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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 (public sector) (*Licencias por maternidad y por paternidad*)

Length of leave (before and after birth)

- Thirteen weeks: up to 6 weeks can be taken before the birth, one week of which must be taken at this time. Civil servants of the Central Administration are entitled to 14 weeks.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded from general taxation.

Flexibility in use

- None, except for 5 weeks of leave that can be taken before or after birth.

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Eligibility

- All female public sector employees.

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 or premature births or disability, the leave is extended to 18 weeks.
- In the case of premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) are entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this license, the usufruct of Maternity or Paternity leave will begin.

a. Maternity leave (private sector) (*Subsidio por maternidad*) (responsibility of Instituto de Seguridad Social)

Length of leave (before and after birth)

- Fourteen weeks: up to 6 weeks can be taken before the birth.
- It is obligatory to take all the leave.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment. For employees, this is based on average earnings in the 6 months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded by the social security system, which is financed by contributions and taxes: for sickness and maternity benefits, 3 to 6 per cent of employee earnings and 5 per cent of payroll from employer, plus earmarked proceeds of certain taxes.

Flexibility in use

- Women may postpone the start of Maternity leave (if authorised by her doctor).
- If the birth occurs earlier than 42 days before the due date of delivery, the beginning of the subsidy is modified to the actual day of the baby's birth. The start of postpartum leave is not modified, that is, the original postpartum leave period is maintained, granting more days of leave.
- If the birth occurs after the due date of delivery, the postpartum leave is extended, taking into account the number of days of the delay.

Eligibility

- All female employees who contribute to the Social Security Institute (BPS).
- Self-employed workers who are covered by the BPS, with no more than 1 employee.
- Other self-employed workers who are covered by the BPS.

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 illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.
- In the case of full-term births, if the baby's birth weight is 1.5 kg or below, Maternity leave is extended to 18 weeks.
- Maternity leave may be extended until the child turns 6 months in cases when: the newborn presents any disorder, illness, co-morbidity or condition, which due to its nature or severity involves a risk to the life of the newborn; the newborn presents any disorder, illness, co-morbidity or condition that involves sensory, physical or intellectual disabilities; the newborn requires hospitalization or treatment, and a specialist doctor recommends the mother's care.

b. Paternity leave (public sector) (*Licencia por paternidad*)

Length of leave (before and after birth)

- Ten working days.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded as for Maternity leave.

Flexibility in use

- None.

Eligibility

- All male public sector employees.

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 premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) will be entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this period, Maternity or Paternity leave begins.

b. Paternity leave (private sector) (*Inactividad Compensada por Paternidad*) (responsibility of the Instituto de Seguridad Social)

Length of leave (before and after birth)

- Thirteen calendar days for employees; 10 calendar days for self-employed workers.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment. For employees, this is based on average earnings in the 6 months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- For employees, the first 3 days are paid by the employer and the next 10 days are paid by the social security system.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded as for Maternity leave.

Flexibility in use

- None. To be taken from the day of birth.

Eligibility

- All male employees who contribute to the BPS.
- Self-employed workers who are covered by the BPS, with no more than one employee.
- Other self-employed workers who are covered by the BPS.

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 case of multiple births, preterm births, as well as in the other health conditions that permit an extension of Maternity leave (see 1a), Paternity leave may be extended to 30 days.

c. Parental leave (public sector)

In November 2023, Law No. 20,212 (art. 53) established that public workers have a right to Parental leave. Mothers and fathers cannot be on Parental leave simultaneously. They can alternate use of Parental leave, after the end of Maternity leave, until the baby reaches 6 months of age. This is extended to 9 months of age, in situations where the child's life is at risk or the child has a disability. Mothers or fathers can only take leave, as long as the mother remains economically active or is covered by medical leave.⁵⁸⁴

c. Parental leave (private sector)

Length of leave

- Until the child reaches 6 months.
- Leave is a family entitlement.
- Leave must be taken part time; the parent taking leave cannot work more than 4 hours a day.

Payment and funding

- As for Maternity and Paternity leave (private sector) (see 1a and 1b).

Flexibility in use

- Parents can alternate taking leave in days, weeks or months.
- Leave cannot be taken at the same time by both parents.

Eligibility

- As for Maternity and Paternity leave (private sector) (see 1a and 1b), except it is a requirement for fathers that the mother has been eligible for private sector Maternity leave.
- The law does not define whether same-sex couples are eligible. However, the BPS report that they approve part-time leave applications from women whose partners have taken BPS-provided Maternity 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

- None.

d. Childcare leave or career breaks

No statutory entitlement.

