

## EXECUTIVE SUMMARY

# Maternity and paternity in the workplace in Latin America and the Caribbean: a review of national policies for paternity and maternity leave and support to breastfeeding in the workplace

International Policy Centre for Inclusive Growth (IPC-IG) and  
UNICEF—Regional Office for Latin America and the Caribbean

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# EXECUTIVE SUMMARY

The protection of maternity and paternity is a human right and an indispensable element of comprehensive labour and family policies, promoting not only family well-being and maternal and child health, but also gender equality.

States can respond to this need for protection by ensuring:

1. maternity, paternity and parental leave, defined as leave from work motivated by the birth of a child or to care for a newborn; and
2. policies that allow women to breastfeed or express milk in the workplace, such as breastfeeding breaks and breastfeeding rooms, among others.

Maternity, paternity and parental leave and policies to support breastfeeding in the workplace are fundamental parts of comprehensive social protection systems and early childhood development strategies.

Additionally, maternity and paternity leave not only ensures that parents can take care of the newborn but also guarantees labour income during the period of absence from work.

At the same time, the two types of policies are important to promote gender equality both in the labour market and in the domestic sphere. By including both parents, leave policies can contribute to a fairer distribution of care work between men and women. At the same time, policies regarding breastfeeding breaks and breastfeeding rooms allow women to exercise their rights to work and to breastfeed.

These policies are crucial for women to be able to breastfeed their children in accordance with the recommendations of the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), confirming the broad consensus that breastfeeding is crucial for the health and well-being of mother and child. These recommendations propose six months of exclusive breastfeeding and, subsequently, complementary breastfeeding until the child reaches 2 years of age.

Due to their relevance to gender equality, social protection and children's health and cognitive development, these policies also contribute to the achievement of several Sustainable Development Goals (SDGs), mainly SDGs 1, 3, 4 and 5.

This study focuses on the state of national policies for maternity and paternity leave, as well as breastfeeding supportive policies in the workplace in Latin America and the Caribbean (LAC). As shown below, there are multiple reasons why countries in the region should invest in these policies. First, the benefits of breastfeeding are illustrated. Subsequently, the importance of these two types of policy is summarised, including for other purposes such as the promotion of gender equality.

## Why is it important to invest in increasing breastfeeding policies?

### Breastfeeding reduces infant morbidity and mortality

Solid evidence has highlighted the importance of breastfeeding for the optimal health and long-term well-being of children. Those who are breastfed have a lower risk of developing acute and chronic diseases (such as diarrhoea, respiratory infections and otitis media), which consequently decreases infant mortality. It is estimated that breastfeeding can save the lives of 823,000 children under 5 years of age worldwide every year, most of them (87 per cent) under 6 months. In addition, the subsequent risk of diabetes and obesity decreases (Victora et al. 2016).

## Breastfeeding is related to cognitive development and increased intelligence

Research has also pointed to a positive correlation between breastfeeding, cognitive development, performance in intelligence tests and education levels (Anderson, Johnstone, and Remley 1999; Victora et al. 2015). As this leads to positive impacts on a country's economic development, it means that breastfeeding offers long-term benefits not only for the child but also for society as a whole.

## Breastfeeding is important for maternal health and contributes to family planning

It is widely recognised that breastfeeding is not only important for the health of the child but also for the health of the mother. Among other benefits, breastfeeding reduces the risks of developing breast and ovarian cancer and type 2 diabetes (Victora et al. 2016). Breastfeeding can also play a significant role in family planning by delaying the return of the menstrual cycle (UNICEF 2016).

## Breastfeeding is economically profitable

It is estimated that for every USD1 invested in breastfeeding, USD35 is generated in economic returns (Walters et al. 2017). In LAC, the lack of breastfeeding is associated with economic losses due to cognitive deficits of around USD12.1 billion per year or 0.39 per cent of gross national income (Rollins et al. 2016). Breastfeeding can generate significant savings in public health spending because it favours disease prevention (Bartick and Reinhold 2010).

