

Universal Social Protection

Universal maternity protection in Argentina



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Argentina's Constitution provides for the protection of pregnant and lactating female workers. Social protection in the case of maternity includes maternity protection in the workplace, contributory and non-contributory family allowances and pensions for mothers with 7 or more children. In addition, several programmes provide universal access to basic social services such as the programme SUMAR which offers basic health services including antenatal and postnatal consultations and delivery. The national legal framework also provides paid and unpaid maternity leave and paid paternity leave for registered workers.

Main lessons learned

- In line with ILO's Recommendation No. 202, maternity protection in Argentina encompasses both transfers in cash and in kind. It includes income security measures through a number of social transfer programmes, universal access to basic social services and provisions for maternity leave. Universal maternity protection in Argentina had impressive results, child and maternal mortality have been reduced by 34 per cent and 24 per cent respectively.
- The contributory and non-contributory programmes are administered by the National Social Security Administration (ANSES); complementary health programmes are operated or regulated by the National Health Ministry; good coordination among institutions is required to guarantee a comprehensive maternity protection.
- The establishment of an adapted legal framework ensures the sustainability of social protection programmes.



1. Towards universal maternity protection

Maternity protection in Argentina encompasses both transfers in cash and in kind. It includes income security measures through a number of social transfer programmes, universal access to basic social services and provisions for maternity leave. Argentina's maternity protection policy is in line with the Social Protection Floors Recommendation, 2012 (No.202).

2. How is the system organized?

Contributory programmes include maternity protection in the work place and family allowances. To extend maternity protection to uncovered groups, two non-contributory allowances were established in 2009 and 2011 respectively: the universal child allowance (Asignación Universal por Hijo) and the pregnancy allowance (Asignación por Embarazo).

The contributory and non-contributory programmes are administered by the National Social Security Administration (ANSES). Out of a total number of 13 million children and teenagers below the age of 18 years, the Universal Child Allowance and Pregnancy Allowance cover 7 million, i.e. a coverage rate of 53.8 per cent. In addition, income tax reductions are applied to families with children. The combination of the two programmes and income tax deductions brings the coverage to 74.3 per cent of all children below the age of 18 years. At the same time, the National Commission for Social Pensions of the Ministry of Social Development

administers the pensions for mothers with 7 or more children.

Table 1. Social transfers programmes

Programme	Provisions	Beneficiaries
Contributory programmes		
Maternity protection in the work place	Monthly income replacement equivalent to 100% of the workers' salary	Employees covered by the Law on work related risks and unemployment protection
Family allowances	Prenatal: between AR\$ 199 and 2,084 (US\$ 13 and 141) per month Per birth: AR\$ 1,125 (US\$ 76) Per adoption: AR\$6748 (US\$ 456) Per child: between AR\$ 199 and 2,084 (US\$ 13 and 141) per month School allowance: between AR\$ 808 and 1615 (US\$ 55 and 109) per year	Same as above, plus beneficiaries of the pension system and non-contributory pension, up to a maximum monthly family income set in the Law (of AR\$ 60,000 = US\$ 4,054)
Non-contributory programmes		
Universal Child Allowance	AR\$ 966 (US\$ 65) per month per child, with conditionalities on health and education	Beneficiaries of the Monotax, unemployed persons, workers in the informal economy with income levels below the minimum wage, domestic workers
Pregnancy Allowance	AR\$ 966 (US\$ 65) per month starting from week 12 of pregnancy and until the child birth or the interruption of pregnancy	
Pensions for mothers with 7 or more children	Lifetime monthly amount equivalent to the minimum old age pension of AR\$ 4958.90 (US\$ 335) (ANSES, March 2016)	Mothers with 7 or more children (own or adopted children)
Source: Decree 1141/2015-Family allowances from March 2016 onwards		

As far as universal access to basic social services is concerned, female workers in the formal economy can access social health services of trade unions. They can also access prepaid health care services in private clinics and sanatoriums. The programme SUMAR plays an important role as it provides access to basic health care to vulnerable families with the objective to reduce child and maternal mortality, strengthen access to health care for school age children and teenagers, and improve the overall care provided to women through regular health check-ups.

