

GENDER EQUALITY

BULLETIN

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Time for care in Latin America and the Caribbean

Towards social and gender co-responsibility

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Introduction

The Regional Gender Agenda identifies four structural challenges of gender inequality that need to be overcome: (i) socioeconomic inequality and the persistence of poverty; (ii) patriarchal discriminatory and violent cultural patterns and the predominance of the culture of privilege; (iii) the sexual division of labour and the unfair social organization of care; and (iv) the concentration of power and hierarchical relations in the public sphere (ECLAC, 2017). In this context, policies that address the structural challenges of gender inequality – particularly the sexual division of labour – and promote women’s labour participation and inclusion, decent work and the fair social organization of care are especially relevant.

To overcome the challenge of the unfair social organization of care, it is essential, from a gender, human rights and intersectionality perspective, to promote the design and implementation of comprehensive care policies and systems that contribute to gender and social co-responsibility for care; that is, in which both men and women from all sectors of society, families, communities, the private sector and the State participate.

The Buenos Aires Commitment, adopted by the member States of the Economic Commission for Latin America and the Caribbean (ECLAC) at the fifteenth session of the Regional Conference on Women in Latin America and the Caribbean, held in 2022, proposes a path towards a care society and recognizes care as a need, a job and a right of persons – to care, to be cared for and to exercise self-care. It also puts forward measures to overcome the sexual division of labour and move towards a fair social organization of care, framed by a new model of development aimed at promoting gender equality in the economic, social and environmental



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dimensions of sustainable development. Lastly, it makes a call to design and implement State policies that promote gender co-responsibility and make it possible to overcome stereotypes, including through regulations aimed at establishing parental leave for the diverse forms of families, as well as unalienable and non-transferable paternity leave, and other types of leave to care for dependent persons (ECLAC, 2023a).

International labour regulations provide a broad framework for the development of care policies. In particular, the Maternity Protection Convention, 2000 (No. 183)¹ and the Workers with Family Responsibilities Convention, 1981 (No. 156), both of the International Labour Organization (ILO), together with Recommendation No. 191 and Recommendation No. 165, address the need for leave and care, among other services, to move towards gender equality in paid work. The Resolution Concerning Decent Work and the Care Economy, adopted by the International Labour Conference at its 112th session of June 2024, represents the first international tripartite agreement on the subject (ILO, 2024b); and it underscores the urgent need for action to ensure decent work and promote access to quality care and support. To this end, it builds on the 5Rs Framework for decent care work (recognition, reduction and redistribution of unpaid care and reward and representation of care workers), international labour standards and social dialogue. The resolution provides a common understanding of the care economy, guiding principles and policy recommendations.

This bulletin presents an analysis of the status of maternity, paternity and parental leave in Latin America and the Caribbean. It also outlines the challenge of advancing measures such as parental leave, long-term care leave and urgent leave, as well as the shortening of the working day and more flexible arrangements in terms of both hours and places of work. These regulatory tools should be made available to both men and women, since they are essential for the exercise of co-responsibility, the guarantee of the right to care and the achievement of gender equality, while at the same time galvanizing the economy (see box 1).

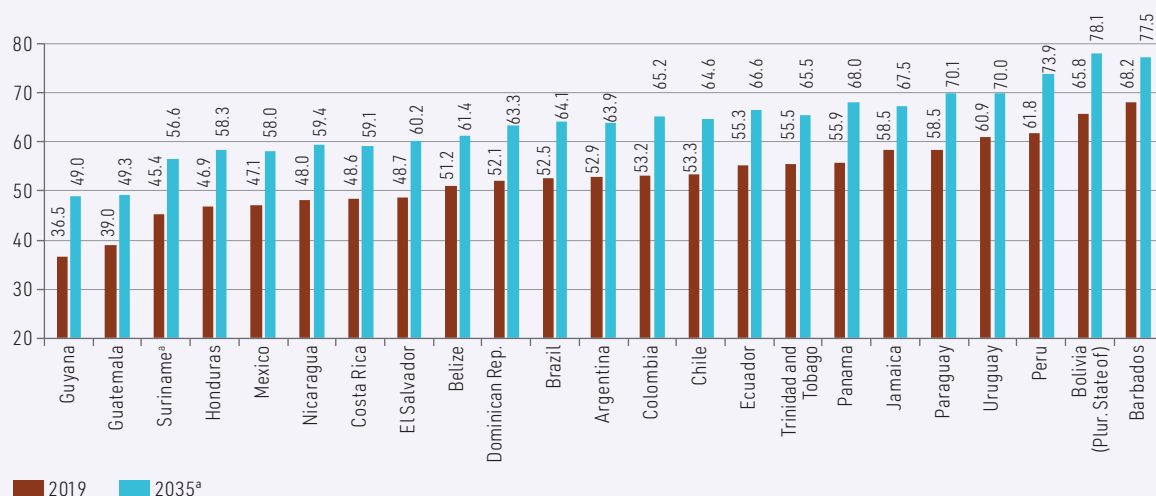
▪ **Box 1** The energizing potential of investment in care

