



President Cristina Fernández de Kirchner enacted law criminalizing child labour and another one extending private household workers' rights

In an event held this afternoon at the Pink House the President Cristina Fernández de Kirchner enacted two laws which will help improve the situation of two of the most vulnerable sectors: the one turning child labour into a criminal offence, with sanctions of imprisonment from one to four years, and the one creating the new scheme for private household workers, by improving their working conditions and including rights, by putting them on the same level with the rest of workers. The latter act must be framed in a political horizon of equality and inclusion with the firm determination of ending all forms of labour exploitation.

With regard to child labour, which was already prohibited in our country, the amendment of section 148 bis, Penal Code, seeks the prime purpose of definitely eradicating it from Argentina. The Labour Ministry wishes a country where children play and study, adults work, and where those using child labour be severely punished. The act was passed on 20 March, when it was unanimously voted by the Senate by the 63 legislators.

The act specifically provides that the person who takes economic advantage of work done by a child shall be liable to be imprisoned from 1 (one) to 4 (four) years in violation of national regulations prohibiting child labour, as long as the fact does not entail a more severe crime. It also states that those tasks involving educational or training purposes only shall be exempted and that the child's father, mother or guardian taking part in the above-described conduct shall not be punishable, by understanding that it would be counterproductive for a child, and that when parents make their children work, they are putting them in a situation of vulnerability.

Moreover, on 13 March the House of Deputies unanimously passed and turned into act the bill creating the new scheme of private household workers. The plenary meeting of the Chamber passed with 206 affirmative votes the bill that in March 2010 the Executive Power had submitted to the Congress, and thus the Private Household Workers Contract of Employment Special Scheme Act No. 26844 comes into existence.

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In the previous regulations, I understood both male and female employees rendering services within the domestic environment with no economic benefit or profit for their employers. It included staff working for over a month, four days a week and four hours a day at least; whereas the new act also includes personal assistance and company rendered to the members of the family or to those living in the same home with the employer, as well as the care of people who are ill or disabled, for which no licence is required. The act is in force regardless of the extension of the working day and week, and without requiring any special seniority whatsoever.

Before the act, there was a 12-hour working day for employees living in the employer's home. The previous scheme included a 24-hour weekly rest and overtime was not included; whereas now, since the new regulation, the working day is limited to 8 hours a day and 48 weekly hours, also including a weekly 35-hour consecutive rest and overtime payment. Now the staff living in the same home with the employer will also have an 8-hour consecutive evening rest, a two-hour daily rest between the morning and evening work and time needed for each meal.

With regard to the sick leave and/or blameless accident, there would be a 30-day annual leave and employers were entitled to dismiss employees without paying any compensation whatsoever when employees were still sick or suffering the blameless accident beyond the time set in the leave. There were no special leaves. Now, the annual paid leave includes 3 to 6 months according to seniority for both cases and for each sickness and / or blameless accident. Moreover, there are several leaves included: parental leave for male workers: two consecutive days; marriage leave: 10 consecutive days; bereavement leave if a worker's spouse, partner, children or parents die: 3 consecutive days; bereavement leave if a worker's sibling dies: 1 day; leaves to take exams in primary, secondary, tertiary or university education: 2 consecutive days per exam and up to 10 days per calendar year.

In the previous legislation, there were aspects connected with the protection of maternity and marriage that were not covered; whereas now maternity leave is a fact: working 45 days before the due date and up to 45 days after the birth is forbidden; and workers will keep their jobs. They will also be paid the allowances granted by the social security schemes according to their salaries. With regard to dismissal for pregnancy: it is presumed if it takes place 7 ½ months before or after



Ministry of
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the birth, provided that the worker has given notice of her pregnancy. In that case, a compensation equivalent to unfair dismissal compensation plus a year of salaries should be paid. Moreover, dismissal for marriage is added: it is presumed if it takes place within 3 months before or 6 months after the marriage, provided that marriage was notified. A compensation similar to the case of dismissal for pregnancy should be paid.

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