

Argentina¹

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N.B. Argentina Federation is a federal state comprising 23 provinces and an autonomous city, Buenos Aires.

The leave system is heterogeneous across the country. Different entitlements are offered depending on the sector (public or private) and province. Moreover, participation in the formal labour market determines access to different types of social protection benefits (including leave); consequently, a significant proportion of workers in the informal economy, in small companies or working as self-employed are excluded from these benefits. The information included in this report is based on the provisions regulated in the National Law 20.744 on Contract of Employment (1974)², which sets minimum standards. In some cases, these benefits are supplemented by collective bargaining agreements or private sector initiatives.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Licencia por maternidad*) (responsibility of the National Social Security Administration - ANSES)

¹ Please cite as Debeljuh, P. and Ginestra, C. (2023) 'Argentina Country Note', in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2023*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

² *Ley de Contrato de Trabajo*. Available [here](#).

i. Private sector

Length of leave (before and after birth)

- Ninety calendar days: 30 to 45 days before the birth and 45 to 60 days after.
- It is obligatory to take leave from 30 days before birth to 45 days after.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts three or six months.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which the federal government mainly finances.

Flexibility in use

- Women are allowed to work up to 30 days before the child is due.
- After Maternity leave, mothers can opt to return to employment or start an unpaid leave of absence (*período de excedencia*) of three or six months.
- In the event of a pre-term delivery, the entire period of leave that has not been used will be added to the post-natal leave period to complete the 90 days.

Eligibility (e.g., related to employment or family circumstances)

- Registered employees and domestic workers with at least three months in employment when starting the leave.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- For a child with Down's Syndrome, paid Maternity leave is extended by six months.
- There is no additional entitlement for multiple births.

Additional note (e.g., leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- There are variations in eligibility established by collective bargaining agreements in each sector. For example, the Agrarian Labour Law (2011)³

³ *Régimen de Trabajo Agrario (2011)*. Available [here](#).

mandates that temporary staff are covered under the same conditions as permanent staff.

- Basic provisions can be enhanced by private employers' practices. Thanks to the work that the Family and Business Conciliation Center (CONFyE)⁴ has been developing since 2009, many companies from the private sector have identified the need to adopt new work-life practices. Evidence from CONFyE shows promising initiatives for mothers, such as:
- The gradual reduction of working hours leading up to delivery⁵.
- The extension of Maternity leave, usually two or three extra months paid by the company⁶.
- The provision of similar Maternity leave to adoptive mothers⁷.
- Soft landing: mothers are allowed to gradually return to employment, with reduced working hours, while receiving full pay. The scheme varies across companies, but typically part-time work starts after the end of Maternity leave with four or five working hours per day. Companies also provide mothers with soft-landing policies for children with disabilities and adoption⁸.
- Extra days for mothers when the child is in neonatology⁹.

ii. Public sector (under Collective Labor Agreement for Public Employment¹⁰)

Length of leave (before and after birth)

- One hundred calendar days. 30 days of pre-natal leave and 70 days of post-natal leave.
- It is obligatory to take leave, though the 30 days prior to childbirth can be reduced with medical authorisation.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts three or six months.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.

⁴ CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Available [here](#).

⁵ Debeljuh, P. y Ordóñez, M.E.: *Hacia la integración familia – trabajo: guía de buenas prácticas* (2019) IAE Publishing, Buenos Aires, p. 163.

⁶ Idem, p. 164.

⁷ Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* (2013) IAE Publishing, Buenos Aires, p. 148.

⁸ Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas* (2011) IAE Publishing, Buenos Aires, p. 112.

⁹ Debeljuh, P. y Ordóñez, M.E.: *Hacia la integración familia – trabajo: guía de buenas prácticas* (2019) IAE Publishing, Buenos Aires, p. 163.

¹⁰ *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available [here](#).

- Funded by ANSES, the National Social Security Administration, financed mainly by the federal government.

Flexibility in use

- None

Regional or local variations in leave policy

- See 'Additional note' below for regional variations in length and payment.

Eligibility (e.g., related to employment or family circumstances)

- All public sector employees are eligible.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- In the case of multiple births, mothers are entitled to an extra ten days.
- From the third child, women receive ten more days per pregnancy.

Additional note (e.g., leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The collective agreements that regulate teacher conditions of employment offer benefits that, in most cases, enhance those recognised in the Collective Labour Agreement. Maternity leave for teachers varies according to the province, with a minimum of 84 days in Jujuy and a maximum of 210 days in Tierra del Fuego.
- The same occurs within provincial public employment, which varies from a minimum of 90 days in six provinces to a maximum of 210 days in Tierra del Fuego.

b. Paternity leave (Licencia por paternidad) (responsibility of the employer)

i. Private sector

Length of leave

- Two calendar days.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by employers.

