

LABOR LAW UPDATE BULLETIN 2026

MINISTRY OF LABOR WITHDRAWS 11 CIRCULARS ISSUED BETWEEN 2025 AND 2026

Dear clients and colleagues,

This bulletin is intended to inform you of the decision adopted by the Ministry of Labor through Resolution 2708 of August 20, 2026, whereby 11 circulars issued between September 2025 and July 2026 were repealed and rendered without effect, as well as to outline the main implications that this decision may have for employers.

To understand the scope of this decision, it is important to note that the Ministry of Labor uses circulars as guidance instruments to explain to employers and employees how the authority interprets and applies labor regulations within the scope of its powers. Accordingly, their purpose is to provide guidance on compliance with the rules in force, rather than to create new obligations or establish requirements that are not supported by law or regulations.

Following its review of the content of the circulars, the Ministry concluded that some of them had gone beyond their role of providing guidance to employers and employees on the application of labor regulations. In these cases, the circulars did not merely explain existing rules but instead established new obligations, requirements, or criteria that, given their nature, could only be created through a legal provision expressly authorizing the Ministry to do so. This does not mean that circulars are invalid simply because they are circulars; rather, the issue was that some of them included rules that exceeded what this type of instrument may establish. For this reason, the Ministry decided to withdraw them and render them without effect.

This decision is particularly relevant for companies, as several of these circulars had been used in recent months as references for adopting internal policies, procedures, and criteria concerning matters such as working hours and overtime, disciplinary proceedings, enhanced employment protection, freedom of association and collective bargaining, work performed through digital delivery platforms, and domestic work.

Accordingly, we recommend that companies review whether any of the circulars now rendered without effect were used as a basis for establishing or modifying internal policies, procedures, or practices and, if so, verify that such policies and practices remain supported by the labor regulations currently in force and make any necessary adjustments.

Below, we summarize the circulars covered by the decision and the main issues that we consider relevant for employers.

1. CIRCULARS REPEALED AND RENDERED WITHOUT EFFECT

Article 1 of the Resolution provides for the repeal and loss of effect, as of its publication, of the following instruments:

- **External Circular 0101 of September 22, 2025:** Regarding maximum working hours, domestic work, piece-rate compensation, the recording and monitoring of overtime, and compensation for work performed on mandatory rest days.
- **Internal Circular 0120 of 2025:** Regarding the procedure for obtaining authorization to terminate the employment relationship of individuals protected by enhanced employment protection due to disability or health conditions.
- **Circular 0031 of March 17, 2026:** Regarding care, gender equality, and social co-responsibility.
- **External Circular 0032 of March 25, 2026:** Regarding freedom of association, union leave, and compliance with collective bargaining agreements and conventions.
- **Circular 0040 of April 16, 2026:** Regarding working hours, overtime, and the recording of overtime in the private security and surveillance sector.
- **Circular 0048 of May 22, 2026:** Regarding due process in labor disciplinary proceedings and termination of employment for cause.
- **Internal Circular 0049 of May 22, 2026:** Regarding the procedure for obtaining authorization to terminate employment due to disability or health conditions.
- **Circular 0057 of July 6, 2026:** Regarding the principles of labor reform and contractual arrangements.
- **Circular 0086 of July 29, 2026:** Regarding the inspection, monitoring, and enforcement of work performed through digital delivery platforms.
- **Circular 0088 of July 29, 2026:** Regarding the preparation of the unified list of bargaining requests and the formation of the union bargaining committee.
- **Circular 0089 of July 29, 2026:** Regarding the inspection, monitoring, and enforcement of paid domestic work.

2. MAIN REASONS FOR THE MINISTRY'S DECISION

According to the review conducted by the Ministry of Labor, the circulars presented various issues relating to their content, drafting, and intended scope.

The main issues identified include the following:

- **It was not always clear what was mandatory and what was merely guidance.** Some circulars combined legal obligations, judicial decisions, recommendations, and public policy objectives without clearly explaining which of these contents were legally binding.
- **Certain requirements or procedures were established that were not appropriate for a circular.** In some cases, new requirements were imposed on employers and third parties through instruments that, by their nature, could not establish such obligations.
- **Certain legal or judicial references required greater precision.** The Ministry identified cases in which the laws or judicial decisions cited did not have precisely the scope attributed to them, which could create uncertainty as to the rules that should be applied.

