

# Colombia<sup>173</sup>

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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 (*pre y postnatal maternal*) (responsibility of Ministry of Labour and Health System)**

*Length of leave (before and after birth)*

- 18 weeks: 1 or 2 weeks before the birth and 16 or 17 weeks after the birth. If for medical reasons a mother does not take the one week before birth, she is entitled to take all 18 weeks after birth.
- It is obligatory to take the post-natal leave weeks.
- Any woman who is pregnant or covered by Maternity leave or by breastfeeding provisions cannot be dismissed without 'just cause' approved by the Ministry of Labour.

*Payment, funding and taxation*

- Dependent worker (employee): during the leave, the employer pays the employee's full salary. The Health Provider institution (*Entidad Promotora de Salud*, EPS) of the employee re-imburses the employer for 100 per cent of an ordinary salary, but only 70 per cent of an 'integral salary', i.e., salary plus social contributions. The employer has up to three years to claim the leave money from the EPS.
- Independent worker (self-employed): for independent workers who issue invoices and contribute to the health system, the EPS reimburses 100 per cent of the Basic Income Value (IBC, i.e., the worker's income on which their

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social security contribution is calculated) for 18 weeks, or for the months that the worker has contributed before the birth of the child.

- Payments are taxed.
- Pension rights are maintained.
- EPS is funded by contributions of 12.5 per cent of earnings, 8.5 per cent from the employer and 4 per cent from the employee.

#### *Flexibility in use*

- The last 6 weeks of leave can be taken working half time and extending the period of leave correspondingly.

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

- Dependent worker: employees with permanent job contracts are entitled to take Maternity leave. For employees on fixed-term contracts, the employer must cover the Maternity leave fully and extend the contract until the end of the leave.
- Independent worker: independent workers are entitled to Maternity leave benefits if they meet the following requirements:
  - To be affiliated to the Health System (EPS) as a contributor.
  - To have contributed to the Health System during the period of pregnancy. If the worker has not paid contributions to the health system during pregnancy, she can pay her dues up to the birth date. In which case she will receive leave benefits.
- Same-sex couples who adopt a child can determine who will take the leave (and who will take Paternity leave), but this decision cannot be changed later.

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

- In the case of multiple births or if the child is born with a disability, leave is extended by 2 weeks for a total of 20 weeks.
- In the case of a premature birth, the weeks between the actual birth and the planned birth date will be added to the 18 weeks of Maternity leave. In the case of multiple births and premature and multiple births, the two additional weeks for multiple births will be added to the difference in time between the actual birth and the planned birth date plus the 18 weeks of Maternity leave.
- In the case of an abortion or a premature non-viable birth the mother is entitled to paid leave for 2 to 4 weeks. If the child dies after childbirth, the mother is entitled to use the full period of Maternity leave.
- Women must take the first 12 weeks of leave, but the following 6 weeks may be transferred to their spouse or partner, which is called 'Shared Parental Leave' (*Licencia parental compartida*). These 6 weeks must be taken in one continuous period and cannot be taken simultaneously with the mother, unless the mother has a certified post-natal illness.
- If the mother dies during or after childbirth, all Maternity leave rights are transferred to the father or a legal guardian.

**b. Paternity leave (*Permiso pagado del padre en caso de nacimiento - postnatal paternal*) (responsibility of the employer/health provider institution)**

*Length of leave*

- 14 working days. The length of the leave will increase by 1 additional week for every one percentage point that unemployment decreases compared to the unemployment rate at the time the law was implemented, up to a maximum of 5 weeks.
- Any worker whose spouse or partner is pregnant or in the 18 weeks after birth and not employed cannot be dismissed without 'just cause' approved by the Ministry of Labour.

*Payment, funding and taxation*

- As for Maternity leave.
- Employees must notify their employer in advance of the expected date of birth, and immediately once the child is born. The father must present the civil registration of the newborn child to the EPS within 30 days of the birth in order for the institution to pay the leave.

*Flexibility in use*

- Paternity leave starts immediately after the child's birth. The father can choose to take the second week of leave half time and extend the leave period by an additional week. Leave has to be taken continuously and cannot be interrupted, unless the employer agrees.

