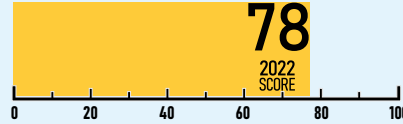




Argentina

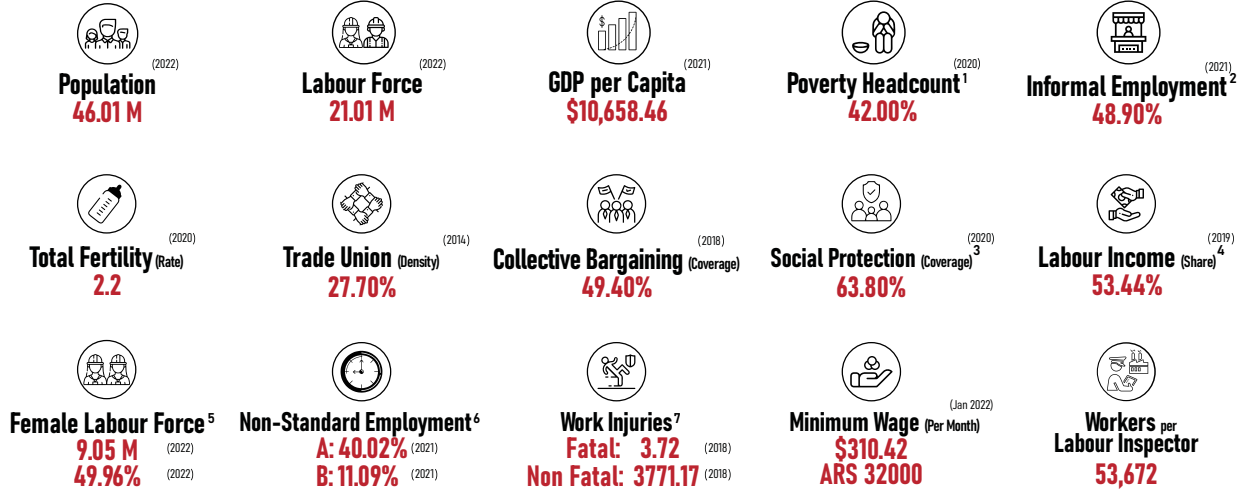


75.5
2020 SCORE

Latin America and The Caribbean
Upper-middle income
Reasonable Access to Decent Work

