

# Argentina<sup>13</sup>

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April 2024

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)<sup>14</sup>, 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.

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<sup>13</sup> Please cite as Debeljuh, P. and Ginestra, C. (2024) 'Argentina Country Note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>14</sup> *Ley de Contrato de Trabajo*. Available [here](#).

## 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)

#### 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 6 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)<sup>15</sup>

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<sup>15</sup> 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)<sup>16</sup> 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 delivery.<sup>17</sup>
  - The extension of Maternity leave, usually 2 or 3 extra months paid by the company.<sup>18</sup>
  - The provision of similar Maternity leave to adoptive mothers.<sup>19</sup>
  - The extension of maternity leave in the case of multiple births or children with disability.<sup>20</sup>
  - 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 adoption.<sup>21</sup>
  - Extra days for mothers when the child is in neonatology.<sup>22</sup>
  - Some companies offer a 30-day leave due to pregnancy termination.<sup>23</sup>

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<sup>16</sup> 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](#).

<sup>17</sup> Debeljuh, P. and Ordóñez, M.E. (2019) *Hacia la integración familia – trabajo: guía de buenas prácticas* [Towards family-work integration: guide to good practices]. Buenos Aires: IAE Publishing, p.163.

<sup>18</sup> Idem, p.164.

<sup>19</sup> Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.148.

<sup>20</sup> Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, p.139.

<sup>21</sup> Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.112.

<sup>22</sup> Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.139.

<sup>23</sup> Ibid.

## **ii. Public sector (under Collective Labour Agreement for Public Employment<sup>24</sup>)**

### *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.
- 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 3<sup>rd</sup> child, women receive 10 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 6 provinces to a maximum of 210 days in Tierra del Fuego.

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<sup>24</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* [General Collective Labor Agreement for the National Public Administration](2006). Available [here](#).

## **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).<sup>25</sup> For instance, the Agrarian Labour Law (2011)<sup>26</sup> 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 CONFyE<sup>27</sup> shows promising initiatives mainly related to extending Paternity leave. In some companies, fathers can take up to 40 days with full pay after childbirth<sup>28</sup>. Flexible working arrangements may also be offered, such as part-time work during the first month after birth without earnings

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<sup>25</sup> *Ley de Contrato de Trabajo*. Available [here](#).

<sup>26</sup> *Régimen de Trabajo Agrario* (2011). Available [here](#).

<sup>27</sup> 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](#).

<sup>28</sup> Debeljuh, P. and Ordóñez, M. E. (2017) *Hacia una responsabilidad compartida: guía de buenas prácticas* [Towards shared responsibility: good practice guide]. Buenos Aires: IAE Publishing, p.159.

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 fathers.<sup>29</sup>

## **ii. Public sector**

### *Length of leave*

- The Collective Labour Agreement for Public Employment<sup>30</sup> 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 (such as Buenos Aires<sup>31</sup>); La Rioja grants fathers 30 days.
- Paternity leave for teachers varies between 2 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.

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<sup>29</sup> Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, p.175.

<sup>30</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available [here](#).

<sup>31</sup> *Licencias parentales en la Provincia de Buenos Aires* [Parental leaves in the Province of Buenos Aires] (2023). 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 children<sup>32</sup>. For children with disabilities, some companies offer eight paid hours per month to accompany children to medical appointments<sup>33</sup>. 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 support<sup>34</sup>.
- 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 rehabilitation.<sup>35</sup>

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<sup>32</sup> Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.122.

<sup>33</sup> Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.148.

<sup>34</sup> Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, pp.217-227.

<sup>35</sup> Debeljuh, P. and De La Serna M. (2021) *Hacia un nuevo mundo laboral y familiar: guía de buenas prácticas* [Towards a new world of work and family: guide to good practices] Buenos Aires: IAE Publishing, p.151.

- Time for mothers to spend with children during the first days of school.<sup>36</sup>

#### *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 mothers.<sup>37</sup>
- Infrastructure facilities: Lactation rooms are also provided by companies offering the possibility of continuing breastfeeding while working.<sup>38,39</sup> Additionally, some companies provide exclusive parking spaces for pregnant or breastfeeding mothers (this is especially important in big cities such as Buenos Aires).<sup>40</sup>

#### *Flexible working*

- Flexible working arrangements: working wholly or partly from home, combined if desired with time in the office<sup>41</sup>.

#### *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 national<sup>42</sup> and provincial<sup>43</sup> levels can access these leaves.