## Breastfeeding rates in LAC remain low

Contrary to international recommendations, only 38 per cent of children under 6 months in LAC are exclusively breastfed, and only 31 per cent receive complementary breastfeeding up to 2 years, compared to global averages of 41 per cent and 46 per cent, respectively (UNICEF Division of Data Research and Policy 2019b; 2019a). This is due to multiple factors, including structural contexts of lack of labour protections, which make it impossible for mothers to breastfeed their children with the necessary opportunities and frequency.

## Why is it important to invest in maternity, paternity and parental leave benefits?

### Maternal leave increases the likelihood of breastfeeding (thus improving children's health) and immunisation rates

Increasing leave periods is positively associated with an increased likelihood of breastfeeding, as well as the duration of breastfeeding. Several estimates suggest that for each additional month of paid maternity leave, the probability of exclusive breastfeeding increases by 5.9 percentage points, and the total duration of breastfeeding increases by 2.2 months (Chai, Nandi, and Heymann 2018). Likewise, leave extensions have been found to decrease child mortality and increase immunisation rates (Nandi et al. 2016; Daku, Raub, and Heymann 2012)

### Leave can reduce mothers' stress

Caring for a newborn and working can cause a greater level of stress for mothers. Therefore, extended leave policies can also reduce the stress that mothers experience, as several studies indicate (Albagli and Rau 2019; Aitken et al. 2015).

## Leave can also have significant impacts in terms of cognitive development and safe attachment

Since leave policies allow mothers to spend more time with their children and reduce their stress, they can have a positive effect on children's cognitive development, mainly in contexts in which the main alternative to maternal care is low-quality and informal care services (Albagli and Rau 2019). In addition, parental leave can make a positive contribution to the development of a child's secure attachment (Plotka and Busch-Rossnagel 2018).

## Leave for both parents is important for gender equality

Paid leave is an important policy to recognise the burden of care work, which is generally unpaid and is predominantly done by women. Although female participation in the labour market in LAC has increased significantly in recent decades, women continue to be primarily responsible for the care of children. Therefore, also including men in leave policies can promote parental co-responsibility and, therefore, gender equality in the country (Heymann et al. 2017)

## Leave can improve the economic well-being of families

In addition to indirectly contributing to enhancing the likelihood of breastfeeding, leave policies can also play an important role in preventing poverty and its associated risks for children when combined with other family-friendly policies, such as family allowances and childcare services. Evidence from Organisation for Economic Co-operation and Development (OECD) countries has shown that generous leave policies are associated with a lower risk of poverty among families, especially among families with single mothers (Maldonado and Nieuwenhuis 2015; Misra et al. 2012).

## Previous research has found significant gaps in terms of leave policies in LAC

A study about maternity leave in LAC conducted by the International Labour Organization (ILO 2014) showed that, in 2013, only three countries (Chile, Cuba and Venezuela) offered 18 weeks, as prescribed in Recommendation 191. In addition, by the time the investigation was conducted, only two countries (Cuba and Chile) offered parental leave allowing one or both parents to take care of their children.

## Why is it important to invest in breaks and rooms to breastfeed?

### Breastfeeding breaks and rooms increase the likelihood and duration of breastfeeding after returning to work

There is ample evidence indicating that the lack of a breastfeeding-supportive work environment is one of the main reasons why women do not breastfeed their children in line with WHO and UNICEF recommendations. In this sense, the availability of breastfeeding facilities is associated with a higher probability to breastfeed (see, for example, Del Bono and Pronzanto 2012).

### Breastfeeding breaks and rooms allow women to exercise their right both to work and to breastfeed

Breastfeeding is part of women's right to physical autonomy and to care for their children. Breastfeeding rooms and breaks are important for women to continue breastfeeding when they return to work, in accordance with international recommendations.

