

# LEGAL FRAMEWORKS FOR WOMEN'S ECONOMIC AUTONOMY AND EMPOWERMENT IN IBERO-AMERICA AND THE CARIBBEAN



## Uruguay\*

\* information updated as of February 2020

### INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY

#### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)



Convention SIGNATURE 1981 / RATIFICATION 1981

Protocol SIGNATURE 2000 / RATIFICATION 2001

#### ILO Conventions

related to gender equality



C100 Equal remuneration convention, 1951 ✓ 1998

C111 Discrimination (Employment and Occupation) ✓ 1989  
Convention, 1958

C156 Workers with Family Responsibilities ✓ 1989  
Convention, 1981

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2012

C190 Violence and Harassment Convention, 2019 ✓ 2019

### BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic (Constitution 1967 as amended on 26 November 1989, 26 November 1994, 8 December 1996 and 31 October 2004).
- ✓ Law No. 19.846 Equality and non-discrimination between women and men (19 December, 2019).
- ✓ Law No. 18.065 Domestic work regulatory standards (26 November, 2006).
- ✓ Law No. 16.045 Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector (2 June, 1989).
- ✓ Law No. 19.161 Grants for maternity leave and paternity leave for workers in private business (1 November, 2013).
- ✓ Law No. 19.121 on the Statute of Civil Servants of the Central Public Administration (20 August, 2013).
- ✓ Law No. 17.215 Enacting standards that include all public or private female worker who is pregnant or breastfeeding (24 September, 1999).

- ✓ Law No.18.345 Workers in private business granting of special leave for specific cases (11 September, 2008)
- ✓ Law No. 16.713 Social Security Establishing the welfare system which is based on the principle of universality and comprises, immediately and compulsorily, all activities covered by the Social Welfare Bank (3 September, 1995).
- ✓ Law No. 18.395 Retirement benefits relaxation of access conditions (24 October, 2008).
- ✓ Law No. 19.353 which establishes the National Comprehensive Care System (27 November, 2015).
- ✓ Law No. 5.032 on Occupational Accidents. Prevention measures (21 July, 1914).
- ✓ Law No. 18.065 Domestic work regulatory standards (26 November, 2006).
- ✓ Act No. 224/007 Regulation of Law No. 18.065 on the Regulation of Domestic Work (27 November, 2006).

### Areas for women's economic empowerment

#### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 8), by the Law No. 19.846 Equality and non-discrimination between women and men and in Law No. 16.045 Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector (Art. 1 and 2).



#### 2 Freedom of choice of employment

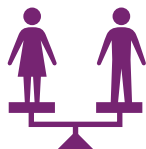
- ✗ Article 54 of the Constitution establishes that the **work of women and minors under the age of eighteen shall be particularly regulated and limited.**



The Law No. 5.032, on Occupational Accidents, in Article 4, establishes that **women and children cannot be employed in the cleaning or repair of running engines, machines or other dangerous transmission agents.**

### 3 Equal pay

- Regulated by the Constitution (Art. 54) and in Law No. 16.045 *Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector* (Art. 1 and 2).



Discrimination in the criteria determining remuneration is prohibited, **although the principle of equal remuneration for work of equal value under the terms of ILO Convention 100 is not specified.**

### 4 Maternity protection

- Regulated by the Constitution (Art. 42), by the Law No. 19.161 *Grants for maternity leave and paternity leave for workers in private business*, by the Law No. 11.577 *which regulates the dismissal of pregnant female workers*, by the Law No. 18.868 *Prohibition on the requirement of carrying out a pregnancy test and by Law No. 17.215 Enacting standards that include all public or private female worker who is pregnant or breastfeeding.*



**Maternity leave:** 14 weeks (6 before birth and 8 after).

**Minimum amount established by the ILO in its Convention No. 183:** 14 weeks.

**Amount and financing:** 100% paid by the Social Welfare Bank (BPS).

**Protection against dismissal:** During pregnancy and for a period of six months subsequently, (it is not established by law, but it is interpreted through jurisprudence as indicated based on Law No 11.577 on *Unhealthy Industries*, Article 17 of which prohibits the dismissal of pregnant workers in this type of industries, transferring said protection to all female employees).

- Law No. 19.121 establishes maternity leave of 13 weeks for female civil servants in the Central Administration.

### 5 Paternity leave

- Regulated by Law No. 19.161 *Grants for maternity leave and paternity leave for workers in private business* (Art.7 to 9) and by Law No. 18.345 *Workers in private business granting of special leave for specific cases.*



**Duration:** 13 consecutive days for dependent workers (10 days for non-dependants covered by the Social Welfare Bank (BPS) with up to one dependant and independent workers and for civil servants in the Central Administration).

**Amount and financing:** the first three days are payable by the company and the following ten days are payable by Social Security.

### 6 Social security

- Regulated by Law No. 16.713 *Social Security* and by Law No. 18.395 *Retirement benefits relaxation of access conditions.*



Same rights for women and men on protection against illness, occupational risks, old age, disability and death.

**The right of women to register one additional year of services for each live birth is recognized** or for each child they adopt, with a maximum total of five years (Art. 14 of Law No. 18.398).

### 7 Care

- Law No. 19.353 *which establishes the National Comprehensive Care System* establishes the **right to care for children, people with disabilities and those aged over 65** (Art. 5). The National Care System also includes gender and generational perspectives (Art. 4).



The Law No. 19.161 *Grants for maternity leave and paternity leave* establishes a grant for the care of the newborn up to the age of 6 months, which the father and mother may use interchangeably and alternately, whose working hours may not exceed half of the normal working hours nor four hours per day (Art. 12 and 13).

**Amount and financing:** 100% paid by the Social Welfare Bank (BPS).

### 8 Protection of domestic workers

Regulated by the Law No. 18.065 *Domestic work regulatory standards* and by Act No. 224/007 which governs it.



- Minimum national salary, paid overtime, working hours (for those who do not live in), paid rest period during working hours and weekly, right to holidays, right to Social Security, maternity rights, equal to the general regime.

- Work carried out by rural domestic workers shall not be considered to be domestic work.

## Uruguay: Action points to accelerate progress

- ADOPT:** · Ratify ILO Convention 183.
- REFORM:** · Include the principle of equal remuneration for work of equal value in the Constitution.  
· Extend paternity leave.  
· Increase maternity leave for all female civil servants to guarantee in law the minimum amount of 14 weeks established in ILO Convention 183.  
· Ensure rural domestic workers the same conditions and labour rights enjoyed by other workers.
- ELIMINATE:** · Eliminate restrictions that limit the freedom of choice of employment for women.