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

- All employees are eligible if they have a contract, permanent or fixed term.
- Independent workers who have contributed to the health system during pregnancy are entitled to Paternity leave benefits.
- Same-sex couples who adopt a child can determine for one time only who will take the leave (paternity or maternity) and will enjoy all the benefits of said leave.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone 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.

#### **e. Other types of leave and flexible working**

##### *Adoption leave and pay*

- Parents that adopt a child are entitled to the same leave as biological parents.

##### *Time off for the care of dependants*

- Each parent is entitled to 10 days **leave annually to care for a child under 18 years of age in the case of a severe illness or terminal condition**. Parents can ask their respective employers for the leave at different times. 100 per cent of earnings are paid to employees on leave, with the employer re-imbursed by the health provider institution (EPS). Parents can take the leave in one continuous period or in several periods, but with the employer's agreement.

##### *Specific provision for (breast)feeding*

- Every working mother has the right to use 2 breaks daily of 30 minutes each to feed a child under the age of 2 years. This can be taken in one of three ways: (i) during the working day dividing the breastfeeding hour into two half hours; (ii) starting the working day later; or (iii) leaving earlier. The breaks are fully paid.
- Larger employers or those employing 50 or more women must provide premises (*salas amigas*) for mothers to express milk for their children.

##### *Flexible working*

- A family member who is employed, and recognized as a care person or personal assistant (i.e., defined as the person who (paid or not) helps a person incapable of performing basic daily tasks by themselves and who requires support to do them), has the right, in agreement with the employer and with certification of his/her role as a care person or personal assistant, to work flexibly.

##### *Antenatal appointments and care*

- A female employee who is pregnant is entitled to take time away from work to attend antenatal appointments as part of her basic employment rights.

##### *Other provisions*

- **Grave domestic crisis leave** (*Calamidad doméstica*). All employees are entitled to take leave in the case of a grave domestic crisis, i.e., hospitalization of a relative for whom he/she is economically responsible; earthquake, flood, fire, vandalism, burglary; any other situation that greatly

affects the worker. The leave is fully paid by the employer. There is no specified length for the leave but two criteria need to be considered when determining it: reasonability and proportionality.

- **Mourning leave.** All employees are entitled to 5 working days of leave when a relative (father or mother; son or daughter; brother or sister; grandfather or grandmother; grandchildren; spouse or partner; mother or father-in-law) dies. The leave begins immediately after the death of the relative and can be extended up to 10 days. The employee is fully paid by the employer.

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

The maximum period of post-natal leave is around four months, and this is fully paid. It is compulsory for children to attend ECEC from five years of age, leaving a gap of over four years between the end of well-paid leave and the start of an entitlement to ECEC. Since the implementation of the 2011 *Estrategia para la Atención Integral de la Primera Infancia - De Cero a Siempre* (Early Childhood Comprehensive Care Strategy – From Zero to Forever), there is a national goal to achieve universal coverage of ECEC with a particular focus on the country's poorest and most vulnerable children. The actors involved in this strategy are the Ministry of National Education (*Ministerio de Educación Nacional, MEN*), the Ministry of Health and Social Protection, and the Colombian Institute for Family Welfare (*Instituto Colombiano de Bienestar Familiar, ICBF*). Decree 1411 of 29 July 2022<sup>174</sup> establishes the right to early childhood education for all children from 0 to 6 years; at present, this entitlement is a goal and not achieved.

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

## 3. Changes in policy since April 2024 (including proposals currently under discussion)

A new care policy was approved in June 2023 and is being gradually implemented, with full implementation in 2026. The new policy establishes the role of a care person or personal assistant, defined as the person who (paid or not) helps a person incapable of performing basic daily tasks by themselves and who requires support to do them. When the care person or personal assistant is a family member (first-degree of consanguinity) and is also a dependent worker with a job to undertake, this person will have the right, in agreement with the employer and with certification of his/her role as a care person or personal assistant, to work flexibly.

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<sup>174</sup> [www.mineducacion.gov.co/1780/articles-411579\\_archivo\\_pdf.pdf](http://www.mineducacion.gov.co/1780/articles-411579_archivo_pdf.pdf)

## **4. Uptake of leave**

### **a. Maternity leave**

No information available.

### **b. Paternity leave**

No information available.

### **c. Parental leave**

No statutory leave entitlement.