Flexibility in use

- None. Leave must be taken immediately after birth.

Eligibility

- All registered employees are eligible.
- Informal and self-employed workers are not eligible.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- None.

Additional note (e.g., leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some sectors have improved the Paternity leave entitlements offered by Law 20.744 on Contract of Employment (1974)¹¹. For instance, the Agrarian Labour Law (2011)¹² recognises a paid Paternity leave of 30 consecutive days to be taken between 45 days before childbirth and 12 months after birth.
- Basic provisions can be enhanced by private employers' practices. Evidence from CONFyE¹³ shows promising initiatives mainly related to extending Paternity leave. In some companies, fathers can take up to 40 days with full pay after childbirth.¹⁴ Flexible working arrangements may also be offered, such as part-time work during the first month after birth without earnings reduction or one hour off during the first 30 days after returning to work, together with soft-landing policies for fathers of children with disabilities and adoptive fathers¹⁵.

¹¹ *Ley de Contrato de Trabajo*. Available [here](#).

¹² *Régimen de Trabajo Agrario* (2011). Available [here](#).

¹³ CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Publications available [here](#).

¹⁴ Debeljuh, P. y Ordóñez, M. E.: *Hacia una responsabilidad compartida: guía de buenas prácticas* (2017) IAE Publishing, Buenos Aires, p. 159.

¹⁵ Debeljuh, P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* (2015) IAE Publishing, Buenos Aires, p. 175.

ii. Public sector

Length of leave

- The Collective Labour Agreement for Public Employment¹⁶ that regulates employment in the National Public Administration provides a leave of five working days for fathers.
- In provincial public employment, while some regions do not offer Paternity leave (Formosa and Santiago del Estero), most provinces provide 15 days; La Rioja grants fathers 30 days.
- Paternity leave for teachers varies between two and 25 days, depending on the province.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by employers.

Flexibility in use

- None. Leave must be taken immediately after birth.

Eligibility

- All registered employees are eligible.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- None.

c. Parental leave

- No statutory entitlement.

d. Childcare leave or career breaks

- No statutory entitlement.

¹⁶ *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available [here](#).

e. Other types of leave and flexible working

Adoption leave and pay

- No statutory entitlement. In the public sector, adoption leave is provided for mothers (100 calendar days) and fathers (30 calendar days) in national public administration. Some collective bargaining agreements covering teachers and provincial public sector employees provide leave for both parents, with significant variations between provinces, e.g., 30 days in Tucumán and a maximum of 180 days in four provinces.

Time off for the care of dependents

- No statutory entitlement.
- In the public sector, 20 days paid leave per parent per year is available for the care of a family member who is ill or injured; 30 days paid leave is available for workers with young children in the event of the death of a child's mother, father or guardian.
- In the private sector, some companies provide leave, for example allowing parents to take ten paid days for sick children¹⁷. For children with disabilities, some companies offer eight paid hours per month to accompany children to medical appointments¹⁸. Some companies provide assistance for family emergencies, such as caring for a child with a severe illness; this can be financial assistance, special paid leave, psychological assistance for the family group, or bereavement support¹⁹.
- Some employers offer advice on prevention, disability and mental health issues delivered by professionals from disciplines such as Pedagogy, Psychology, Social Work and Medicine. From this holistic approach, comprehensive alternatives arise to address health problems, providing guidance to employees and their families for appropriate diagnostic and therapeutic evaluations, as well as advice for the accreditation of the Unique Certificate of Disability. This programme also includes support for employees undergoing a risky pregnancy or having a premature child, providing guidance and prevention actions, early stimulation, medical appointments, and support for families searching for institutional treatment and rehabilitation²⁰.
- Time for mothers to spend with children during the first days of school²¹.

¹⁷ Debeljuh, P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas* (2011) IAE Publishing, Buenos Aires, p. 122.

¹⁸ Debeljuh, P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* (2013) IAE Publishing, Buenos Aires, p. 148.

¹⁹ Debeljuh, P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* (2015) IAE Publishing, Buenos Aires, pp. 217-227.

²⁰ Debeljuh, P. y De La Serna M.: *Hacia un nuevo mundo laboral y familiar: guía de buenas prácticas* (2021) IAE Publishing, Buenos Aires, p. 151.

²¹ Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* (2013) IAE Publishing, Buenos Aires, p. 153.

