



Colombia expands family leave, pregnancy bias protections

*By Hernando Angulo, Fiona Webster and Stephanie Rosseau
23 Aug 2021*

Colombia expanded paternity leave provisions and introduced paid shared parental leave and flexible parental leave for new and adopting parents in Law No. 2114 approved on 29 Jul 2021. The new law also expands nondiscrimination/equality provisions related to pregnancy in the workplace.

Highlights

- **Paternity leave.** Paternity leave has expanded to two weeks — up from 8 days. Paternity leave could increase one week at a time to a maximum of five weeks, subject to changes in Colombia’s structural unemployment rate.
- **Shared parental leave.** Parents who meet certain eligibility criteria can choose to share the final six weeks of maternity leave — the first 12 weeks of maternity leave immediately following a baby’s birth are nontransferable and must be taken by the mother. Leave pay is based on the salary of the parent taking leave, and is paid for by the employer.
- **Flexible parental leave.** Parents can enter an agreement with their employers to work part-time for a period of their paid parental leave entitlement. Mothers can request flexible parental leave from the thirteenth week of their maternity leave, and fathers can apply from the second week of their paternity leave. Parents who work part-time will be given a longer period of time to take their parental leave entitlement. The benefit payment is based on the salary of the parent taking the leave. Employers must pay for the period of time that the employee works, and the government health insurance organization pays for leave time.
- **Pregnancy nondiscrimination protections.** Expanded nondiscrimination/equality provisions prohibit employers from asking female job candidates about their reproductive plans or requiring them to take pregnancy tests, unless necessitated by occupational health and safety considerations. Employers face fines of up to 2,455 tax value units for breaches of the law (the tax value unit currently is COP 36,308), and they must hire any employee required to take a pregnancy test as a condition of employment.

Related resource

- [Law No. 2114 of 29 July 2021](#) (Spanish) (Colombian government, 29 Jul 2021)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.