⁵⁸⁴ <https://www.impo.com.uy/bases/leyes/20212-2023>

e. Other family employment-related measures

Adoption leave and pay

- In the case of adoption, workers in both the public and private sector are entitled to a continuous 6 week leave and a reduction of the working day (up to 50 per cent) for 6 months. These leaves may be used by one of the 2 parents from the time the child is placed in the family, while the other parent is them granted 10 working days of leave.

Time off for the care of dependents

No statutory entitlement.

Specific provision for (breast) feeding

- If the worker (public or private) breastfeeds her child, she may interrupt her daily work for that purpose, and has a choice between 2 half hour periods or a period of 1 hour. This time is counted as employment. Her doctor is responsible for determining the duration of these breastfeeding breaks, which may be extended for up to 2 years. Workers are required to present a doctor's certificate to their employer with whom they need to agree on how and when they will use the 1 hour reduction of the working day.

Flexible working

- Mothers in the public sector may work part-time, but only if they are breastfeeding. This lasts according to the baby's needs, but usually continues until the baby is 12 months old. The worker must present a medical certificate that confirms she is breastfeeding.
- Civil servants of the Central Administration may work part-time, at least 4 hours per day, when their baby is between 6 and 12 months old. Mothers and fathers are eligible, but reduced hours can be used by only one of the parents.

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

The maximum period of full-time post-natal leave is just under three months, paid at a high rate; part-time unpaid leave can be taken in the private sector until 6 months after childbirth. There is an entitlement to Early Childhood Education and Care (ECEC) once children are four years of age and attendance also becomes obligatory at that age. There is a gap, therefore, of more than three and a half years between the end of well-paid leave and an entitlement to ECEC.

National statistics report that 56.2 per cent of children from birth to 4 years attended ECEC, but attendance is very different according to age: 13.3 per cent for children under the age of 1 year, 38.7 per cent for 1 year-olds, 57 per cent for 2 year-olds, 77.7 per cent for 3 year-olds, and 93 per cent for 4 year-olds.⁵⁸⁵ Moreover, if children who attend 20 hours a week or more, which is equivalent to at least a part-time working day, are considered these figures drop to 2.5 per cent for children under the age of 1 year, 13.8 per cent for 1 year-olds, 42 per cent for 2 year-olds, 70.4 per cent for 3 year-olds and 86.9 per cent for 4 year-olds.

Until 2 years old, most children attend private ECEC centres (funded by families), as public centres are not extended, especially for children under one year of age. From the age of three, public centres are more widely covered.

During the period 2015-2020, within the framework of the implementation of the National Integrated Care System, early childhood education and care services were increased, adding 16,000 new places to the public system. In 2022, there were 78,344 children cared for in public centres, but due to the decrease in births, coverage was 53 per cent of the population between 0 and 3 years old.⁵⁸⁶

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

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

Law 20,312 was approved in April 2024. For private sector employees, the Law increases Paternity leave, initially to 14 days and then to 17 days from 1 January 2026; and for self-employed workers, it increases leave initially to 17 days and then to 20 days. For the public sector, the option of 20 days of Paternity leave becomes available. In certain cases, such as multiple births or low birthweight, 30 days of Paternity leave are to be available. Protection of fathers at work is also strengthened, with the new Law prohibiting the dismissal of a father until at least 30 days after re-instatement following leave.

⁵⁸⁵ Own elaboration based on micro data from the Nutrition, Child Development and Health Survey, INE, MIDES, 2018. See: <http://www.ine.gub.uy/web/guest/encuesta-de-nutricion-desarrollo-infantil-y-salud-endis-2018->

⁵⁸⁶ <https://www.gub.uy/sistema-cuidados/comunicacion/publicaciones/memoria-quinquenal-2015-2020;>

<https://www.gub.uy/sistema-cuidados/institucional/informacion-gestion/memorias-anales/sistema-cuidados-informe-anual-2022;nd> <https://www.gub.uy/sistema-cuidados/comunicacion/publicaciones/memoria-quinquenal-2015-2020>

4. Uptake of leave

a. Maternity leave

Data on Maternity leave show a steady increase in the period 2011-2016, from 14,264 users in 2011 to 16,108 users in 2016. However, no significant impact can be observed since the new law, Nr.19161. From 2013, there has been a stability in the number of users (around 16,000): this means that when it comes to the first years of implementation, the new legislation has not involved a significant increase, in comparison to previous years. The new law, with the inclusion of new groups, did not imply substantial changes in the use of Maternity leave – probably because the non-dependent mothers who can use this leave represent a very small proportion. In any case, it is interesting to investigate the state’s capacities to disseminate and guarantee the rights of these groups.⁵⁸⁷

The evolution of the users of Maternity leave presents a continuous decline from 2016 until 2020. While in 2016 there were 16,911 users, this number fell to 12,554 in 2020 and to 11,483 in 2023.⁵⁸⁸ It is important to consider that also births in Uruguay have decreased over this time period. In 2016 there were 47,058 births, while in 2023 there were 31,381. The reduction of births occurred in all age groups, but the greatest contribution to the decrease was made by the group of women under 24 years old. There has been a decrease in the adolescent fertility rate (number of births of women between 15 and 19 years old) in recent years.

