

Costa Rica¹⁵⁹

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Leave entitlements in Costa Rica are primarily governed by the Labour Code (Código de Trabajo, Law No. 2 of 15 August 1943, as amended) and the regulations of the Costa Rican Social Security Fund (CCSS). The Labour Code applies to all employees in the private sector and public sector with a formal employment contract. Self-employed workers who voluntarily contribute to the CCSS may also be eligible for certain benefits. However, informal workers, domestic workers who are not registered, and undocumented migrants may not be covered. The *Caja Costarricense de Seguro Social* (CCSS) administers the country's social insurance system, and provides coverage for maternity benefits, sickness insurance, and disability insurance.

a. Maternity leave (*Licencia por maternidad*) (responsibility of the CCSS and the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- 120 calendar days: 30 days before the birth and 90 after the birth.
- It is obligatory to take all the above leave.
- Women are entitled to an additional 12 weeks of leave after obligatory Maternity leave is finished.
- The pre-natal portion may begin earlier if a medical practitioner certifies that the pregnant worker is unable to continue working due to pregnancy-related health complications. In this case, the post-natal period is shortened unless further complications arise affecting the health of the mother or the newborn after birth, in which case a separate legal procedure to obtain the leave is required.

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Payment, funding and taxation

- 100 per cent of earnings, with no upper limit.
- Payment is made directly from the CCSS.
- Payment is not taxed.
- Pension contributions are not deducted from the maternity benefit, and the CCSS continues to credit the worker's pension account during the Maternity leave period, ensuring that the leave does not affect the worker's future pension entitlements.
- Funded by the employer (who pays 50 per cent) and the CCSS (that pays the remaining 50 per cent). CCSS is financed by contributions from employers and employees; the employer contribution rate is 26.83 per cent of the employee's gross earnings and the employee contribution is 11.49 per cent (the IVM employee component increased from 4.17 per cent to 4.33 per cent). Self-employed workers who voluntarily contribute to the CCSS are funded entirely by their own contributions.

Flexibility in use

- Employees can adjust the distribution of their 120 days of leave between before and after birth in consultation with her employer and the CCSS, provided that the total of 120 days is maintained. The leave is non-transferable and cannot be deferred to a later date beyond the childbirth period. In the event of the death of the mother during or after childbirth, the surviving biological father may apply to complete the remaining period of the Maternity leave, provided that the child survives.

Eligibility (e.g., related to employment or family circumstances)

- All women who work and are registered with the CCSS are eligible for Maternity leave, whether employed in the private sector, public sector, or as self-employed contributors. The employee must have completed at least 90 days of service with the employer and be registered with the CCSS at the time the Maternity leave begins. Domestic workers who are registered with the CCSS are entitled to the same maternity benefits as other employees.
- Housewives or students who do not earn a salary but who make voluntary monthly contributions to the CCSS can access maternity benefits after contributing for a qualifying period. Unemployed mothers who have recently lost their job may still be eligible for the maternity benefit if they have sufficient CCSS contributions, though the details of such eligibility depend on the continuity of their insurance coverage.
- Foreign nationals working legally in Costa Rica who are registered with the CCSS have the right to Maternity leave, without the requirement of citizenship or permanent residency.
- Access to leave for same-sex couples is formally possible within the framework of equality and non-discrimination, particularly following the recognition of same-sex marriage in May 2020. However, the structure of the leave system has been primarily based on biological criteria, which historically led to differences in its application. In the case of female same-sex couples, the gestational mother is entitled to the full 4 month Maternity leave, while since January 2025 the Sala IV has recognized a leave for non-gestational mothers similar to available Paternity leave. In the case of male

same-sex couples, there is access to adoption leave (3 months, gender-neutral, divisible between both parents). Since 2020, same-sex married couples have had the legal right to joint adoption, as confirmed by a landmark Family Court ruling in July 2022. Nonetheless, important regulatory gaps persist, resulting in unequal access based on sex and reproductive roles, and highlighting the need to shift towards a care-based rather than a purely gestation-based approach.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- If the mother's life or the baby's life is at risk, the attending physician may certify the need for extended rest, which may result in the granting of additional leave on medical grounds through the CCSS sickness insurance system.
- In the event of the death of the mother during childbirth or during Maternity leave, the biological father may apply to complete the remaining period of leave.