The International Labour Organization (ILO) has developed the Care Policy Investment Simulator, as an online tool that models the investment opportunities and the potential benefits of parental leave, as well as child and long-term care services for persons who need support or day care to maintain their autonomy and well-being. The simulator makes it possible to design a set of care policies and simulate the annual public expenditure required in each country to implement them. In turn, the modelled benefits refer to the short-run return on investment (annual tax revenues) and the reduction of gender gaps in employment and wages. Job growth comes from direct increases in the care sector, indirect increases in industries supplying the care sector, and induced increases in household consumption and expenditure (from the income earned in these new jobs).

Collaboration between the Economic Commission for Latin America and the Caribbean (ECLAC) and ILO made it possible to update the coverage of the simulator to encompass 23 of the region's countries, and to include new information for these calculations. The investment needed in care varies from country to country depending on their characteristics, but it represents 5.1% of GDP on average and ranges from 2.5% of GDP (Uruguay) to 15.5% of GDP (Nicaragua). Without considering induced effects or indirect employment, investment in care in the region could create approximately 32 million jobs by 2035, of which 11 million would be generated in universal early childcare services, and 21 million in long-term care. In addition to these benefits, the projected change in the female employment rate would have a significant effect on reducing gender gaps in employment (see figure).

¹ The Maternity Protection Convention, 2000 (No. 183) is the most recent update. The Maternity Protection Convention (No. 3) was adopted in 1919, and the Maternity Protection Convention (Revised), 1952 (No. 103) was adopted in 1952.

Latin America and the Caribbean (23 countries): women's employment rate simulated on the basis of investment in care, 2019 (reference year) and 2035 (Percentages)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of International Labour Organization (ILO), ILOSTAT [online database] <https://ilostat.ilo.org/>; ILO Care Policy Investment Simulator [online database] <https://webapps.ilo.org/globalcare/?language=en#simulator>.

Note: The data for Nicaragua and Suriname refer to 2014 and 2016, respectively.

^a Does not include the effects induced by household consumption and spending.

Source: International Labour Organization (ILO), ILOSTAT [online database] <https://ilostat.ilo.org/>; ILO Care Policy Investment Simulator [online database] <https://webapps.ilo.org/globalcare/?language=en#simulator>; *ILO Care Policy Investment Simulator. Technical note - version 2.0*, Geneva, 2024; "Care at work in Asia and the Pacific: investing in care leave and services for a more gender equal world of work", *ILO Regional Brief*, Geneva, 2023; "Care at work in the Middle East and North Africa (MENA): investing in care leave and services for a more gender equal world of work", *ILO Regional Brief*, Geneva, 2023.

I. Time for care and the care economy

Convention No. 183 establishes at least 14 weeks of paid maternity leave and provides for employment protection and non-discrimination measures, including prohibition of dismissal during pregnancy and use of leave, and the right to return to the same or an equivalent position at the end of maternity leave. Recommendation No. 191, which accompanies the Convention, proposes extending maternity leave to at least 18 weeks.

In Latin America and the Caribbean, few countries have ratified the maternity protection standards. As of September 2024, only 8 countries had ratified Convention No. 183,² while 13 had ratified Convention No. 156.³ In this context, the Committee of Experts on the Application of Conventions and Recommendations has invited all countries to consider ratifying both these conventions and to avail themselves of ILO technical assistance to assess potential obstacles to ratification and effective implementation (ILO, 2023).

Convention No. 156 and Recommendation No. 165 highlight the need to adopt policies that strike a balance between care and employment responsibilities. In this context, it is essential to adopt specific measures to comply with the Convention's provisions on maternity leave and to establish paternity and parental leave for the care of children. It is also necessary to implement care services for children of various ages and

² Convention No. 183 has been ratified by three Caribbean countries (Antigua and Barbuda, Belize and Suriname) and five Latin American countries (Cuba, the Dominican Republic, El Salvador, Panama and Peru).