## Breastfeeding breaks and rooms are advantageous for companies

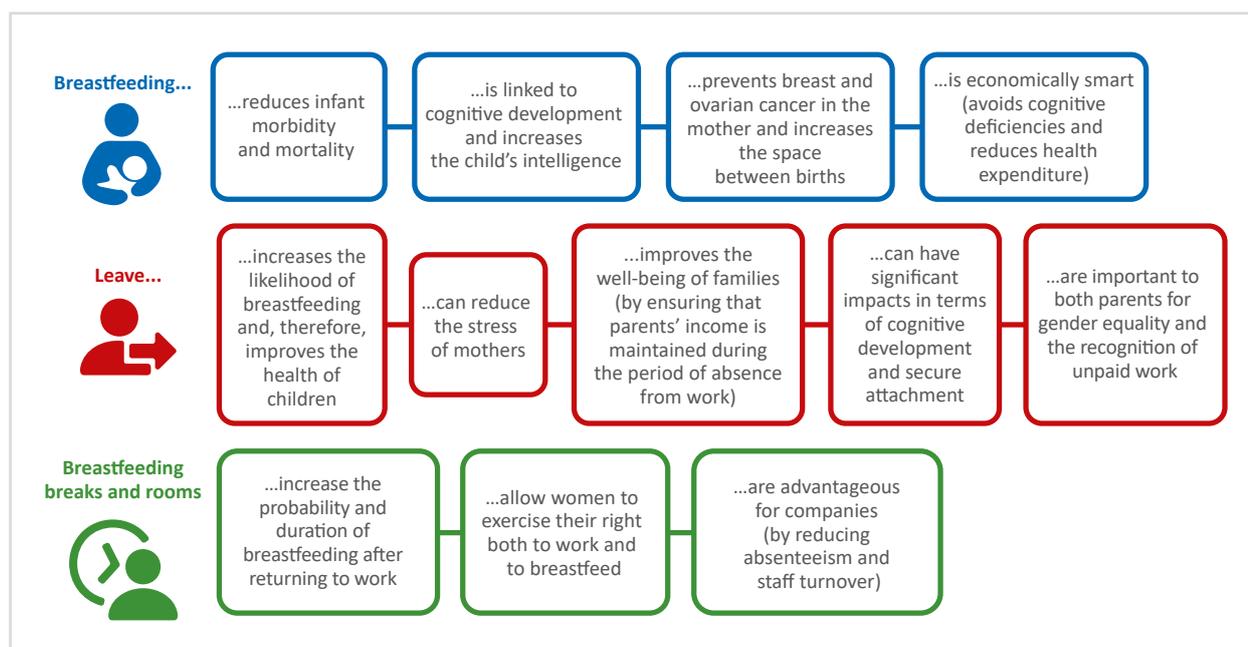
Policies that allow breastfeeding in the workplace translate into benefits for both workers and employers, by reducing absenteeism and employee turnover. They can also improve job satisfaction and the image of companies, which can benefit their own economic projections (Cohen, Mrtek, and Mrtek 1995; Waite and Christakis 2015).

## There are still considerable gaps in LAC when it comes to national policies to support breastfeeding in the workplace

According to research by the ILO (2014), in 2013, only 69 per cent of the countries in LAC had regulations on breastfeeding breaks, the lowest of any region in the world, along with Asian countries. In addition, fewer than half of the countries in the region (48 per cent) had laws on breastfeeding rooms.

Figure 1 summarises these arguments.

**Figure 1. Why it is important for Latin American and Caribbean countries to invest in leave policies and policies to support breastfeeding in the workplace**



The present study examines and compares the current maternity, paternity and parental leave policies and policies supporting breastfeeding in the workplace in 24 LAC countries, based on a comparative analysis with international standards established by the ILO and best practices adopted by other countries (summarised in Chapter 3).

## Results

The revision of current policies in LAC shows that significant gaps remain. In general, social protection benefits related to maternity leave and breastfeeding rooms only benefit those who are part of the formal labour market. In LAC, it is estimated that 54.3 per cent of women and 52.3 per cent of men work in the informal sector (Salazar-Xirinachs and Chacaltana 2018). Despite the progress in the region towards the formalisation of vulnerable groups

(such as domestic workers), this means that a large number of workers are still not covered by these policies, and informal employment ends up affecting some groups more than others.

**Additionally, the nine countries analysed do not achieve the minimum 14 weeks of maternity leave** recommended by ILO Convention 183. In total, only five countries achieve 18 weeks of maternity leave.

**In LAC, fathers are not having the opportunity to participate significantly in the care of their children,** since paternity leave, when it exists, does not exceed five days in most cases. Paid parental leave is rare, existing only in Chile, Cuba and Uruguay.