- **Certain provisions could affect rights or exceed the Ministry's powers.** One example identified was the possibility of entering private homes without consent in the context of inspection activities relating to paid domestic work.
- **Some circulars were no longer necessary.** Certain instruments had fulfilled the purpose for which they were issued or simply repeated rules already contained in higher-ranking legislation. Keeping them in force could create confusion as to which rules should actually apply.

Finally, the Ministry determined that these issues could not be adequately addressed simply by correcting certain provisions or partially amending the circulars. In its view, the identified shortcomings affected their content and scope more broadly, making it appropriate to withdraw them and render them without effect.

3. WHAT AREAS ARE AFFECTED BY THE MINISTRY'S DECISION?

The Ministry's decision affects various areas of labor law. Below, we highlight those that may be particularly relevant for companies:

- **Paid domestic work (Circular 0089 of 2026):** The circular contemplated an exception allowing labor inspectors to enter a private home without the consent of the occupant or prior authorization where they considered that an imminent danger existed. The Ministry concluded that this authority was not within the inspectors' powers. Accordingly, inspectors may no longer justify entry into a private home solely on the basis of their general inspection powers.
- **Private security and surveillance (Circular 0040 of 2026):** The circular stated that this sector was excluded from the general rules governing overtime. The Ministry clarified that the exception is more limited: private security and surveillance companies are not subject to the general limit of two hours of overtime per day and twelve hours per week, but they must comply with the other rules applicable to overtime, including those relating to compensation, record-keeping, and rest periods.
- **Piece-rate compensation (External Circular 0101 of 2025):** The circular included a formula for calculating economic compensation associated with the reduction in working hours. The Ministry clarified that this formula may not, by itself, be used to require a payment, determine a settlement, or impose a sanction. This does not, however, affect the statutory obligation to reduce working hours without reducing employees' salaries.
- **Due process in disciplinary proceedings (Circular 0048 of 2026):** The circular provided detailed guidance on the steps to be followed in disciplinary proceedings and had been used as a reference to determine whether a proceeding complied with due process. The Ministry clarified that the circular may not, by itself, be regarded as the standard for determining whether a disciplinary proceeding is valid. Accordingly, companies must continue to apply directly the safeguards set forth in Article 115 of the Colombian Labor Code, as amended by Law 2466 of 2025.
- **Enhanced employment protection (Internal Circulars 0120 of 2025 and 0049 of 2026):** These circulars established, among other matters, documentation, requirements, and procedures for handling situations involving enhanced employment protection. The Ministry determined that such requirements could not be established through this type of instrument. Their withdrawal therefore does not alter the rules and

protections recognized by case law, including Judgment SU-111 of 2025, which remains applicable.

- **Freedom of association and collective bargaining (Circulars 0032 and 0088 of 2026):** In these cases, the Ministry identified various issues. On the one hand, one of the circulars had been presented as a mandatory reference and linked non-compliance with its guidelines to potential sanctions and referrals to other authorities. On the other hand, an error was identified in the interpretation of a judicial decision concerning collective bargaining rules. Following the withdrawal of these circulars, these matters must be assessed directly on the basis of the applicable laws and case law.
- **Digital delivery platforms (Circular 0086 of 2026):** The circular provided instructions concerning the recognition of employment relationships in this sector. However, the Ministry reiterated that labor inspectors do not have the authority to independently determine the existence of individual rights or an employment relationship. In addition, the circular had been issued before Decree 0991 of August 4, 2026, entered into force, meaning that its content had to be reviewed in light of this new regulatory framework.
- **Care, gender equality, and social co-responsibility (Circular 0031 of 2026):** The circular combined recommendations with guidance concerning the adoption of internal policies, procedures, and programs, without clearly distinguishing which provisions were mandatory and which were merely recommendations.
- **Principles of labor reform (Circular 0057 of 2026):** The Ministry identified an imprecision in the way the circular described the scope of one of the provisions of the Colombian Labor Code amended by Law 2466 of 2025. This clarification is relevant to correctly determining the labor rules applicable to public employees subject to the special employment regime.