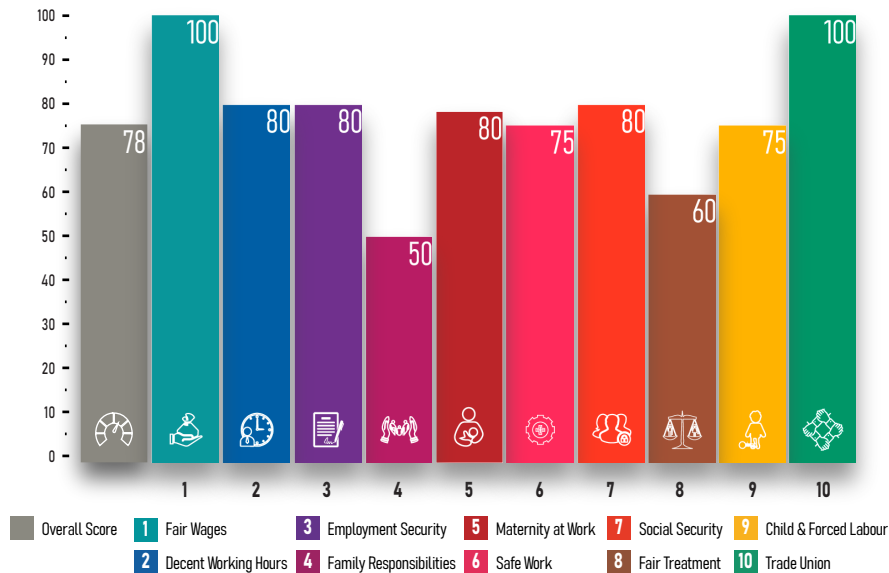


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Argentina's overall score is 78 out of 100. The overall score for Argentina is higher than the regional average observed across Latin America and The Caribbean (71). Within the Latin America and The Caribbean region, the highest score is observed for Paraguay (82.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§2 of National Employment Act, Act No. 24.013, 1991; §116-120 of the Employment Contracts Act	●
	Does the law require regular payment of wages?	Yes	§103, 124-133 of the Employment Contract Act No. 20.744 of 1976	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	201-203 of Employment Contract Act, No. 20.744, 1976	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§207 of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law require additional compensation for night work?	Yes	§200 of the Employment Contract Act, No. 20.744, 1976; §02 of the Law No. 11.544 on Working Time 1929	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§66, 197 & 201-203, Employment Contracts Act, 1976; §01 of Decree 484/2000; §1-3 & 13 of the Law on Working Time, 1929	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§01 of Decree 484/2000 on Work and working hours	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§174 & 204 of Employment Contract Act, 1976	●
	Does the law require paid public holidays?	Yes	§168 of Employment Contracts Act, 1976; §01 of the Holidays Act, No. 21.329 of 1976; Law No. 23.555	●
	Does the law require at least three working weeks of paid annual leave?	No	§150-157, 164 & 194 of Employment Contract Act, 1976	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	No	§48, 52 & 90-100 of Employment Contract Act, 1976	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§90 & 93 of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§92bis of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law require a 30-day notice before contract termination?	Yes	§231, 232, 241, 242, 247, 250 of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§245-247 of the Employment Contract Act, 1976	●
4. Family Responsibilities	Does the law require parental leave for parents?	Yes	§183(c) of the Employment Contracts Act, 1976	●
	Does the law require at least one week of paid paternity leave for fathers?	No	§158-159 of the Employment Contracts Act, 1976	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	§183(b) of the Employment Contract Act, 1976	●
	Does the law require paid nursing breaks?	Yes	§179 of the Employment Contracts Act, 1976	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§6(c) of the Integral Protection Law for Women of 2009 (No. 26.485)	●
	Does the law require paid maternity leave of at least 14 weeks?	No	§177-183, Employment Contract Act, 1976; §113 of approving the National Regulation on Agricultural Work, Act No. 22.248; §1 & 3, Act No. 24.716	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§6, 11 & 18 of Regime of Family Allowances Law No 24.714, 1996	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§6, 11 & 18 of Regime of Family Allowances Law No 24.714, 1996	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§177-178, 182 & 245 of the Employment Contracts Act, 1976	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	No	§8 & 10 of the Health & Safety at Work Law No. 19.587 of 1972	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§9(k) of the Health & Safety at Work Law, 1972; § 4(2)(d) of the Workers' Compensation Law, 1995	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§175-176 of the Employment Contract Act, 1976	●
	Does the law provide for employment injury benefit?	Yes	§208-212 of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law provide for an old age pension?	Yes	§19-26 & 34bis of the Integrated Retirement and Pension Law, 1993; §02 of the Social Security Law, 2004	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	§53 & 98 of the Integrated Retirement and Pension Law, 1993; Ley núm. 23570, de 19 de julio de 1988	●
	Does the law provide for unemployment benefit?	Yes	§111-119 of the National Employment Act, Act, 1991	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§208-212 of the Employment Contract Act, No. 20.744 of 1976	●
	Does the law provide for invalidity benefit?	Yes	§27 & 91-99 of the Integrated Retirement and Pension Law No. 24.241, 1993	●
	Does the law require equal remuneration for work of equal value?	Yes	§14bis of the Constitution of Argentina, 1994; §172 of the Employment Contracts Act, 1976; §6(c) of the Women Protection Act, 2009	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	No	§242 of the Employment Contracts Act, 1976; Women Protection Act, 2009; §107bis of the Civil Code; §119-123 of the Penal Code	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§16 & 43 of the Constitution of Argentina, 1994; Anti-Discrimination Law No. 23.798	●
	Does the law allow women to do the same jobs as men?	No	§176 of the Employment Contracts Act, 1976; §10-11 of the Law No. 11.317	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Social Security Law No. 25.994 of 2004; ISSA Country Profile for Argentina	●
	Does the law prohibit employment of children?	Yes	§187-191, Employment Contract Act 1976; §2, 7 & 17, Law No. 26.390 of 2008	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	No	§16 & 29, National Education Law (n° 26.206 de 2006); §2, Law on Early Education (n° 27.045 de 2014)	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§10 Law No. 26.390/2008; §10-11 of the Law No. 11.317; Decreto 1117/2016	●
	Does the law prohibit forced labour?	Yes	§15, Constitution 1994; §1-4, Law No. 26.364 of 2008	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	Yes	§14bis of the Constitution of Argentina, 1994; §01-22 of the Trade Union Law No. 23.551 of 1998	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§14bis of the Constitution of Argentina, 1994; Law No. 14.250 of 1989; Law No. 23.456	●
	Does the law provide for the right to strike?	Yes	§14bis of the Constitution of Argentina, 1994; §05 of the Trade Union Law No. 23.551 of 1998; §7-14 of the Decree 272/06	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§70 of the Law No. 24.013 of 1991	●

Covid 19 and Labour Market in Argentina*

Total Covid Cases	9.47 Million
Total Covid Deaths	129,202
Partial Vaccinated	92.0%
Fully Vaccinated	44.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✓
Telework/flexible work	✓
Improved Health Access	✓
Training (activation measures)	✗

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the Argentina on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CHRHP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change