

Mexico⁴⁰⁶

Cándido Pérez (Early Institute⁴⁰⁷)

April 2024

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 Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])

Length of leave (before and after birth)

- Twelve weeks: 2 to 6 weeks before the birth and 6 to 10 weeks after the birth.
- It is obligatory to take all the leave.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment for the standard period.

⁴⁰⁶ Please cite as: Pérez, C. (2024) 'Mexico country note', in in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

⁴⁰⁷ 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).

- Fifty per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Payments are made to the mother by the social security fund (*Instituto Mexicano del Seguro Social*).
- Payments are not taxed. Maternity leave periods are also taken into account in the calculation of old age and other pension benefits.
- Payments are funded by the social security fund, which is financed by contributions from employers (around 25 per cent), employees (5 per cent) and the federal government (65 per cent).

Flexibility in use

- In the private sector, at the 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; however, some employees, such as in the *Secretaría de la Defensa Nacional*, can transfer up to two weeks 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)

- Some state governments such as Ciudad de México (2015) Yucatán (2016), Chihuahua (2017) and Puebla (2019) have extended Maternity leave for public sector employees, from three to four months (Yucatán), from 12 to 14 weeks (Chihuahua, Puebla and from 3 until 7.5 months, 40 per cent of earnings (Ciudad de México)

b. Paternity leave (permiso de paternidad) (responsibility of the Secretaría del Trabajo y Previsión Social and the Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])

Length of leave

- Five working days.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment, paid by the employer.
- Payments are taxed.
- 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 50 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 government and other public agencies and academic institutions grant longer periods of paid Paternity leave than the legal minimum, usually between 10 and 15 days paid at full earnings. These include the *Secretaría de Bienestar*, the *Secretaría de Gobernación*, the *Secretaría de Relaciones Exteriores*, the Tribunal Electoral from the *Poder Judicial de la Federación*, the *Guardia Nacional*, the *Instituto del Fondo Nacional de la Vivienda para los Trabajadores*, the *Instituto Nacional de la Mujeres*, the *Instituto Nacional Electoral*, the *Comisión de Derechos Humanos de la Ciudad de México*, *El Colegio de la Frontera Sur*, the *Instituto Politécnico Nacional*, the *Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*, the *Consejo de la Judicatura Federal* (90 days) and the state governments of Coahuila, Colima, Hidalgo, Jalisco, Mexico City, Michoacán, Morelos, Puebla, Tamaulipas and Yucatán. Public employees from the State of Michoacán are entitled to 20 days, those from the State of México and the State of Tlaxcala are entitled to 45 days, while public employees from the State of Nuevo León are entitled to 60 days, which is the longest Paternity leave in the country at state level.

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

- In the case of adoption, the mother is entitled to 6 weeks of paid leave, from the day that she receives the child; the father is entitled to 5 working days.

Time off for the care of dependants

- Parents are entitled to full-time leave to care for a child under 16 years of age diagnosed with cancer, during the period the child is in hospital or in need of continuous treatment (with certification by the public health service). The length of leave is up to 25 days, but the employee can demand as many periods of leave as are needed, up to 364 days during a three-year period. The scheme is paid at 60 per cent of earnings. The employee must have contributed to social security for at least 30 weeks in the 12 months before the date of diagnosis. When the employee does not meet this requirement, they must have contributed to social security at least 52 weeks before the date this leave starts. The leave is an individual right, but only one of the parents is entitled to use it. Any working parent with legal custody has the right to take it, both public and private employees.

Specific provision for (breast) feeding

- Mothers can have 2 fully-paid breaks per day, up to 30 minutes each, to (breast) feed their child (*periodo de lactancia*), until the child is 6 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 1 hour.

Flexible working

- None. The Federal Labor Law does provide protection for workers who spend more than 40 per cent of their work time at home or at an address of their choosing. It requires that the terms and conditions of teleworking be established in a written agreement between the employer and employee; it also includes a principle of reversibility, which allows for a return to face-to-face work if requested.

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

As a national policy, for most employees, the maximum period of paid post-natal leave is 10 weeks in the private sector and eight weeks in the public sector, paid at a high rate (maternity leave). Since 2019, attendance at Early Childhood Education and Care (ECEC) is both an entitlement and compulsory for children under 6 years old (*educación inicial and educación preescolar*), though there is not enough provision to ensure places for the youngest age group (0 to 3-years-old). There is, therefore, in practice a substantial gap of nearly three years between the end of leave and the start of an ECEC entitlement for most children.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.
--

3. Changes in policy since April 2023 (including proposals currently under discussion)

Currently there are around 6 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 ten days and eight weeks. These proposals should be discussed or dropped without discussion during 2024.

4. Uptake of leave

a. Maternity leave

Maternity leave benefit covered about 13 per cent of the 1,891,388 births in 2022⁴⁰⁸. This percentage is low because only approximately 45 per cent of mothers are employed and only 40 per cent of this minority have formal employment, and are therefore entitled to Maternity leave

b. Paternity leave

No information available.

c. Parental leave and parental benefit

No statutory entitlement.

⁴⁰⁸ Author's calculations based on data provided by the *Instituto Mexicano del Seguro Social*, the *Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado*, and the *Instituto Nacional de Estadística y Geografía*.