

Mexico¹

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NB. Mexico is a federal state with 32 federal states.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership](#) page on website.

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

a. Maternity leave (*licencia de maternidad, seguro de maternidad*) (responsibility of the Ministry of Labour and Social Welfare – *Secretaría del Trabajo y Previsión Social*, at federal level)

Length of leave (before and after birth)

- Twelve compulsory weeks: six weeks before birth and six weeks following birth.

Payment and funding

- One hundred per cent of earnings, with no ceiling on payments for the standard period.
- Fifty per cent of earnings for a period not exceeding sixty days if Maternity leave is extended.
- Maternity leave is financed by social security (*Seguro de maternidad*) on a tripartite basis: employers pay 70 per cent, employees 25 per cent and the federal government five per cent. However, the payment made by social security depends on the amount of contributions that have been paid by both the employer and the employee, such as pension or retirement contributions. Therefore, the exact payment can be complicated to work out.
- Maternity leave period is also taken into account in the calculation of old age and pension benefits.

Flexibility in use

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http://www.leavenetwork.org/lp_and_r_reports/

² Early Institute is a Mexican Think Tank constituted by a group of social scientists and lawyers who develop applied research and consultancy mainly to analyze and inform public policies on childhood. In particular they contributed to the preparatory work for the introduction of Paternity leave in Mexico in 2012.

- By specific request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred after birth. This requires a formal statement from a doctor, and takes into consideration the employer's view and the type of work the employee performs.
- Maternity leave is extended for the time necessary in the event that the employed woman is found unable to work due to pregnancy or childbirth.

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

- Employees must have contributed to social security for at least 30 weeks in the 12 months before the date on which the Maternity leave starts. When the employed woman does not meet this requirement, it is the responsibility of the employer to pay hundred per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only women employees in the formal economy are eligible for Maternity leave. About 60 percent of all employed women have no access to social security since they work in the informal economy. Furthermore, the self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance, so they do not have any maternity leave benefit.

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

- If the child is born with any kind of disability or requires hospital care, leave can be up to eight weeks after birth; although, the mother must show a medical certificate to claim this extension.

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

- For public employees, Maternity leave is one month before expected delivery date and two months after birth, paid at 100 per cent of earnings.
- The 2006 National Survey on the Dynamics of Household Relations³ revealed that 2.4 million women had faced some form of employment discrimination, of those, 1.1 million stated that they were asked to take a pregnancy test as a requirement for entry to work. Furthermore, more than 99,000 reported that they had been laid off, had not had their contracts renewed, or had their wages lowered when they got pregnant. Since 2012, it is illegal for employers to request a 'certificate of not being pregnant' (*certificado médico de no embarazo*) as a condition of new employment, permanence of employment or promotion. It is strictly prohibited to dismiss an employee or coerce her to resign for being pregnant, changing her marital status or childcare arrangements. However, pregnancy discrimination is widespread and most cases remain unpunished, with the majority of instances not even being reported.

b. Paternity leave (Permiso de paternidad) (responsibility of the Ministry of Labour and Social Welfare)

³ INEGI (2006) *Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares* [National Inquiry into the Dynamics of Relationships in the Home], ENDIREH: México.

Length of leave

- Five days.

Payment and funding

- One hundred per cent of earnings, paid by the employer.
- Paternity leave period is also taken into account in the calculation of old age and pension benefits.

Flexibility in use

- None.

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

- As with Maternity leave, Paternity leave only relates to parents in the formal economy, so does not apply to about 60 per cent of male employees, who have no access to social security.

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 parents

- Paternity leave can be extended in cases of serious illness of the child or death of the mother.

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

- In recent years, some government agencies have implemented extra Paternity leave, including the National Women's Institute (INMUJERES), the Ministry of Social Development (SEDESOL), the Federal Electoral Tribunal, the Federal Police and the National Workers Housing Fund Institute (INFONAVIT) all of which grant ten days of Paternity leave. In the case of employees of the Mexico City Government, Paternity leave is extended to 15 days.

c. Parental leave

- No statutory entitlement.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- In case of adoption, the mother is entitled to six weeks of paid leave, after the day that the mother receives the child.

