

HR Compliance Assist – Colombia – HR Record Retention Requirements

Colombia			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 5 years (executive) - debt related, etc.; Minimum 10 years (ordinary)	From termination	Art. 2536, Civil Code (Statute of Limitations Executive and Ordinary); Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination, and, if applicable, from date employer receives employee claim	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Data and personnel files	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination, and, if applicable, from date employer receives employee claim	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Collective bargaining/union	N/A, collective bargaining/union agreements can be requested at any time from the Ministry of Labor	N/A	Art. 469, Labor Code
Background checks and drug tests	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Acknowledgements, policy agreements and required notices	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination, and, if applicable, from date employer receives employee claim	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)

HR Compliance Assist – Colombia – HR Record Retention Requirements

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Retain minimum 10 years as best practice in case of a judicial claim	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Pension records	Minimum 20 years; Note: pension rights do not expire	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Equity records	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Tax records	Verify with Colombian tax/financial expert		
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)
Injury and illness incident reports	Minimum 3 years; Best practice retain minimum 10 years after termination of employment contract (1 year after expiration of rights)	From termination	Art. 488, Labor Code; Art. 151, Procedural Code of Labor (Decree 2158 of 1948)

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	Generally not permitted; Medical exam performed by company's doctor as part of a periodic exam: Best practice minimum 20 years	From termination	Art. 13, Decree 1443 of 2014
Hazardous material and other exposure records	Best practice minimum 20 years	From termination	Art. 13, Decree 1443 of 2014
Occupational Safety and Health Management System related records	Employee epidemiological health profiles; measurement and monitoring of work environments for risk and hazard surveillance and control programs; occupational and safety education and training activities; and, records of personal protection supply: Minimum 20 years	From termination	Decree 1072 of 2015, Art. 2.2.4.6.13

Last updated April 2021.

DISCLAIMER: The information contained in this document is for general information purposes only and is not intended to be a source for legal, tax, or any other professional advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. All legal or tax questions or concerns should be directed to your legal counsel or tax consultant. Laws and regulations may change and UKG Inc. ("UKG") cannot guarantee that all the information in this document is accurate, current or complete. UKG MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR THE INFORMATION OR CONTENT CONTAINED HEREIN AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER UKG, NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE UKG HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of UKG. No part of this document or its content may be reproduced in any form, or by any means, or distributed to any third party without the prior written consent of UKG © 2021 UKG Inc. All rights reserved.