³ Convention No. 156 has been ratified by 13 countries in Latin America and the Caribbean: Argentina, Belize, Bolivarian Republic of Venezuela, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Paraguay, Peru, Plurinational State of Bolivia and Uruguay. Belize, El Salvador and Peru are the only three countries in the region that have ratified both Convention No. 183 and Convention No. 156.

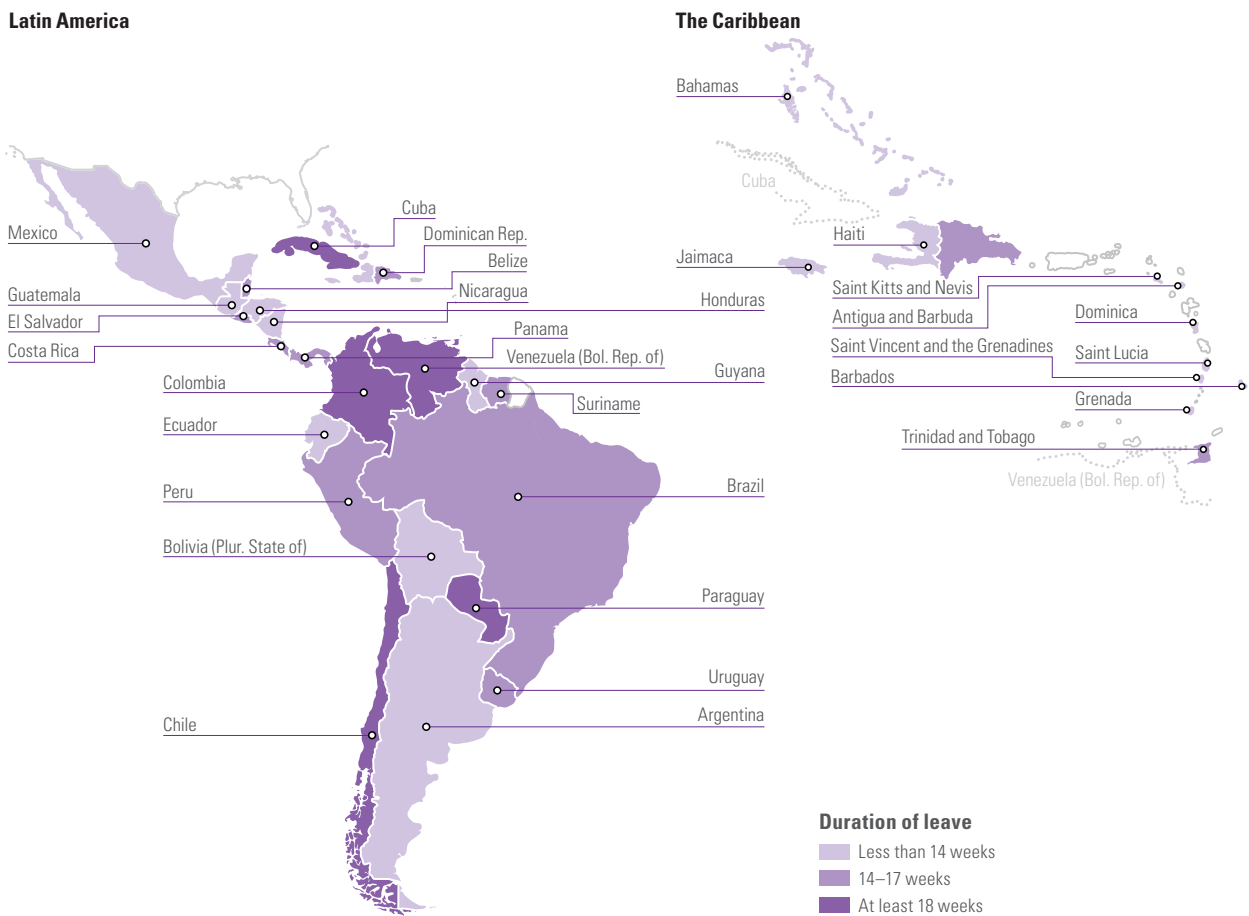
for other family members, and to adjust the terms and conditions of jobs to enable workers to fulfil their family responsibilities. In addition, training and job intermediation services should be offered, as well as social insurance provisions that take unpaid care into account.

In addition to the aforementioned types of leave, there are also others that aim to provide time for care. Long-term care leave makes it possible to care for sick or dependent family members who need support in their daily activities. In this context, Recommendation No. 165 proposes the establishment of leave to look after children or immediate family members who need care because of illness (paragraphs 23 (1) and (2)). Urgent leave, in contrast, is short-term leave for cases of force majeure in situations of family emergency, and provides crucial support to workers (ILO, 2022).

