

# Argentina<sup>1</sup>

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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 on the province. Moreover, access to different types of social protection benefits (including leave) is determined by participation in the formal labour market. 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>2</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>2</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)*

- 12.8 weeks (90 days). 30 to 45 days of pre-natal leave and 45 to 60 days of post-natal leave. It is obligatory to take leave from 30 days before the birth and for 45 days after.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts either three or six months.

##### *Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which is mostly financed by the federal government.

##### *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 at the time of 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*

- In the case of 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)<sup>3</sup> establishes 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>4</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>5</sup>.
  - The extension of Maternity leave, usually two or three extra months paid by the company<sup>6</sup>.
  - The provision of similar Maternity leave to adoptive mothers<sup>7</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 in the case of children with disabilities and adoption<sup>8</sup>.
  - Flexible working arrangements: working wholly or partly from home, combined if desired with time in the office<sup>9</sup>.
  - Time for mothers to spend with children during the first days of school<sup>10</sup>.

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<sup>3</sup> *Régimen de Trabajo Agrario (2011)*. Available [here](#).

<sup>4</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>5</sup> Debeljuh, P. y Ordóñez, M.E.: *Hacia la integración familia – trabajo: guía de buenas prácticas (2019)* IAE Publishing, Buenos Aires, p. 163.

<sup>6</sup> *Idem*, p. 164.

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

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

<sup>9</sup> Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, p. 122.

<sup>10</sup> Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 153.

- Infrastructure facilities: Lactation rooms are also provided by companies offering the possibility of continuing breastfeeding while working<sup>11</sup>. Additionally, some companies offer exclusive parking spaces for pregnant or breastfeeding mothers (this is especially important in big cities such as Buenos Aires)<sup>12</sup>.
- Some companies offer nursery services in their facilities for employees' children (from 45 days to 4 years old)<sup>13</sup>.

**ii. Public sector** (under *Collective Labor Agreement for Public Employment*<sup>14</sup>)

*Length of leave (before and after birth)*

- 100 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 either three or six months.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which is mostly financed by the federal government.

*Flexibility in use*

- None

*Regional or local variations in leave policy*

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

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<sup>11</sup> Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, pp. 146-150.

<sup>12</sup> Debeljuh P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas (2015)*, IAE Publishing, Buenos Aires, p. 184.

<sup>13</sup> Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 189.

<sup>14</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional (2006)*. Available [here](#).

*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 recognized 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*

- 100 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>15</sup>. For instance, the Agrarian Labor Law (2011)<sup>16</sup> recognizes 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>17</sup> shows promising initiatives mainly related to the extension of Paternity leave. In some cases, fathers can take up to 40 days with full pay after childbirth.<sup>18</sup> 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 fathers<sup>19</sup>.
- The private sector is making progress in offering fathers the same benefits as are already provided for mothers. For example, some companies provide financial support through reimbursement of the costs associated with childcare up to preschool age; and some companies provide hours or days off work when children start school, which originally was a benefit granted to mothers<sup>20</sup>.

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<sup>15</sup> *Ley de Contrato de Trabajo*. Available [here](#).

<sup>16</sup> *Régimen de Trabajo Agrario* (2011). Available [here](#).

<sup>17</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>18</sup> Debeljuh, P. y Ordóñez, M. E.: *Hacia una responsabilidad compartida: guía de buenas prácticas (2017)* IAE Publishing, Buenos Aires, p. 159.

<sup>19</sup> Debeljuh, P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas (2015)* IAE Publishing, Buenos Aires, p. 175.

<sup>20</sup> *Idem* p. 174.

## ***ii. Public sector***

### *Length of leave*

- The Collective Labor Agreement for Public Employment<sup>21</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 any Paternity leave (Formosa and Santiago del Estero), most provinces offer 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*

- 100 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>21</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available [here](#).

## e. Other employment-related measures

### *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. Elsewhere, some collective bargaining agreements covering teachers and provincial public sector employees provide leave for both parents, with great 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 of leave for sick children<sup>22</sup>. In the case of children with disabilities, some companies offer eight paid hours per month to accompany children to medical appointments<sup>23</sup>. Some companies offer assistance for family emergencies such as the care of a child with a serious illness; this can be financial assistance, a special paid leave, psychological assistance for the family group, or bereavement support<sup>24</sup>.

### *Flexible working*

- None.

### *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,

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<sup>22</sup> Debeljuh, P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, p. 122.

<sup>23</sup> Debeljuh, P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 148.

<sup>24</sup> 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.



