

# Uruguay<sup>1</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 (public sector) (*Licencias por maternidad y por paternidad*) (responsibility of Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- Thirteen (13) weeks: up to six weeks can be taken before the birth, one week of which must be taken at this time. Since 1 June 2017 civil servants of the Central Administration are entitled to 14 weeks of Maternity leave (as well as private sector workers).

*Payment and funding*

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funded from general taxation.

*Flexibility in use*

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

*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; lone 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.

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<sup>1</sup> Please cite as: Batthyány, K. and Perrotta, V. (2018) 'Uruguay country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

*Length of leave (before and after birth)*

- Fourteen (14) weeks: up to six weeks can be taken before the birth, and it is obligatory to take the full period.

*Payment and funding*

- One hundred (100) per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

*Flexibility in use*

- If labour occurs before the expected date, the mother starts leave immediately and post-natal leave is extended to complete the 14 weeks, or eight weeks after the originally scheduled delivery date.

*Eligibility*

- All female employees.
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

*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 illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.

**b. Paternity leave (public sector) (*Licencia por paternidad*)  
(Responsibility of Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- Ten calendar days.

*Payment and funding*

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funding 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; lone parent) or delegation of leave to person other than the mother*

- None.

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

*Length of leave (before and after birth)*

- Ten calendar days (since January 2016). Employed workers are entitled to a leave of absence of thirteen days from the day of birth. The first three days are in the responsibility of the employer with regards to payment (Law 18.345), and the next ten are paid by the Social Security system (Law 19.161). In the case of self-employed workers, they are entitled to ten calendar days leave.

*Payment and funding*

- One hundred (100) per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- As for Maternity leave, funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

*Flexibility in use*

- None.

*Eligibility*

- All male employees
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

*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 family employment-related measures**

#### *Adoption leave and pay*

- For workers in the public sector, six consecutive weeks paid at full earnings, from the time the child is placed with the adoptive parents (including same sex couples). If both parents are working in the public sector, one parent can take this leave, while the other may take ten working days of leave. In the private sector, workers can take three days of paid leave.

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

- No statutory entitlement.

#### *Flexible working*

- Workers in the private sector may work part-time from the end of Maternity leave until their child is six months old; this may be used interchangeably and alternately by mothers or fathers, with full earnings compensation ('parental care allowance').
- 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.
- Since June 1, 2017 civil servants of the Central Administration can make use of a reduction in working hours, meeting a minimum of four hours a day, between six and twelve months of baby. It must be used by one of the parents.

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

- None

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

The maximum period of post-natal leave is around three months, paid at a high earnings-related level. There is an entitlement to ECEC since children are four years old and attendance is obligatory. Through the first two years of life, ECEC provision is almost totally private as the supply of public care is scarce. Attendance in 2015 was 8.9 per cent for children under 12 months, 30.3 per cent for one to two-year-olds and 50.3 per cent for two to three-year-olds<sup>2</sup>. Also, 67.9 per cent of children under 12

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<sup>2</sup> Source: own elaboration based on the microdata of the Continuous Household Survey of the Statistics National Institute. Uruguay, 2015.

months attend between zero and five hours per week, which occurs with 51.2 per cent of children between one and two years. After two years, the weekly load increases, as 63.7 per cent attend between 11 and 20 hours per week. Levels of attendance at formal services for children under three (41.6 per cent) are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2016 (including proposals currently under discussion)**

Since 1 June 2017 civil servants of the Central Administration are entitled to 14 weeks of Maternity leave (as well as private sector workers); and mothers or fathers can make use of a reduction in working hours, with a minimum of four hours a day, when the baby is between six and 12 months old. Both measures were agreed in the labour agreement signed in December 2016 by the Confederation of Organizations of State Officials (COFE), the Ministry of Economy and Finance, and the Ministry of Labor and Social Security.

#### **Take-up 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 is observed from the new law Nr.19161. Since 2013, there is a certain stability in the number of users of around 16,000; this means that when it comes to the first years of implementation, the new legislation has not involved a significantly important increase by comparison to previous years. The new law with the inclusion of new groups did not imply substantive variations in the use of Maternity leave, probably because the non-dependent mothers who can use this license represent a very small proportion. In any case it is interesting to inquire about the state's capacities to disseminate and guarantee the rights of these groups<sup>3</sup>.

##### **b. Paternity leave**

A substantive increase occurred in the case of Paternity leave, which rose from 8,799 in 2014 to 15,862 in 2016, showing an increase of 80 per cent. Undoubtedly, this increase represents a significant advance for male parents in the exercise of their right to care, at least during the first days of the baby's life<sup>4</sup>.

##### **c. Parental leave**

There is no statutory leave entitlement.

##### **d. Childcare leave and career breaks**

There is no statutory leave entitlement

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<sup>3</sup> Batthyány, K., Genta, N., Perrotta, V. (2018) "Uso de licencias parentales y roles de género en el cuidado". Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

<sup>4</sup> *Ibidem*

## **e. Other family-employment related measures**

When considering the evolution in the use of care time, we observed that it increased in a specific, although in a less accelerated way than Paternity leave - it went from 6,258 users in 2014 to 9,525 in 2016, signifying an increase of 52 per cent<sup>5</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

None reported.

### **b. Selected recent publications**

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

### **c. Ongoing research**

The area of the Sociology of Gender of the Sociology Department (Social Sciences Faculty, University of the Republic) coordinated by Karina Batthyány developed a project whose aim was to evaluate the impact of various state measures on the gender division of labour, including the extension of Maternity and Paternity leaves and other care policies which have recently been implemented. Related to the development of the parental care allowance (the right to work part-time after Maternity leave), the project includes a representative survey of the potential users of these permits and was implemented in the second half of 2017. The aim of the survey was to describe the profile of users and analyse the effect of government interventions in the practices and representations of care. It inquired into the barriers perceived by users and non-users to make use of these leaves and care allowance, the views of women and men on legal changes, and variations in care practices and care work distribution among other dimensions.

The general objective of the project was to analyse the changes and continuities which exist between practices and representations of gender relationships, particularly in the distribution of domestic work and care, for men and women across three generations. Added to the aforementioned project, there is another qualitative research carried out in 2016, involving 49 interviews with (with 36 women and 13 men) of different socioeconomic levels. The project includes an analysis of the different child-care policy instruments which existed between 1955 and 2016 in Uruguay. Contact: Karina Batthyány at: karinabatthyany@cienciassociales.edu.uy

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<sup>5</sup> Ibid.