4. WHAT ARE THE EFFECTS OF THE MINISTRY'S DECISION?

The Ministry's decision applies prospectively. This means that the fact that the circulars have been rendered without effect does not, by itself, mean that actions taken while they were in force are invalid, nor does it automatically affect legal situations that became consolidated during that period.

However, as of the effective date of Resolution 2708 of 2026, the withdrawn circulars may no longer be used as an independent legal basis for creating or imposing obligations, requirements, evidentiary burdens, procedures, sanctioning criteria, or conditions for accessing administrative procedures.

This is also relevant to administrative proceedings currently underway. The withdrawal of the circulars does not mean that such proceedings must automatically be closed or terminated. It does mean, however, that going forward, the authorities must determine the applicable rules on the basis of the Constitution, laws, regulations, and relevant case law, without relying on the withdrawn circulars as an independent legal basis for their decisions.

Furthermore, Resolution 2708 of 2026 does not automatically revive any previous circulars or administrative instructions that had been replaced or rendered without effect. At the same time, the Ministry must update its internal documents and tools, including its regulatory databases, protocols, checklists, forms, and training materials.

5. WHAT HAPPENS NEXT?

The Ministry's decision also establishes a series of measures to review and update the criteria applicable to the affected areas. For example, the inspection protocols relating to digital delivery platforms and the rules applicable to piece-rate compensation will be reviewed. New guidance will also be developed on freedom of association and collective bargaining, and the procedures relating to paid domestic work will be reviewed.

These reviews must be carried out within different timeframes established in the Resolution, including periods of 10, 15, and 30 business days. Accordingly, the Ministry may issue new instruments in the coming months, and we recommend monitoring any regulations and guidance issued in relation to these matters.

6. WHAT DO WE RECOMMEND TO COMPANIES?

In light of this decision, we recommend that companies review their internal documents and practices to determine whether any of the withdrawn circulars have been used as a basis for their policies or procedures. In particular, we recommend:

- Reviewing and updating internal policies, protocols, regulations, compliance matrices, regulatory databases, checklists, and training materials that refer to the withdrawn circulars.
- Reviewing internal work regulations and disciplinary procedures, ensuring that their rules and safeguards are directly supported by Article 115 of the Colombian Labor Code, as amended by Law 2466 of 2025, and by applicable case law, rather than exclusively by Circular 0048 of 2026.
- Reviewing pending applications for authorization to terminate the employment of employees with enhanced employment protection, bearing in mind that the requirements and procedures established in Circulars 0120 of 2025 and 0049 of 2026 may no longer be used as an independent basis, without prejudice to the rules and safeguards established by applicable case law, including Judgment SU-111 of 2025.
- Reviewing working-hour arrangements, overtime, and additional pay, particularly in the private security and surveillance sector and in relation to piece-rate employees, to ensure that calculations and internal practices are based directly on applicable law rather than on formulas or criteria contained in the withdrawn circulars.
- Maintaining documentary records and supporting evidence of actions taken while the circulars were in force, since the legal validity of each situation must be assessed in accordance with the rules applicable at the relevant time and the particular circumstances of each case.
- Reviewing ongoing administrative proceedings and, where appropriate, considering whether to request that the withdrawn circulars not be used as an independent basis for requests, evidentiary burdens, or potential sanctions.

7. WHAT DOES THIS MEAN IN PRACTICE?

Resolution 2708 of 2026 does not, by itself, change the labor obligations established by law or amend Law 2466 of 2025, Law 2101 of 2021, or other labor regulations currently in force. Its

main effect is to withdraw certain Ministry instruments that had been used as references for interpreting and applying these rules.

Going forward, it will therefore be particularly important to clearly identify the legal basis for each labor obligation. Where a company, employee, or even an authority has been relying exclusively on one of the withdrawn circulars to support a particular requirement, its legal basis should be reassessed to determine whether it is supported by a law or judicial decision that remains applicable.

This review also provides companies with an opportunity to update their internal documents and procedures and ensure that their labor practices are supported by the legal sources that actually apply.

At Muñoz Tamayo & Asociados, we will continue to monitor the new guidance issued by the Ministry of Labor and its potential implications for employers. In this context, we remain available to assist you in reviewing and updating your policies, procedures, and other internal documents that may be affected by this decision.

Yours sincerely,

Muñoz Tamayo & Asociados

Labor & Employment Law Department