

Mexico¹

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N.B. Mexico is a federal state with 31 federal states and Mexico City.

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

- a. **Maternity leave (*licencia de maternidad, seguro de maternidad*) (responsibility of the Mexican Social Security Institute [private sector]; Instituto Mexicano del Seguro Social and the State Workers' Social Security and Services Institute [public sector]; and Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado [at federal level])**

Length of leave (before and after birth)

- 12 weeks. Two to six weeks of pre-natal leave, and six to ten weeks of post-natal leave. It is obligatory to take the whole period.

Payment and funding

¹ Please cite as: Pérez, C. (2019) 'Mexico country note,' in Koslowski, A. Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: 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 analyse and inform public policies on childhood. In particular, they contributed to the preparatory work for the introduction of Paternity leave in Mexico (2012).

- 100 per cent of earnings, with no upper limit on payments for the standard period.
- 50 per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Maternity leave is financed by social security on a tripartite basis: employers pay 70 per cent, employees 25 per cent, and the federal government five per cent.
- Maternity leave periods are also taken into account in the calculation of old age and pension benefits.

Flexibility in use

- In the private sector, by the specific request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred to after the birth: this requires a formal statement from a doctor, and takes into consideration the employer's view, and the type of work that the employee performs. For public employees, Maternity leave must be taken one month before the expected delivery date and two months after the birth.
- 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)

- In the private sector, 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 statutory responsibility of the employer to pay 100 per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only female employees in the formal economy are eligible for Maternity leave. More than 60 per cent of all employed women have no access to social security since they work in the informal economy. Women who are self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance.
- Unemployed mothers do not have any Maternity leave benefit.
- Same-sex parents are eligible for Maternity 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

- If the child is born with any kind of disability or requires hospital care, leave can be extended up to eight weeks after birth –

however, 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)

- Recently, local governments such as Yucatán (2016) and Chihuahua (2017) have extended Maternity leave for public sector employees, from three to four months and from 12 to 14 weeks respectively.

b. Paternity leave (permiso de paternidad) (responsibility of the Mexican Social Security Institute [private sector]; Instituto Mexicano del Seguro Social and the State Workers' Social Security and Services Institute [public sector]; and Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado [at federal level])

Length of leave

- 5 working days.

Payment and funding

- 100 per cent of earnings, paid by the employer.
- Paternity leave 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 applies 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.
- Unemployed fathers do not have any Paternity leave benefit.
- Same-sex parents 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; single 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)

- Many public agencies and academic institutions grant longer periods of Paternity leave than the legal minimum, usually between ten and 15 days paid at full earnings. Several institutions have joined this positive trend, such as the Ministry of Welfare, the Ministry of the Interior, the Ministry of Foreign Affairs, the Electoral Tribunal of the Federal Judiciary, the Federal Police, the National Workers' Housing Fund, the National Women's Institute, the Human Rights Commission of the Federal District, *El Colegio de la Frontera Sur*, the National Polytechnic Institute, and the governments of Mexico City and Yucatán.

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 the case of adoption, the mother is entitled to six weeks of paid leave, from the day that she receives the child; the father is entitled to five working days.

Time off for the care of dependants

- No statutory entitlement.

Flexible working

- None.

Specific provision for (breast)feeding

- 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 ten weeks in the private sector and eight weeks in the public sector, paid at a high income-related level. Attendance at ECEC is compulsory from three years of age, but there is no entitlement for younger children. So, for many cases there is a substantial gap of nearly three years between the end of leave and an ECEC entitlement. There is no complete information on the levels of attendance at formal services for children under three years of age, but for children over three years of age, attendance is just below the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

3. Changes in policy since April 2018 (including proposals currently under discussion)

Currently there are more than forty proposals concerning leave policy in Congress (both the House of Deputies and the Senate). Mainly, they propose to extend Maternity leave from 12 to between 14 and 20 weeks, and Paternity leave from five days to between eight days and eight weeks. These proposals should be discussed or dropped without discussion during 2019.

4. Uptake of leave

a. Maternity leave

Maternity leave benefit covered about 13 per cent of the 2,234,039 births in 2017 (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.