Time off for the care of dependants

- No statutory entitlement.

Flexible working

- Mothers can have two fully-paid breaks per day, up to half an hour each, to (breast) feed their child (*periodo de lactancia*), until the child is six months old. These breaks should be in a proper and hygienic place designated by the employer, or, if this is not possible, the mother's working day should be reduced by one hour.

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

The maximum period of paid post-natal leave available in Mexico is six weeks, paid at a high income-related level. Attendance at ECEC is compulsory from four years of age, but there is no entitlement for younger children. So there is a substantial gap of nearly four years between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are well below the average for countries included in this review and all OECD countries, but for children over three years attendance is above the OECD average and similar to the average for countries included in this review. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

3. Changes in policy since April 2015 (including proposals currently under discussion)

Nowadays, there are at least five proposals in Congress (both the House of Deputies and the Senate). Mainly, the proposals extend Maternity leave to fourteen weeks and Paternity leave to ten days; one of the proposals tries to extend Paternity leave to twenty-one days. Although all of them have been presented by the relevant parties, including the Institutional Revolutionary Party (PRI) and the Party of the Democratic Revolution (PRD), none have been approved.

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 19.7 per cent of the 2,586,287 births in 2011 (author calculations based on data provided by the Mexican Social Security Institute, the Institute for Social Security and Services for State Workers and the National Institute of Statistics and Geography).

b. Paternity leave

There is no information available.

c. Parental leave and Parental benefit

No statutory entitlement.

5. Research and publications on leave and other employment-related policies since April 2015

a. General overview

Leave arrangements are not yet a research topic in Mexico. The impact of the leave arrangements on gender and social equality in the labour market and on fertility decisions is an unexplored field. There are some studies in the field of Law that have examined maternity leave as a starting point to promote Paternity leave, but these are still nascent.

b. Selected publications since April 2015

Berlinski S., Schady N. (eds.) (2015) *The Early Years*, Inter-American Development Bank. Available at: <http://www.palgraveconnect.com/pc/doi/finder/10.1057/9781137536495>.

The *Early Years* analyzes the development of Latin American and Caribbean children and makes a compelling case for government intervention in what is instinctively a family affair. This book describes policies for young children in all the regions, and offers suggestions for improving public policy. Related to leave policies, the authors conclude that although policies of mandated leave are feasible and desirable in Latin America and the Caribbean, they are difficult to implement because of the large proportion of workers in the informal sector (more than 50 percent in both countries), where such mandated leave could not be enforced.

Aranda, P., Castro Vásquez, M. C. (2016) El campo de la agroindustria en el noroeste de México y la salud de sus jornaleras: una propuesta de estudio [The agricultural business industry in northwestern Mexico and the health of female farmworkers: a proposal for study]. *Salud Colectiva*, 12(1), 55-70.

This article seeks to outline the export-oriented agricultural business industry structure in North-Western Mexico, so as to analyse the vulnerability conditions of female farm-workers in terms of their access to health services and the medical attention they receive. Using a qualitative approach, focus groups and interviews were carried out with farm-workers and subject experts pertaining to academia and civil society. The primary results demonstrate a lack of access to health services and social security (including Maternity leave) and describe the main actors and their positions regarding farm-workers' vulnerability.

c. Ongoing research

The social politics of fatherhood in Mexico and Spain. (2015-16). Cándido Pérez, doctoral study at Universidad Anáhuac México Norte, Estado de México, México.

The research investigates the role of public policies on paternal involvement in early childhood comparing Mexico and Spain. The analysis focuses on policies related to early childhood, particularly Maternity leave, Paternity leave and Parental leave, as well as early childhood education and care centres for children under four years old. The study seeks to determine whether public policies implemented in recent years facilitate the development of dual-earner models or reinforce the caring mother model. Contact: cperez@earlyinstitute.org.