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<sup>36</sup> Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.153.

<sup>37</sup> [Law 2958](#), City of Buenos Aires.

<sup>38</sup> Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, pp.146-150.

<sup>39</sup> Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.162.

<sup>40</sup> Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, p.184.

<sup>41</sup> Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.122.

<sup>42</sup> [Resolution 24/2019](#).

<sup>43</sup> [Decree 121/2020](#), Buenos Aires.



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 days.<sup>44</sup> 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 instalments.<sup>45</sup>

### *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 sanctions.<sup>46</sup> 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 2<sup>47</sup> or 4<sup>48</sup> years old). 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 mothers.<sup>49</sup>
- Some companies also provide nursery services to rural workers with children aged up to 4 years during working hours. With the aim of preventing child labour, these companies also offer informal education centres for employees' children aged 10-17 years. These centres are free of charge and open to the community.<sup>50</sup>

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<sup>44</sup> [Decree 121/2020](#), Buenos Aires.

<sup>45</sup> Debeljuh, P. and Ordóñez, M.E. (2019) *Hacia la integración familia – trabajo: guía de buenas prácticas* [Towards family-work integration: guide to good practices]. Buenos Aires: IAE Publishing.

<sup>46</sup> *Boletín Oficial Argentina* ([August 2020](#)).

<sup>47</sup> Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, p.162.

<sup>48</sup> Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.189.

<sup>49</sup> *Idem* p. 174.

<sup>50</sup> Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.151.

## 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).

Article 179 of Law 20.744 on Contract of Employment (1974)<sup>51</sup> 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).

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 parents<sup>52</sup>. 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).

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 3 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 50 to 2,000 per cent of the monthly value of the Minimum Salary in force when verifying the infraction for each affected worker.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

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<sup>51</sup> *Ley de Contrato de Trabajo*. Available [here](#).

<sup>52</sup> OIT, UNICEF, PNUD, CIPPEC (2018). *Las políticas de cuidado en Argentina. Avances y desafíos*. Available [here](#).

### **3. Changes in policy since April 2023 (including proposals currently under discussion)**

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. This project has been passed by the Lower House ([Cámara de Diputados](#)) but, as of March 2024, this bill has not been evaluated by the Senate.<sup>53</sup>

In December 2023, the new government issued a reform decree known as [DNU 70/2023](#). It contains 366 articles and repeals key legislation, as well as delivering substantial changes to a number of key economic, labour, and institutional matters. In terms of [leaves](#), the modification brings a change in the number of days that a female worker must take off before delivery: from a minimum of 30 days, it becomes 10 days. That is, the pregnant worker may choose to take her leave prior to childbirth reduced for a period of not less than ten days, and the rest of the total license period may be accumulated during the postpartum period. In cases of pre-term birth, the entire period of leave that was not taken before the birth will be accumulated to the subsequent rest period, and in this way, the complete 90 days of leave.

The decree also establishes changes in the intersection of care and remote work. The original text of the law provides remote workers who provide care for children under 13, people with disabilities, or older adults who live with the worker and require specific assistance, with work hours compatible with caring tasks. The law (approved during the Covid-19 pandemic), protects this right against any act, conduct, decision, retaliation, or obstruction from employer that violates these rights. Specifically, a presumption is established in favour of the worker, based on which all acts, conduct or decisions that entail retaliation and hinder the exercise of this right are presumed to be discriminatory, making the provisions of Law 23,592 on Discriminatory Acts applicable.

The modifications to this law introduced by DNU 70/2023 result in a restriction on negotiation with the employer and the terms of that agreement. The DNU establishes that workers will have the right to coordinate with the employer schedules compatible with the care task in their charge and/or the sporadic interruption of their day, as long as it does not affect what is required of their work and states that periods of time are compensated in a manner consistent with the tasks. The presumption regarding the configuration of a discriminatory act in employment does not apply, and the employer is granted the power to compensate expenses for care tasks, leaving this article without application.

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<sup>53</sup> Mestas Izurieta, G. (2023) Un proyecto de ley busca redistribuir las tareas de cuidado para que no recaigan sólo en las mujeres. Available [here](#).

As of March 2024, this decree has not been approved by the Senate, and it will go to the Lower House for revision in the next months. To be repealed, the DNU needs to be rejected by both the upper and lower house of Congress.

## **4. Uptake of leave**

### **a. Maternity leave**

No information available.

### **b. Paternity leave**

No information available.

### **c. Parental leave**

No statutory entitlement.