**There are still countries where the financing of maternity leave depends (totally or partially) on the employer,** which can lead to discrimination against women in the labour market.

**Except for Belize, Guyana, Jamaica and Suriname, all countries in the region offer paid daily breaks of at least 60 minutes to breastfeed or express milk.** Although most countries allow women to take these intervals during the recommended six months of exclusive breastfeeding, few allow them to take breaks to breastfeed or express breast milk after this period. Consequently, mothers cannot continue breastfeeding until the child turns 2 years of age, as recommended by the WHO. Additionally, the laws of most countries in the region do not specify flexible work schedules allowing mothers to arrive later or leave earlier to breastfeed their children.

**Breastfeeding rooms are another important element to guarantee the right of women to breastfeed in the workplace.** However, a significant number of countries (6) have not yet adopted legislation in this regard. In most cases, only companies with a minimum number of employees (ranging from 20 to 100) are required to install breastfeeding rooms, which excludes a considerable number of workers. However, some countries, such as Chile, El Salvador and Peru, have made considerable progress in promoting conditions that facilitate breastfeeding after returning to work.

**In half of the countries, legislation determines the provision of day-care services as a complement or alternative to breastfeeding rooms.** Accessible and good-quality day-care services play an important role in facilitating breastfeeding and are also essential for women's equal participation in the labour market.

**Few laws specify the financial support of the State for the creation of breastfeeding rooms in the workplace.** The additional costs of breastfeeding rooms can discourage the hiring of workers with family responsibilities.

**Information is limited in terms of the effective application of breastfeeding rooms,** even in countries that already have legal provisions. Available data show that the total number of breastfeeding rooms is still very limited. It is also worth remembering that only about 45.7 per cent of the female workforce is employed in the formal labour sector (Salazar-Xirinachs and Chacaltana 2018).

**Another important challenge is related to monitoring and evaluation.** The review of the literature on the subject has shown that impact assessments on these policies are still incipient, specifically in LAC. Additionally, the lack of knowledge about rights on the part of employers and workers, as well as gaps in the ability to monitor, enforce and sanction are significant obstacles for these policies to achieve greater coverage and quality.

Table 1 summarises the survey results for each country.

**Table 1. Summary of analysis of leave and breastfeeding support policies in the workplace**

Country	Maternity leaves			Paternity leave	Parental leave	Breastfeeding breaks			Services		
	Duration <sup>1</sup>	Salary <sup>2</sup>	Financing <sup>3</sup>	Duration <sup>4</sup>	Availability <sup>5</sup>	Duration (months) <sup>6</sup>	Extension <sup>7</sup>	Duration (min./day) <sup>8</sup>	Flexible working hours <sup>9</sup>	Breastfeeding rooms <sup>10</sup>	Childcare services <sup>11</sup>
Argentina	●	●	●	●	●	●	●	●	●	●	●
Belize	●	●	●	●	●	●	●	●	●	●	●
Bolivia	●	●	●	●	●	●	●	●	●	●	●
Brazil	●	●	●	●	●	●	●	●	●	●	●
Chile	●	●	●	●	●	●	●	●	●	●	●
Colombia	●	●	●	●	●	●	●	●	●	●	●
Costa Rica	●	●	●	●	●	●	●	●	●	●	●
Cuba	●	●	●	●	●	●	●	●	●	●	●
Ecuador	●	●	●	●	●	●	●	●	●	●	●
El Salvador	●	●	●	●	●	●	●	●	●	●	●
Guatemala	●	●	●	●	●	●	●	●	●	●	●
Guyana	●	●	●	●	●	●	●	●	●	●	●
Haití	●	●	●	●	●	●	●	●	●	●	●
Honduras	●	●	●	●	●	●	●	●	●	●	●
Jamaica	●	●	●	●	●	●	●	●	●	●	●
México	●	●	●	●	●	●	●	●	●	●	●
Nicaragua	●	●	●	●	●	●	●	●	●	●	●
Panamá	●	●	●	●	●	●	●	●	●	●	●
Paraguay	●	●	●	●	●	●	●	●	●	●	●
Perú	●	●	●	●	●	●	●	●	●	●	●
Rep. Dom.	●	●	●	●	●	●	●	●	●	●	●
Surinam	●	●	●	●	●	●	●	●	●	●	●
Uruguay	●	●	●	●	●	●	●	●	●	●	●
Venezuela	●	●	●	●	●	●	●	●	●	●	●