A recent policy document published in November 2020⁵⁸⁹ states that a comprehensive explanation of the recent decline requires not only to consider the factors that converged on the exit from fertility stagnation adolescent, but that it is also necessary to understand reasons and the mechanisms that inclined the rest of women to limit their offspring. The fact that births of three and more children have decreased, whose mothers usually belong to groups of advanced age, suggests that interest in controlling more fertility is not exclusive to women teenagers and very young.

b. Paternity leave

There was a substantial rise in the take-up of Paternity leave up to 2016, from 8,799 in 2014 to 15,862 in 2016 (an increase of 80 per cent). This represents a significant advance for fathers’ right to care, at least during the first days of the baby's life.⁵⁹⁰ However, there has subsequently been a decrease, from 15,372

⁵⁸⁷ Batthyány, K., Genta, N. and Perrotta, V. (2018) *Uso de licencias parentales y roles de género en el cuidado*. Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

⁵⁸⁸ Own elaboration based on BPS, Social Security Indicators, 2024 .

⁵⁸⁹ Comisión de Expertos en Seguridad Social. NOTA TÉCNICA N°1 Proyección de la Población de Uruguay a 2100. 27 November 2020.

⁵⁹⁰ Batthyány, K., Genta, N. and Perrotta, V. (2018) *Uso de licencias parentales y roles de género en el cuidado*. Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

users in 2017 to 11,460 in 2023. Again, this needs to be considered together with the decreased number of births.

c. Parental leave

Part-time leave (Parental Care Allowance) is voluntary. In 2016, 59.1 per cent of the users of Maternity leave in the private sector used part-time leave (Parental Care Allowance). This means that a significant group of women did not take it, despite having the right to do so.

Regarding the evolution in the use of Parental leave, it increased from 6,258 users in 2014 to 9,525 in 2016, signifying an increase of 52 per cent⁵⁹¹. However, a decrease in users is observed in 2017 and 2018, a slight increase in 2019 and again a decline in 2020 and 2021.⁵⁹²

During the period March 2022 to February 2023, a monthly average of 2,238 (individuals on) Parental leaves were recorded. During the period February 2023 and March 2024, 2,203 were registered. This implies a decrease of 1.59 per cent.⁵⁹³

Among the users of part-time leave (Parental Care Allowance), men represent two per cent, a proportion that has remained stable in recent years. The reasons why the use of part-time leave is fundamentally by women are of a design nature. Couples must choose if it is the father or mother who takes part-time leave. Societal gendered norms associate mothers with being the best caregivers, especially in the first six months of babies' lives.

As observed in international precedents, when either parent is eligible for the benefit, it is normally used by women. In Uruguay, use reflects a rigid gender contract in social representations around childcare. The impact of social representations around childcare is reinforced by the state's strong promotion of exclusive breastfeeding in the first 6 months. National regulations adopted in 2009 (Ministry of Public Health Ordinance 217/09) establish the importance of exclusive nursing in the first 6 months, and supplementary breastfeeding up to the age of 2 years, while defining the obligations of health services in that regard. Such recommendations form part of campaigns conducted by the state and health provider institutions. In other words, the shared use of part-time leave is discouraged by an apparent contradiction: on the one hand, women are advised to breastfeed their children during the first 6 months and, on the other, they are afforded the opportunity to transfer their right to part-time leave to their partners in the same six months.⁵⁹⁴

⁵⁹¹ Ibid.

⁵⁹² Own calculation based on BPS, Social Security Indicators, 2022.

⁵⁹³ Social Security Indicators, Social Security Institute (BPS), 2024.

⁵⁹⁴ Batthyány, K. and Perrotta, V. (2018) 'Maternity/paternity and paid employment: progress in and obstacles to the exercise of the right to care in Uruguay', *Journal of the Ministry of Employment and Social Security Economics and Sociology*, Vol. 136. Available at: https://www.academia.edu/37432019/Revista_del_Ministerio_de_Empleo_y_Seguridad_Social.

Results of the *National Parental Leave Survey*, implemented in 2017, showed that men's major reason (72.1 per cent) for not using part-time leave was its overlap with the nursing period. The next most frequent reason given by fathers (6 out of 10) was that they believed the baby is better cared for by mothers. One-third of the men replied that caring for babies in the 1st year of life is the task of mothers.⁵⁹⁵

d. Childcare leave and career breaks

No statutory entitlement.

e. Other family-employment related measures

No information available.

⁵⁹⁵ Ibid.