Regional or local variations in leave policy

- None.

Additional note (e.g., if leave payments are supplemented by collective agreements, employer exclusions, or rights to postpone)

- Collective bargaining agreements and internal workplace policies in both the public and private sectors may supplement Maternity leave entitlements beyond the statutory minimum, for example by providing additional paid days or salary top-ups. There are approximately 30 agreements in the private sector and between 60 and 80 in the public sector. Their coverage differs significantly: in the private sector, they cover less than 1 per cent of the labour force, whereas in the public sector coverage exceeds 50 per cent. Not all agreements include provisions related to leave.

b. Paternity leave (*Licencia por paternidad*) (responsibility of CCSS)

Length of leave

- Public sector: 30 calendar days
- Private sector: 2 days per week during the first 4 weeks after the birth of the child

Payment, funding and taxation

- 100 per cent of earnings, with no upper limit
- Paid and funded by the employer.
- Payment is not subject to taxation.
- The payment does not affect pension contributions, as the employer continues to make social security contributions during the Paternity leave period.

Flexibility in use

- Public sector: must be taken as a continuous period of time after the birth.
- Private sector: the 8 days of leave must be taken as 2 days per week during the first 4 weeks after the birth; the father cannot take leave as a single continuous period. The leave cannot be deferred or taken before the birth.

Eligibility (e.g., related to employment or family circumstances)

- Public sector: biological fathers who are government employees are eligible.
- Private sector: biological fathers who are registered with the CCSS and have an active employment contract are eligible for paternity leave. Unemployed fathers, self-employed workers who are not registered as employees, and fathers working in the informal economy do not have a statutory right to Paternity leave. Foreign nationals working legally in Costa Rica who are registered with the CCSS are eligible for paternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

Regional or local variations in leave policy

- None.

Additional note (e.g., if leave payments are supplemented by collective agreements, employer exclusions, or rights to postpone)

- Collective bargaining agreements may supplement Paternity leave.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- For an individual adoption, the adoptive parent is entitled to a special paid leave of 90 calendar days; for joint adoptions, this leave period may be divided between the two adoptive parents as they see fit. Each adoptive parent's employer is responsible for funding half of the leave payment; the rest is paid by CCSS. Adoption leave rights are extended to both parents regardless of gender, promoting greater equality in adoptive parenting arrangements.

- Adoptive fathers in the private sector do not have a specific Paternity leave entitlement under the Labour Code.

Time off for the care of dependants

No statutory entitlement.

Specific provision for (breast)feeding

- Every working mother is entitled to a paid break of up to 1 hour per day for breastfeeding, not transferable to another family member. Employers are required to grant this break for as long as the mother continues to breastfeed, and no upper time limit on the duration of this entitlement is specified in the legislation. Additionally, employers are required to grant paid time off of up to 1 day so that the employee can obtain a medical certificate from the CCSS confirming lactation status.

Flexible working for carers

No statutory entitlement.

Antenatal appointments and care

- Employers are required to grant paid leave of up to 1 day for employees to obtain a medical certificate confirming pregnancy from the CCSS. There is no specific statutory entitlement for time off to attend routine antenatal appointments. However, if a medical practitioner certifies that the pregnant worker requires time off for health reasons related to the pregnancy, such leave may be covered under the CCSS sickness insurance system from the 4th day of absence (the first three days being paid by the employer).

Other provisions of leave

- None reported.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is around 3 months, paid at a high rate. There is no entitlement to Early Childhood Education and Care (ECEC), although Costa Rica has developed a comprehensive public childcare infrastructure that provides services to children from birth through the early years.