Specific provision for (breast)feeding

- In the private sector, every working mother has the right to take two breaks of 30 minutes each day for one year after birth. The time devoted to breastfeeding is considered part of the working day and, therefore, is paid. It is a widespread practice to have lactation rooms in workplaces.
- In the public sector, every working mother has the right to take two breaks of one hour a day, for one year after birth, with the option of reducing the working day by two hours. In provincial public employment, there are some variations, e.g., breaks or reductions in the working day may vary from three months after Maternity leave to five years. In the City of Buenos Aires, Law No. 2958 (2008) mandates the implementation of breastfeeding rooms in the public sector. These spaces should be private, comfortable, and exclusive for lactating mothers²².
- Infrastructure facilities: Lactation rooms are also provided by companies offering the possibility of continuing breastfeeding while working ²³ . Additionally, some companies provide exclusive parking spaces for pregnant or breastfeeding mothers (this is especially important in big cities such as Buenos Aires)²⁴.

Flexible working

- Flexible working arrangements: working wholly or partly from home, combined if desired with time in the office²⁵.

Gender-based violence leave

- There are action protocols against cases of intrahousehold violence or gender-based violence in the public and private sectors. Government employees at the national²⁶ and provincial²⁷ levels can access these leaves. For example, in the province of Buenos Aires, women may take up to 35 days per year, while in Jujuy the leave consists of 20 days²⁸. Some companies also offer similar benefits. The protocols include a special 15-days paid leave (which can be renewed if necessary), a salary advance and a loan, with a 0 per cent interest rate to be repaid in up to 42 instalments²⁹.

²² [Law 2958](#), City of Buenos Aires.

²³ Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas* ([2011](#)) IAE Publishing, Buenos Aires, pp. 146-150.

²⁴ Debeljuh P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* ([2015](#)), IAE Publishing, Buenos Aires, p. 184.

²⁵ Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas* ([2011](#)) IAE Publishing, Buenos Aires, p. 122.

²⁶ [Resolution 24/2019](#).

²⁷ [Decree 121/2020](#), Buenos Aires.

²⁸ [Decree 121/2020](#), Buenos Aires.

²⁹ Debeljuh, P. y Ordóñez, M.E.: *Hacia la integración familia – trabajo: guía de buenas prácticas* ([2019](#)) IAE Publishing, Buenos Aires.

Remote work

- Teleworkers who provide care for children under the age of 13 years or for disabled or older adults who require specific care have the right to have work schedules that are compatible with their care responsibilities, as well as to have breaks in their working day. Any act, conduct, decision, retaliation or obstruction from the employer that violates these rights will be presumed discriminatory and liable to sanctions³⁰. This law came into force in April 2021, and among its articles includes the right to the digital disconnection that allows the employee who teleworks to be able to rest, recover and recompose between the end of a teleworking day and the following day, protecting free time so that work does not invade their family environment.

Other measures

- Some companies offer nursery services in their facilities for employees' children (from 45 days to 4 years old)³¹. The private sector is making progress in offering fathers the same benefits as are already provided for mothers. For example, some companies offer financial support by reimbursing the costs associated with childcare up to preschool age; and some companies provide hours or days off work when children start school, which was initially a benefit granted to mothers³².

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is eight months or just over eight months (depending on the sector), but most of this is unpaid, with well-paid leave only available for less than three months. In addition, kindergarten attendance is compulsory for four and 5-year-olds, so there is a gap of almost four years between the end of well-paid leave and entitlement to Early Childhood Education and Care (ECEC).

Argentina is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database.

Article 179 of Law 20.744 on Contract of Employment (1974)³³ requires providing care services in the workplace for companies with fifty or more employed women. This law was recently executed (March 2022) through [Decree 144/2022](#) (see section 3 below).

³⁰ *Boletín Oficial* Argentina ([August 2020](#)).

³¹ Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* (2013) IAE Publishing, Buenos Aires, p. 189.

³² *Idem* p. 174.

³³ *Ley de Contrato de Trabajo*. Available [here](#).

ECEC for children under four years is offered in a variety of (mostly private) institutions, such as nurseries (*salas cunas, prejardines, jardines maternas*), kindergartens and child development centres (*centros de desarrollo infantil o centros de cuidado comunitario*). Expanding national child development centres (Law 26.233) has enabled some progress in providing children with care and education. These centres have been created to promote the healthy development of children from 45 days to 3 years of age; they can be public or privately owned, and the period of a child's attendance is agreed upon with parents³⁴. Argentina has also launched the National Early Childhood Plan to guarantee nutrition, early stimulation, and healthcare for the most vulnerable children (aged 0 to 4).