A. Maternity leave

In Latin America and the Caribbean, just 5 countries offer 18 weeks or more of maternity leave, 10 countries allow between 14 and 17 weeks of leave, and 18 provide for less than 14 weeks (see map 1). Despite advances in maternity leave regulations, the coverage of this right remains sparse, owing mainly to high rates of labour informality. In the region, 51.9% of employed women do not contribute or are not affiliated to any social security system, which in most countries is a requirement for accessing this right (ECLAC, 2023b).

Map 1
Latin America and the Caribbean: maternity leave

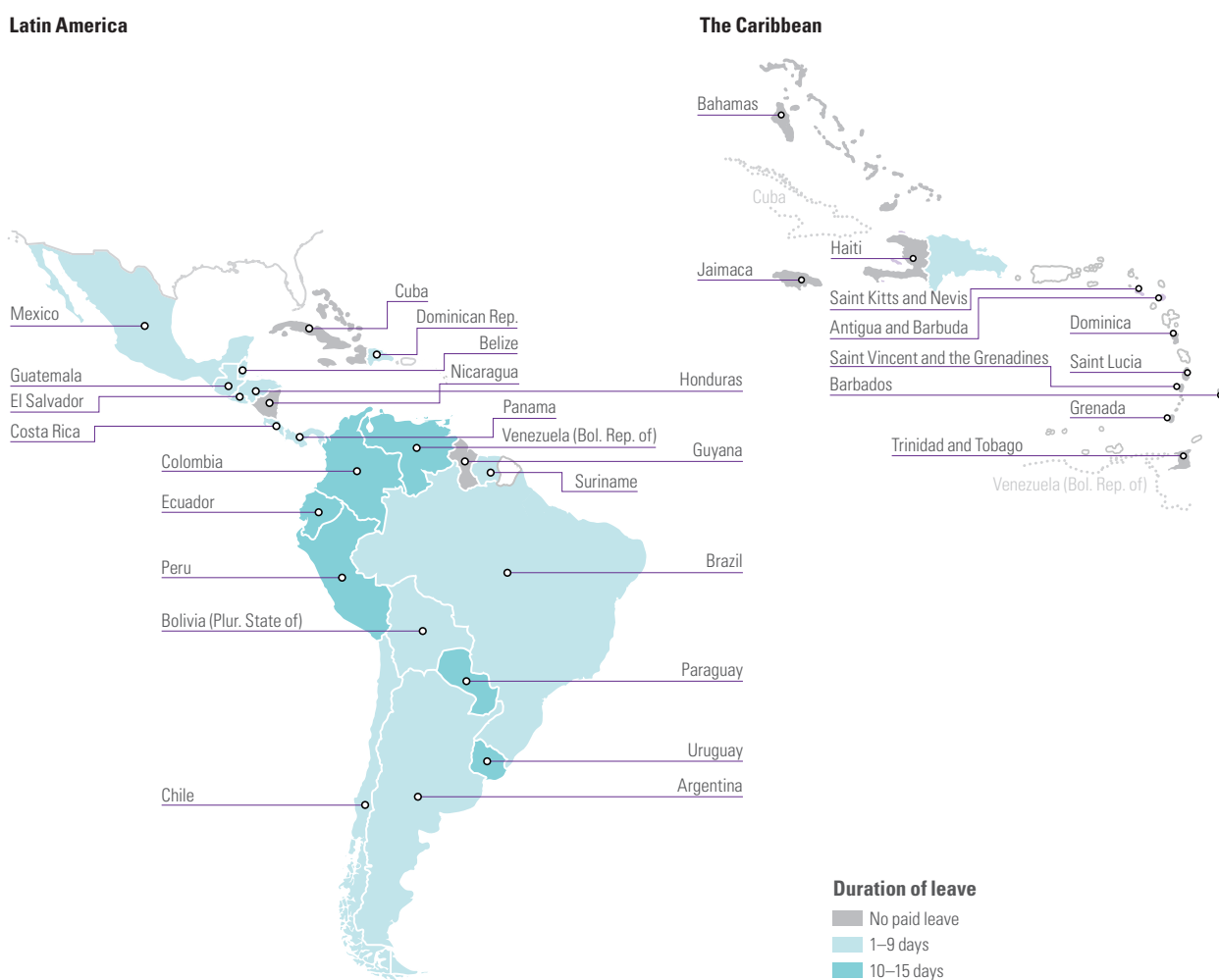


Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean [online] <https://oig.cepal.org/en/> and International Labour Organization (ILO), "ILO Global Care Policy Portal" [online] <https://webapps.ilo.org/globalcare/?language=en#home>.