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.

## **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 sector) but most of this is unpaid, with well-paid leave only available for less than three months. Attendance at kindergarten is compulsory for 4 and 5-year-olds, so there is a gap of almost four years between the end of well-paid and an 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 the Law 20.744 on Contract of Employment (1974)<sup>25</sup> requires the provision of care services in the workplace for companies with fifty or more employed women. However, this law has not yet been implemented and, therefore, companies are not obliged to offer this benefit. In many cases, instead of providing their own nurseries, companies contribute to the cost of workers' childcare or make arrangements with nearby childcare centres.

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*). The expansion of 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 with parents<sup>26</sup>. Argentina has also launched the National Early Childhood Plan to guarantee nutrition, early stimulation

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

<sup>26</sup> OIT, UNICEF, PNUD, CIPPEC (2018). *Las políticas de cuidado en Argentina. Avances y desafíos*. Available [here](#).

and healthcare for the most vulnerable children (aged 0 to 4). As of 2014, only 32 per cent of the 3.3 million children up to four years of age in the country attend ECEC institutions.<sup>27</sup>

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Policy discussions are underway to create an integrated care system. In October 2020, the Ministry of Women, Gender and Diversity issued Resolution 309/2020 creating a committee to draft legislation for a comprehensive care system, which should guarantee an integrated and federal system of care that promotes gender equality, contributes to the recognition, redistribution, socialization and remuneration of care, and considers the diversity of needs of people who require care.

Meanwhile, bills under study in Congress propose to extend Paternity leave by ten to 15 days or more, encouraging more involvement of fathers in childcare.

In August 2020, a Teleworking Law was passed, which regulated homeworking, incorporating a clear gender perspective and highlighting the importance of care. Teleworkers who provide care for children under the age of 13 years or for disabled or older adults who require specific care will 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>28</sup>.

### **Policy response to the Covid-19 pandemic up to end of April 2021**

#### *Childcare and schools*

- Childcare centres and schools have been closed for 46 weeks up to April 2021.

#### *Parental leave*

- There is no statutory entitlement.

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<sup>27</sup> PNUD, ILO, UNICEF, UNFPA, CIPPEC (2014). *Diálogos sobre Políticas de Cuidado en la Argentina*. Available [here](#).

<sup>28</sup> *Boletín Oficial Argentina* ([August 2020](#)).

### *Other measures for parents and other carers*

- Decree 207 (March 2020)<sup>29</sup> provided that, for the duration of school closures (Resolution 108/2020 Ministry of Education), absence from work is justified for adults who have child care responsibilities at home. Only one parent per household can use this provision. This Decree also mandated the suspension of the duty to attend the workplace for a period of 14 paid days for workers over 60 years of age, unless they are considered essential personnel, as well as pregnant employees and workers included in the risk groups defined by the national health authority.
- Cash transfers have been increased, equivalent to an additional payment of the Universal Child Allowance and the Universal Pregnancy Allowance, for 4.3 million people (approximately \$14 billion Argentine pesos). Both programmes prioritize women in households as recipients. Beneficiaries of these social programmes also received in-kind support, such as debit cards for food expenses (*Tarjeta Alimentar*)<sup>30</sup>.
- Emergency Family Income was introduced by Decree 310/2020 as an exceptional non-contributory monetary benefit to compensate for the loss of or serious reduction in income of people affected by the health emergency, including parents taking leave because of school closures. Benefits are granted to unemployed people, informal workers and domestic workers. It is paid to a member of the family, giving priority to women. According to data from the Ministry of Economy, as of June 2020, 57 per cent of those who have received the Emergency Family Income were women<sup>31</sup>.
- The private sector has offered assistance with medical and psychological consultations for employees and their families, and also training workshops on topics such as work-family reconciliation, the challenges of distance learning, well-being, health care and emotion management for employees and their family members.
- Before the pandemic, employers granted an hour's lunch break. In the context of increased homeworking, companies arranged for their employees to have two hours off at midday so that they would have time both to cook and eat lunch.

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<sup>29</sup> Decreto 207, Marzo 2020. Available [here](#).

<sup>30</sup> UNDP, COVID-19 Global Gender Response Tracker. Argentina. Available [here](#).

<sup>31</sup> UNDP, COVID-19 Global Gender Response Tracker. Argentina. Available [here](#).

## **4. Uptake of leave**

### **a. Maternity leave**

There is no information available.

### **b. Paternity leave**

There is no information available.

### **c. Parental leave**

There is no information available.