The main public childcare provider is the National Childcare and Development Network (*Red Nacional de Cuidado y Desarrollo Infantil*, REDCUDI), which was established in 2014 with the aim of systematizing and expanding childcare services across the country. REDCUDI coordinates a range of services offered by various government institutions, with the goal of providing comprehensive childcare, nutrition, and child protection services. A key component of this system is the network of CEN-CINAI (*Centros de Educación y Nutrición y Cuidado Integral*, Education Centers for Nutrition and Holistic Care), which are community-based centres that offer childcare, nutrition programmes, and child development services

for children from birth up to the age of 7 years. CEN-CINAI centres are particularly important in rural and underserved communities, where they serve as the primary source of early childhood services.

Costa Rica has made notable progress in expanding access to pre-primary education. The country's education system provides universal pre-primary education for children aged 4 years (*ciclo interactivo*) and aged 5 to 6 years (*ciclo de transición*), and the government has invested in expanding access to early education for younger children as well. The National Policy on Childhood and Adolescence 2024–2036, issued in April 2024, includes guidelines for strengthening early childhood development services and improving access to quality childcare and education for all children, with particular attention to vulnerable and disadvantaged populations.

Despite these advances, serious challenges remain in terms of coverage, quality, and accessibility of ECEC services, particularly for children under the age of 3 years. The coverage of formal ECEC services remains limited for the youngest children, and many families continue to rely on informal childcare arrangements.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.
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3. Changes in policy since April 2024 (including proposals currently under discussion)

The most significant policy development since April 2024 has been the Constitutional Chamber (Sala IV) ruling number 92412-2024, in February 2025, which expanded Maternity leave rights for same-sex parent families. The ruling resolved an action of unconstitutionality filed against Article 95 of the Labour Code, ensuring that both partners in a same-sex couple who are registered as parents of a child may share the Maternity leave entitlement. This landmark decision extends the protections previously available only to heterosexual couples and represents a significant step toward greater gender equality and recognition of diverse family structures in Costa Rica's labour law framework.

The government also issued the National Policy on Childhood and Adolescence 2024–2036 on 18 April 2024, which provides a comprehensive framework for policies affecting children and adolescents over the next 12 years. While not specifically a leave policy, this document includes guidelines for strengthening family support, improving access to early childhood services, and promoting the well-being of children and families.

The disparity between Paternity leave for the private and public sectors has been the subject of ongoing policy debate in Costa Rica. A bill (*expediente 25049*) has been proposed in the Legislative Assembly to extend private sector Paternity leave to 1 month, seeking to close the gap between the two sectors and promote greater gender equality in caregiving responsibilities. This proposal reflects ongoing efforts to promote shared caregiving responsibilities and reduce gender inequalities in the labour market. As of the time of writing, the bill remains under discussion and has not yet been enacted into law.

In addition, the CCSS has continued to adjust employer and employee contribution rates to the social security system. The contribution rate to the sickness and

maternity insurance regime has increased incrementally in recent years, with further adjustments planned for the coming years to ensure the financial sustainability of the social security fund.

4. Uptake of leave

a. Maternity leave

No information available, but uptake is likely to be close to 100 per cent among eligible workers, as Maternity leave is compulsory as well as a legal entitlement with full salary replacement funded jointly by the employer and the CCSS. However, women working in the informal economy who are not registered with the CCSS may not have access to maternity benefits, which affects overall uptake rates.

b. Paternity leave

No information available. Uptake in the private sector may be limited due to the relatively short duration of the entitlement (8 days spread over 4 weeks) and the requirement to take the leave in short sections. The structured format of the leave may make it difficult for some fathers to use, particularly those in jobs with inflexible working arrangements. In the public sector, where 1 month of leave is available, uptake is expected to be higher. Cultural attitudes toward father involvement in early childcare remain an important factor affecting take-up rates in both sectors.

c. Parental leave

No statutory entitlement.