B. Paternity leave

In Latin America, 11 countries provide for paid paternity leave of less than 10 days, and just 6 grant leave of between 10 and 15 days.⁴ Of 14 Caribbean countries, only Suriname recognizes paid paternity leave, of eight days (see map 2). Despite the progress made, major challenges remain in terms of the duration of this type of leave, how it is funded, its coverage, and job protection in the context of care responsibilities. This makes it impossible to overcome the structural challenge of inequality related to the sexual division of labour, in order to achieve gender equality.

Map 2 Latin America and the Caribbean: paternity leave



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean [online] <https://oig.cepal.org/en/> and International Labour Organization (ILO), "ILO Global Care Policy Portal" [online] <https://webapps.ilo.org/globalcare/?language=en#home>.

⁴ Although Cuba does not establish mandatory paternity leave by law, it does provide for a paid parental leave that covers the first 15 months of the child's life and can be used by both the mother and the father, or by another relative living with the child.

C. Parental leave

Parental leave consists of a longer period of job-protected leave made available to one or both parents, to enable them to care for their child after maternity or paternity leave has expired (Güezmes García and Vaeza, 2023; ILO, 2024a). This type of leave may be either paid or unpaid. The only countries in the region that recognize the right to paid parental leave are Chile, Colombia, Cuba and Uruguay (see map 3). Cuba was the first to approve this type of leave, which currently spans the child's first 15 months of life. Coverage is also extended to other persons who, while not the father or mother, are in practice responsible for caring for the child. In such cases, 60% of the wage of the persons in question is covered. In Chile, postnatal parental leave allows mothers to extend maternity leave for 12 weeks with the option of half-day working. The mother may transfer part of the leave to the father after the seventh week. In Uruguay, a half-time allowance was established, transferable between the mother and the father until the child is six months old, and the father is entitled to the allowance regardless of the mother's employment status. In 2021, Colombia created shared parental leave, in which the mother can transfer the last 6 of the 18 weeks of maternity leave to the father (Act No. 2114, article 236 (4)). If the 6 weeks are transferred, the mother's leave could be just 12 weeks, which is 2 weeks less than provided for under Convention No. 183 (ILO, 2022). Meanwhile, Ecuador adopted a law in 2016 that establishes unpaid parental leave for childcare, which can last up to nine months and is available to both parents. This type of leave is limited, however, because it is not linked to a benefit that guarantees income security. Moreover, persons who are self-employed or who have adopted their child are not entitled to this benefit (ILO, 2023).

How maternity, paternity and parental leave benefits are financed is a key aspect of guaranteeing effective access to this right. Convention No. 183 envisages maternity leave being financed through a compulsory social insurance mechanism or public funds. It also establishes that the amount of benefits should not be less than two thirds of the woman's previous earnings, in order to guarantee health and an adequate standard of living for her and her child. The aim is to avoid placing the responsibility on employers, which would risk discrimination against women of reproductive age. According to the ILO Global Care Policy Portal, 26 of the region's countries have systems for financing maternity leave through social security, 6 have mixed systems (financed jointly by social security and employers), and in just 1 country it is financed by companies. The situation in the case of paternity leave is different, however, since this type of leave is financed mostly by employers (13 countries). Of the four countries that have paid parental leave, in three (Chile, Cuba and Uruguay) it is paid by social security, while Colombia has a mixed system.

D. Long-term care leave

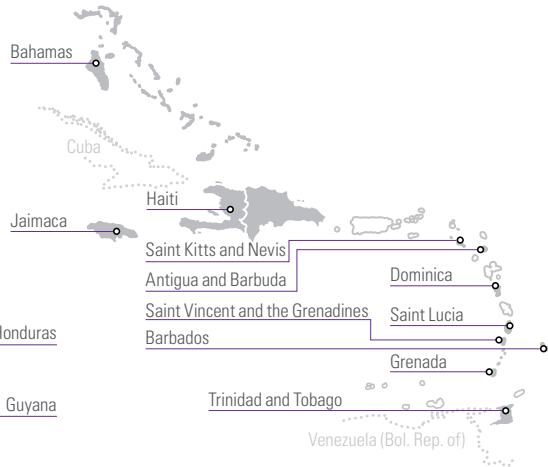
Only five countries in Latin America (Chile, Costa Rica, Cuba, Ecuador and Mexico) provide for long-term care leave. Of these, Chile, Costa Rica and Mexico all offer social security-funded paid leave for employees; only Chile extends this to the self-employed. In Ecuador, the cost of leave is borne by the employer; in Cuba, however, long-term care leave is unpaid (ILO, 2022).

