employer pays the first 2 days; from day 3 the health insurer (EPS) pays 66.67% of your salary base (50% from day 91). A work-related injury or illness is paid by the ARL (work-risk insurer) at 100%.
- Maternity leave: 18 weeks at full pay through the EPS. Paternity leave: 2 weeks.
- Job protection (fuero): a pregnant worker cannot be dismissed without prior authorization from a labor inspector — a dismissal without it doesn't count and adds a 60-day indemnity. Similar protection covers workers in weakened health and those close to pension age.

If Your Contract Ends

- With just cause (a closed legal list — serious misconduct, repeated failure to perform, and similar): no indemnización is owed, but every accrued benefit still is.
- Without just cause, open-ended contract: the indemnización is 30 days' salary for the first year plus 20 days for each additional year if you earn under 10 minimum wages (20 + 15 days if you earn 10 or more). On a fixed-term or project contract cut short, it's the salary for all the time remaining on the contract.
- Your final settlement (liquidación) must include unpaid salary, pro-rata prima, cesantías plus their interest, untaken vacation in money, and any indemnización. The law requires it promptly — and if your employer delays payment without a good-faith reason, the penalty is one day's salary for every day of delay.

If You're Foreign

- You need a visa that authorizes work — for a Colombian company's employee, usually the Visa M – Trabajador, tied to that employer and role. Your employer must register your start (and your departure) with Migración Colombia's SIRE system within 15 days.
- You'll need a RUT (tax registration) for payroll, and your employer must affiliate you to health (EPS), pension, and ARL from day one, exactly as for a Colombian. Colombian labor law covers everyone who works in Colombia — minimum wage, benefits, hours, and dismissal rules apply to you in full.

Red Flags

- A prestación de servicios contract but an employee's reality: fixed schedule, a boss's orders, a uniform, exclusivity.
- No payslip, or social security reported at less than your real salary.
- Your employer still paying the 2025 minimum wage “until the courts decide” — not a valid excuse; the 2026 figures are payable now.
- Tips kept “for the house,” or handed over more than a month late.
- A “fixed-term” contract renewed endlessly or agreed only verbally — after the 2025 reform it likely counts as open-ended.

If Your Rights Were Violated

- Labor Ministry (Mintrabajo): its labor inspectors can visit your workplace, order withheld benefits paid, and fine your employer. Free national line 01 8000 112 518, or dial 120 from a cell phone.
- Social security evasion: if your employer isn't paying your contributions, report it to the UGPP (free line 01 8000 423 423).
- Money claims (settlement, indemnización, late-payment penalty): the labor courts (jueces laborales).

Most labor claims expire after 3 years — don't wait.