Table 2. Health services

Sub-system	Institutions	Coverage
Public system	Public provincial and district hospitals as well as primary health centres	Provides health services to all the population
	Programme SUMAR Essential public health functions programme (FESP) Programmes Remediar and Redes	Provides health services to the vulnerable population
System of social services	National social services system	Covers health risks for salaried workers and their families
Private subsystem	Enterprises providing prepaid health packages in sanatoriums and private clinics	Provides coverage to those that pay a premium
Source: ILO, Social Protection Platform (www.social-protection.org)		

The Programme SUMAR was created in 2012 in the context of the extension of coverage of the Plan Nacer (2005). The Programme SUMAR contributed to facilitate access to health care for pregnant women and children up to 6 years of age. It was then extended to children and teenagers of between 6 and 19 years of age, and consequently to men and women of 20 to 64 years of age that are without any contributory social health protection. In 2015 the Programme SUMAR was covering 13 million people. According to the national census, the population without any social health protection was 14 million in 2010. Therefore the Programme SUMAR has contributed to significantly close the social health protection gap in Argentina.

The programme is operated by the National Health Ministry and is financed from the public budget. It is linked with the Universal Child Allowance and the Pregnancy Allowance.

In addition the national legal framework includes paid and unpaid maternity leave for female workers in registered or formal employment. Although there are some differences between the maternity leave in the public and private sectors, in both cases the benefits are of 100 per cent of the salary during the total period of the maternity leave. The benefits are financed from the social security.

Table 3. Maternity leave in the registered or formal sector

Selected measures	Legal protection	Maternity leave	Lactating periods
Private sector	Dismissals are prohibited during the pregnancy, the maternity leave and 7.5 months before and after the delivery date	90 days	2 periods of 30 minutes each until the child reaches 12 months
Public sector	Same rights as permanent staff members (Law on Labour Contract does not apply during the maternity period)	100 days for the 1 st and 2 nd child; 110 days for the 3 rd child and beyond	2 periods of 1 hour each until the child reaches 12 months Option to reach or leave the office 2 hours in earlier or later
Source: Law No20.744 on the work contract and Law No. 25.164 on the regulation of the national public employment			

At the end of their maternity leave mothers can take an unpaid leave called “excedencia” to take care of their child during the first year of life (not clear if the excedencia lasts one year or if it ends when the child reaches one year of age). The unpaid maternity leave only applies to female workers in registered paid employment.

Men are entitled to a paternity leave of between two and five days and cannot benefit from the unpaid leave.

3. What are the main impacts on people’s lives?

Over the last ten years, maternity protection coverage was increased and reinforced by linkages and synergies between the various programmes. Thanks to major affiliation efforts of the Programme SUMAR, 230,000 children have entered the Universal Child Allowance and in 2014 47,000 women have automatically received the Pregnancy Allowance.

Existing Universal Child Allowance and Pregnancy Allowance combined with income tax deductions for families with children benefit 74.3 per cent of all children below the age of 18 years. The Programme SUMAR had also a significant impact by facilitating access to health care to 13 million people. These interventions have contributed to improve the quality of life of the most vulnerable families in Argentina and their implementation is one of the

most significant progresses made in the fight against poverty.

Due to the linkages that exist between the programmes, the Universal Child Allowance and Pregnancy Allowance have in 2014 contributed to increase the enrolment of children and pregnant women in the Programme SUMAR by 50 per cent and 14 per cent respectively. Thanks to the extension of maternity protection in the past decade, child and maternal mortality have been reduced by 34 per cent and 24 per cent respectively. The Programme SUMAR was rewarded by the Geneva Health Forum and highlighted as a model and source of inspiration for other countries (Ministry of Health, 2015).

4. What are the main challenges?

One of the main challenges relies in the inclusion of the right to care as one of the components of the social protection system (ILO, 2014). To ensure that the right to care can become a reality, recommendations include:

- Ratify ILO’s Maternity Protection Convention, 2000 (No. 183) in order to extend the duration of maternity leave from 12 to 14 weeks.
- Create the necessary legal framework to ensure that in enterprises with certain numbers of female workers, maternity rooms and child-care centres are established, in line with ILO’s Workers with Family Responsibilities Convention, 1981 (No. 156) that was ratified by Argentina in 1988.
- Promote fathers’ co-responsibility in child care by extending paternity leave to uncovered groups and increasing the duration of the paternity leave.
- Improve Labour Law compliance through prevention and inspection measures.
- Extend the maternity leave to female workers in the informal economy.

This Universal Social Protection brief was produced by Analía Calero. It was reviewed by Victoria Giroud, Fabio Durán-Valverde, Valerie Schmitt and Isabel Ortiz of the ILO.

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