Map 3
Latin America and the Caribbean: parental leave

Latin America



The Caribbean



Type of parental leave

- No parental leave
- Paid parental leave
- Unpaid parental leave

Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean [online] <https://oig.cepal.org/en/> and International Labour Organization (ILO), "ILO Global Care Policy Portal" [online] <https://webapps.ilo.org/globalcare/?language=en#home>.

In most of the region's countries, long-term care leave is restricted to childcare. Chile provides a subsidy for serious illness of a child under one year of age, transferable to the father. It also has compulsory insurance for looking after children (SANNA), which covers serious health situations and lasts between 45 and 90 days up to the age of 18 years, depending on the illness, and unlimited in cases of terminal illness. Mexico offers up to 364 days of leave on 60% pay to fathers and mothers of children up to the age of 16 diagnosed with cancer. Ecuador offers 25 days of leave for the medical treatment of children with degenerative diseases. Cuba offers unpaid leave for a maximum of six months for the care of minors up to the age of 17. Costa Rica provides an allowance for workers who are responsible for terminally ill patients, the duration of which is determined by medical criteria and is available to anyone with links to the patient. Given current demographic trends, especially population ageing, it is important to explore how this type of leave can be extended to include the care for other family members suffering from serious illnesses or diseases, older persons, or persons with disabilities who need support or care.

E. Leave for urgent reasons

Short-duration leave for urgent family-related reasons is more common in the region than long-term care leave. Currently, 14 countries make provision for this type of leave (Argentina, the Bahamas, Brazil, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Nicaragua, Paraguay, Peru and Uruguay). The Caribbean has the lowest coverage. In all countries, except for the Bahamas, emergency leave is paid. However, only in Chile is it financed through social security, whereas in the other countries it is financed by the employer sector (ILO, 2022).

II. Recommendations

Care policies encompass a variety of measures aimed at creating a new social organization of care that makes it possible to guarantee the right to care. These include measures related to regulatory frameworks, data and information, infrastructure, care services and entitlements, financing, programme implementation, regulation, training and certification, governance and administration, as well as decisive action in multiple dimensions and through a variety of policies to end the current sexual division of labour (ECLAC, 2024). They are implemented through services, transfers, leave provisions, or regulations that make it possible to provide care while guaranteeing the rights of those receiving and providing care. Care policies must be addressed from the social, environmental and economic dimensions, as they are crucial for achieving social well-being and sustainable development (ECLAC, 2024).

In this context, leave periods, regulations and instruments that extend the time allowed for care are fundamental for fostering social and gender co-responsibility in caregiving, guaranteeing the rights of those who receive care and those who provide it, and enabling progress towards equality and the care society.

The main recommendations in this area are as follows:

- Promote the ratification and implementation of international labour standards on care. In this regard, the ILO Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156) are key to establishing leave and care services. As of December 2024, only 7 countries had ratified ILO Convention No. 183, and 12 had ratified Convention No. 156. It is urgent to ratify and implement these conventions, and thus align national legislation with international standards. It is also crucial to encourage the adoption of these conventions in countries that have not ratified them, but already have regulations that meet the proposed standards. This would provide international support for the rights recognized in them.
- Progressively adopt all measures needed to ensure that States, as rights guarantors, speed up effective implementation of the Regional Gender Agenda, in particular the Buenos Aires Commitment, adopted by ECLAC member States at the fifteenth session of the Regional Conference on Women in Latin America and the Caribbean, held in 2022. The Buenos Aires Commitment provides guidance on how to overcome the care crisis and move towards a care society, by recognizing care as a growing need, a right, and a job with the potential to energize the economy. It calls for measures to overcome the sexual division of labour and move towards a fair social organization of care. It also advocates the design and implementation of State policies that favour gender co-responsibility and make it possible to overcome stereotypes. Such policies would include establishing parental leave for families in all their diversity, as well as other types of leave to care for dependent persons, including unalienable and non-transferable paternity leave.
- Align the countries' maternity leave regulations with international standards and guarantee this effective right to all women, without discrimination. Most countries in the region do not meet ILO minimum standards on the duration of maternity leave, nor do they attain the minimum coverage standards, given the high rates of labour informality that restricts access to these rights. Despite regulatory progress, it is crucial to work to resolve these issues and broaden the scope of the rights to encompass adoption and families in all their diversity.