Notes:

1. Duration in weeks. Green = 18 weeks or more; Yellow = 14 weeks or more; Red = less than 14 weeks.
2. Percentage of wages paid. Green = 100 per cent of salary; Yellow = between 66 per cent and 100 per cent.
3. Financing structure. Green = financed entirely through social security; Yellow = financed by social security and employer; Red = fully funded by the employer.
4. Duration in days. Green = 8 days or more; Yellow = between 5 and 8 days; Red = less than 5 days.
5. Availability of parental leave. Green = paid parental leave granted; Yellow = unpaid parental leave; Red = does not offer.
6. Duration of breaks in months. Green = 12 months or more; Yellow = 6–7 months; Grey = not specified; Red = does not offer.
7. Possibility of extending the duration (months); Green = mentioned in law; Red = not mentioned in law.
8. Total duration of breaks per day in minutes. Green = 60 minutes or more; Yellow = 45 minutes; Red = does not offer.
9. Possibility of arriving later or leaving early to breastfeed. Green = possibility mentioned in law; Red = possibility not mentioned.
10. Maternity support rooms. Green = established by law; Red = not mentioned in law.
11. Childcare services in the workplace. Green = established by law; Red = not mentioned in law.

## Recommendations

In view of this scenario, the following recommendations are proposed for the countries in the region:

1. In terms of licences

### Coverage

- All countries should consider ways to extend the legal and effective coverage of leave through contributory and non-contributory programmes that also include informal workers.

- All countries in the region must improve paternity and/or parental leave. International best practices indicate the need to extend fully paid parental leave to encourage men to participate in the care of their children through measures such as ‘use it or lose it’ quotas, among other options.

### Duration

- Countries that still have not extended leave up to 18 weeks should explore the possibility of doing so, in accordance with international recommendations, mainly those that do not yet comply with the 14-week floor established by ILO Convention 183 on maternity leave. This should be accompanied by a study of financing options.
- The cases of Paraguay and Suriname also suggest that the sequential expansion of leave may be an option to give enough time for institutional actors to adapt to the new regulations.

### Financing

- The economic risks associated with these policies must be minimised through social security funds, thus reducing the cost to employers and guaranteeing equal conditions for men and women in the labour market. For the most vulnerable groups of workers with limited contributory capacity, governments should explore other options for public funding.

### Research and promotion

- At the regional level, the promotion of more extensive maternity leave can be supported by further studies on the benefits of these policies, mainly reviewing the effects produced by extensions already introduced in several countries of the region (such as Chile, for example, and Paraguay and Suriname more recently). It will also be important to investigate the effectiveness of recent labour formalisation strategies, to understand whether maternity rights are being guaranteed to the most vulnerable groups of workers.
- Promotion can be strengthened through cost-effectiveness studies and simulations of design adjustments of existing policies.
- Likewise, the extent of maternity benefits is even more justified due to the notable gaps in terms of care services observed in the region, making it necessary to investigate these gaps and their contexts to better understand the possible benefits of these policies.

### 2. In terms of policies to support breastfeeding at work

### Coverage

- In Belize, Guyana, Jamaica and Suriname, no legislation was found guaranteeing the right to daily breaks for lactating mothers. Therefore, these countries will have to increase their efforts to comply with the provisions of ILO Convention 183 on maternity protection.
- Many countries have established the obligation for public and private institutions to open breastfeeding rooms. However, Belize, Cuba, Guyana, Haiti, Jamaica and Suriname do not have this type of legislation yet.

- The information available on the coverage of breastfeeding rooms shows that there are still significant limitations, and it is necessary to expand its application. The laws that regulate the establishment of breastfeeding rooms apply only to the formal labour sector, excluding a large proportion of workers in the informal market. The experience of countries such as the Philippines can serve as a reference, as the country provides public breastfeeding stations for informal workers (ILO 2015).