3. Changes in policy since April 2022 (including proposals currently under discussion)

In March 2022, the government launched [National Decree 144/2022](#), which regulates the establishment of childcare services in companies with 100 or more employees. The provision of childcare services for children aged 45 days to three years old in workplaces with 100 or more employees is now mandatory regardless of hiring modalities. In collective bargaining agreements, this obligation can be replaced by a documented reimbursement of childcare expenses. For remote workers, the obligation to provide childcare services can be fulfilled by paying a non-remunerative sum. The obligation to offer childcare services has been enforceable since March 2023. Failure to comply with the duty to provide these services will be considered a severe labour infraction under the terms of Law 25,212, which ratifies the Federal Labour Pact. Severe infractions will be sanctioned with a fine of fifty (50) to two thousand per cent (2,000) of the monthly value of the Minimum Salary in force when verifying the infraction for each affected worker.

In the first quarter of 2023, the [National Ministry of Security](#) launched a project to review and adapt maternity and paternity leaves. The project proposes reviewing, modifying, expanding and unifying the leaves for the Federal Police and Security Forces related to the care of family members and/or dependents and those linked to self-care. The objective is to promote gender equality, which includes guaranteeing access, permanence, and professional development for women in federal forces.

In late 2022, the [National Bank of Argentina](#) (*Banco Nación*) also extended parental leave for 90 days without pay after the birth leave. In addition, the Bank also made a ten-day extension on maternity leave (paid), extending the adoption leave from 50 to 90 days with pay, which was added to a new leave of up to 15 days to carry out adoption procedures.

During the last year, there were leave extensions at the local level. For example, in [Jujuy](#) city, maternity leave in case of adoption was extended to 180 days (equal to maternity leave), while paternity leave was increased to 30 days in May 2022. Furthermore, in August 2022 in [Posadas](#) city (Province of Misiones), a new law

³⁴ OIT, UNICEF, PNUD, CIPPEC (2018). *Las políticas de cuidado en Argentina. Avances y desafíos*. Available [here](#).

incorporated time franchises to attend school adaptations and events, care during pregnancy and birth (stillbirth or death of the newborn due to loss of pregnancy), adoption procedures, procedures for foster families, for treatment of assisted fertilisation, in addition to extending the days of licenses for non-pregnant partners, going from 15 to 45 days.

In the province of [Neuquén](#), a new leave system was created for public employees in September 2022. It mandates 150 days of leave for the pregnant person and 60 days for the partner; 180 days leave for multiple births and 90 for the partner; 210 days per birth with congenital malformations and 180 for the partner; and 30 days leave for termination of pregnancy (involuntary or voluntary). The regulations also contemplate specific pre-term birth, adoption, and high-risk pregnancy leaves.

The [province of Buenos Aires](#), which has already extended leaves for certain public employees, opened these benefits for the entire public administration in July 2022. Among some of the additions and modifications to parental leave is the increase in days for partners of 15 working days, the birth leave (postpartum) of 45 more days (up to 135 total days and in case of being premature or in disability situation 180 days). In addition, if both parents are public employees and can access these benefits, the mother will have the right to choose which will enjoy the leave. The days per adoption were also increased: for up to 3 years old, the leave is 120 days; between 3 and 6 years old, 135 days; between 6 and 10 years old, 150 days; between 10 and 18 years old, 180 days; and for multiple adoptions, the regime will be the same with 15 days per child. Leave will also be granted for adoption procedures of 2 consecutive days with a maximum of 10 days per year. A leave for fertilisation treatment was also incorporated, with a maximum of 10 days a year, and 20 more may be added without pay. In addition, breaks for food and school adaptation are incorporated. For the first one, an interval of 2 hours of work per working day is stipulated to feed and care for a child under one year; while due to school adaptation at the initial level and first grade, the break will be for as many hours and days as the educational authority determines are necessary.

Since April 2022, projects have been presented in the national and provincial parliaments. In May 2022, the national government, [presented a project](#) to extend maternity and paternity leaves, promoting the creation of the Integral System of Care Policies. The objective is the implementation of equal parental leave for both parents. If the bill were approved, paternity leave would be 15 days, and in the next eight years, it would escalate to 90 days. In addition, mothers will also have a leave extension from 90 days to 126 days. In [Cordoba](#), a project that calls for paternity leave extension for public sector workers was presented for the sixth consecutive time. In Entre Rios, a project was presented to extend public employees' Maternity, paternity, and grief/mourning leave. If approved, the measure would extend leave for both mothers and fathers for pregnancy, childbirth, and childcare. Pregnant women will have the right to 120 continuous or discontinuous days during pregnancy, while partners will be granted 15 days (continuous or intermittent) for pregnancy care. Maternity leave will be 60 days after the birth or registration of the newborn, while paternity leave will be 30 days.

4. Uptake of leave

a. Maternity leave

- No information available

b. Paternity leave

- No information available

c. Parental leave

- No statutory entitlement