- Recognize and expand the right to paid paternity leave, since only a few countries currently provide for this. Challenges related to the duration and financing of leave and coverage need to be addressed, especially in the context of caregiving responsibilities. Gender co-responsibility requires extending the duration of paternity leave, to ensure its mandatory use, and to guarantee that these leave periods are non-transferable and duly remunerated, and that they include all people in the labour market (not just those who are part of the formal economy) and families in all their diversity.
- Promote the implementation of regulatory frameworks in the region that establish unalienable and non-transferable parental leave that guarantees that all fathers and mothers can exercise their right to care for their children during the first few months of life, without fear of losing their jobs or income. These policies will not only benefit the well-being of families and social and gender co-responsibility, but also foster a new social organization of care.
- Design and implement types of long-term and emergency leave that make it possible to extend care leave to include other family members apart from children, such as persons with serious illnesses, persons with disabilities, and older persons that need support and care. Currently, the regulations in the region focus primarily on children, and they leave workers who have long-term care responsibilities for dependent persons unprotected. It is essential to ensure adequate protection for those who provide care to these population groups, recognizing that the work requires time, resources and specific services.
- Ensure adequate funding for benefits related to maternity, paternity and parental leave, as well as leave for long-term care or for urgent reasons, in order to guarantee effective access to these rights. Implementing measures that allow all persons to benefit from these types of leave is essential to promote gender equality, the well-being of individuals and families, and sustainable development.

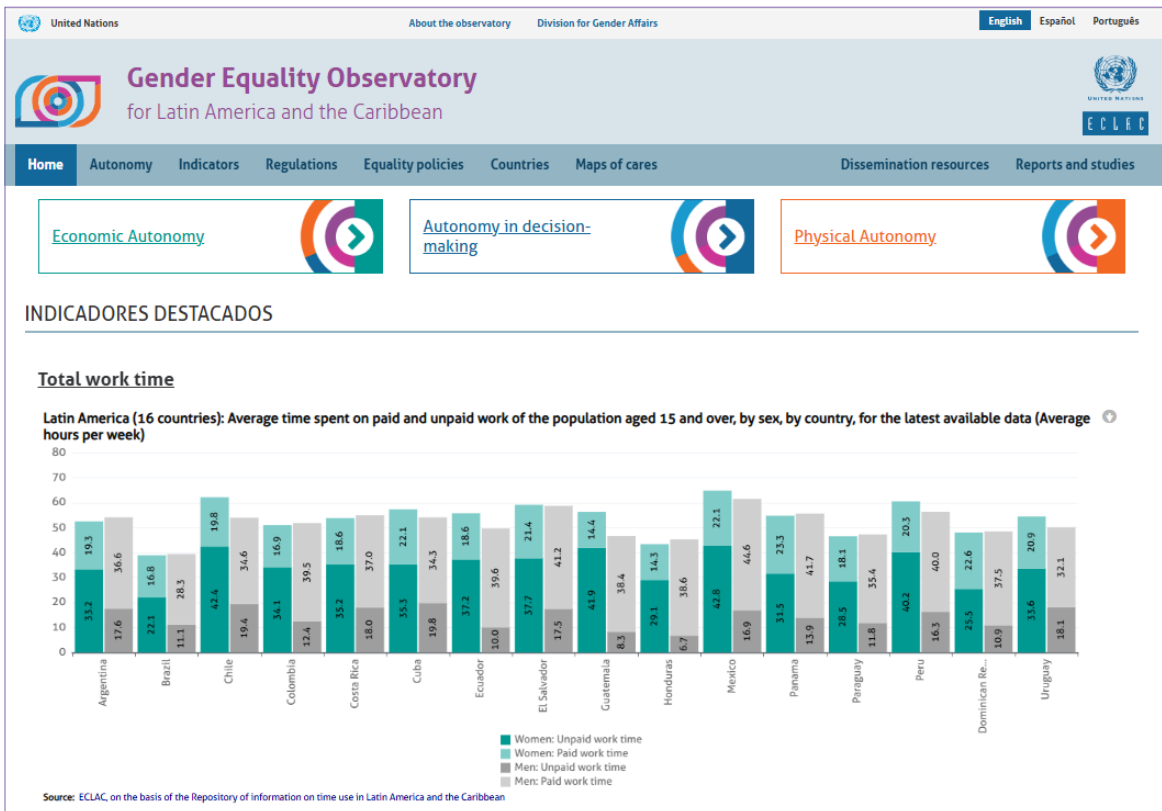
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Annex A1

Regional and global resources

1. The Gender Equality Observatory for Latin America and the Caribbean




The Gender Equality Observatory for Latin America and the Caribbean is a tool created in response to the request made by the member States of the Economic Commission for Latin America and the Caribbean (ECLAC) at the tenth session of the Regional Conference on Women in Latin America and the Caribbean. The purpose of the Observatory is to strengthen national machineries for the advancement of women, make official country information available to the public, and facilitate follow-up on regional and international agreements on women’s rights.