## Duration

- To comply with the WHO recommendation, women must have the right to take breaks to breastfeed until the child is 2 years old, as in the case of Chile. Therefore, countries in the region should endeavour to extend the current duration of the right to breastfeeding breaks.

## Financing

- Breastfeeding rooms are usually funded by the employer. State financing options should be considered to encourage their establishment, as well as to continue raising awareness and help companies through social responsibility projects or with the support of international organisations. Collaborations between several companies can be a way to encourage the creation of breastfeeding rooms.

## Research and advocacy

- There is a lot of room for improvement. Research focusing on the benefits of policies to promote breastfeeding in the workplace, both for children's development and for gender equality in the region, as they are currently incipient, and most come from high-income countries. Therefore, more research on the real impacts of these policies in LAC will be necessary. Additionally, most research is based on the experience of companies in the service sector. It is also important to analyse which productive sectors (extraction, agriculture, manufacturing) are lagging behind in terms of access to breastfeeding support policies.
- Although there is broad consensus that breastfeeding rooms are not expensive, there is little information in different LAC countries on their actual costs both to establish and maintain, which highlights the need to make such estimates.
- In addition to breastfeeding breaks and rooms and maternity leave, there are other policies that can help promote breastfeeding, such as information campaigns on the importance of breastfeeding. This is especially relevant because a large part of the female workforce in the region is in the informal sector and, therefore, does not have access to breastfeeding rooms or breaks in the workplace. In addition, a favourable work environment that supports breastfeeding should be promoted. As an example, organisations such as the ILO and UNICEF have promoted formal commitments with management teams and company employees in favour of breastfeeding, as well as awareness-raising campaigns with employees.

### 3. In terms of monitoring and evaluation

- At the international level, UNICEF and partner organisations such as the Economic Commission for Latin America and the Caribbean (ECLAC) and the ILO should strengthen the production of comparative data on the coverage of social protection systems in the region, including maternity, paternity and parental leaves. This is also crucial for monitoring compliance with the SDGs internationally.

- There are still deficits in national enforcement/sanction/monitoring and evaluation capacities. This is particularly true for breastfeeding support rooms, which are still rare in the region. Therefore, monitoring mechanisms must be strengthened to ensure compliance with the current legislation. Setting up independent commissions, comprising representatives of relevant ministries and organisations, including civil society, should be considered.

Considering the review undertaken, the following country-specific recommendations are proposed in terms of leave policies and breastfeeding breaks and rooms:

**Table 2.** Specific recommendations for countries in the region in terms of licences and policies to support breastfeeding in the workplace

Country	Leave				Support for breastfeeding in the workplace						
	Extend paid maternity leave to comply with the basic 14-week maternity protection floor	Guarantee full wages for women during maternity leave	End the employer's responsibility to finance part or all maternity leave	Introduce flexibility for the start of leave	Expand and strengthen fully paid parental leave to encourage men to participate in the care of their children	Establish by law the right to breast-feeding breaks	Extend the right to breast-feeding breaks up to 24 months	Extend the daily duration of breast-feeding breaks to at least 1 hour	Establish by law the right to breast-feeding rooms	Establish the possibility of more flexible times to ensure breast-feeding	Provide economic incentives for companies to install breast-feeding rooms
Argentina	X			X	X		X			X	X
Belize			X	X	X	X	X	X	X	X	X
Bolivia	X			X	X		X			X	X
Brazil					X		X			X	X
Chile				X	X						X
Colombia				X	X		X			X	
Costa Rica			X	X	X		X			X	X
Cuba				X	X		X		X	X	X
Ecuador	X		X		X		X			X	X
El Salvador					X		X			X	
Guatemala	X			X	X		X				X
Guyana	X	X			X	X	X	X	X	X	X
Haiti	X			X	X		X		X	X	X
Honduras	X		X	X	X		X			X	X
Jamaica	X		X	X	X	X	X	X	X	X	X
Mexico				X	X		X				X
Nicaragua	X		X	X	X		X	X		X	X
Panama				X	X		X				X
Paraguay					X		X				X
Peru					X		X			X	X
Rep. Dom.				X	X		X			X	X
Suriname				X	X	X	X	X	X	X	X
Uruguay				X	X		X			X	X
Venezuela					X		X			X	X

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