The Observatory maintains publications, indicators and a repository of regulations and public policies for gender equality in the region. Since its launch in 2008, it has been coordinated by ECLAC, supported by partner organizations of the United Nations system, such as the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund, the Pan American Health Organization, the Food and Agriculture Organization of the United Nations, the International Organization for Migration, the United Nations Development Programme, the United Nations Children’s Fund and the International Labour Organization. The Spanish Agency for International Development Cooperation and the Ibero-American General Secretariat have also collaborated.

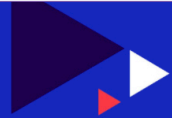
Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean [online] <https://oig.cepal.org/en/>.

2. The ILO Global Care Policy Portal and Care Policy Investment Simulator



International Labour Organization

ILO Global Care Policy Portal



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The ILO Global Care Policy portal is a knowledge hub to disseminate data and resources on care leave policies and services to advance the ILO transformative agenda for gender equality and non-discrimination. The portal presents over 60 legal and statistical indicators on maternity protection, paternity leave, parental leave and other care leave and non-discrimination policies, as well as childcare and long-term care services in more than 180 countries. It uses international labour standards as benchmarks and builds on ILO policy research since 1994.

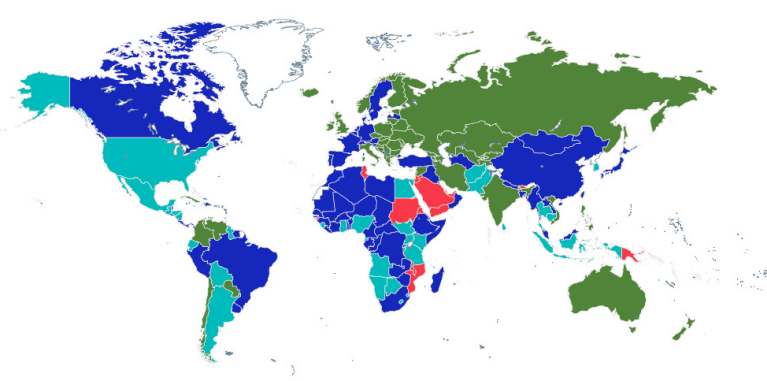
The portal also offers a Care Policy Investment Simulator, a user-friendly online tool aimed to support Member States and other partners to make simulations on how to close care policy gaps and reap the multiple benefits of investing in the care economy.

Topic

Year

Region / Countries and territories

Key Indicators



Duration of maternity leave (weeks)

- 18 weeks or more
- 14-17 weeks
- 12-13 weeks
- Less than 12 weeks
- No statutory maternity leave

Amount of maternity leave cash benefits (% of previous earnings) [+]

Source of funding of maternity leave cash benefits [+]

Presence of maternity leave scheme aligned with the provisions of Convention No. 183 [+]

Scope - Provision of maternity cash benefits for self-employed workers [+]

Scope - Provision of maternity leave for adoptive parents [+]

Scope - Provision of maternity leave for domestic workers [+]

Scope - Provision of maternity cash benefits for domestic workers [+]

Length of protection against dismissal related to maternity leave [+]

Employer must prove dismissal is [+]

The ILO Global Care Policy Portal is a platform for knowledge on care policies in the different countries. It is a knowledge hub on legal and statistical indicators of national care leave policies and services, created to advance the ILO transformative agenda for gender equality and non-discrimination in the world of work. The portal also hosts the Care Policy Investment Simulator, which is a user-friendly online tool to make simulations, with the aim of closing care policy gaps and reap the multiple benefits of investing in the care economy.

Source: International Labour Organization (ILO), "ILO Global Care Policy Portal" [online] <https://webapps.ilo.org/globalcare/>.

This document was prepared by the Division for Gender Affairs of the Economic Commission for Latin America and the Caribbean (ECLAC) under the supervision of Ana Gúezmes, Chief, and the coordination of Lucía Scuro, Senior Social Affairs Officer, of the same Division. It was produced in the framework of the project titled "Care economy for sustainable economic development with gender equality in Latin America and the Caribbean" of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and ECLAC. Carmen Álvarez, Associate Economic Affairs Officer of the Division for Gender Affairs of ECLAC, and María Jesús Silva and María Elena Valenzuela, consultants with the same Division, contributed to its preparation.

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