

New developments in Mexican parental leave policies

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Summary

- History of parental leave policies
- Current characteristics and take-up of parental leave policies
- Analysis and results of:
 - Bills (from 2012- mid 2018)
 - Institutional changes (2008- mid 2018)
 - Public opinion surveys
- Concluding remarks

History of Mexican parental leave policies

- 1917. The Mexican Constitution introduced Maternity Leave (Article 123).
- 1960. Maternity leave was extended to one paid month prior to birth and two paid months after.
- 1974. Article 123 was amended by involving a redistribution of pre- and post-natal periods.
- 2012.
 - Six week period of leave for adoptive mothers was introduced
 - Extension of post-natal Maternity leave to eight weeks in case of children born with any kind of disability or requiring hospital care.
 - Paternity Leave was approved

Current characteristics and take-up of parental leave policies

a) Maternity leave

Length	Payment and funding	Flexibility in use	Eligibility	Take-up
12 compulsory weeks	<p>100% of earnings, with no ceiling on payments for the standard period.</p> <p>Maternity leave is financed by social security.</p>	Women can make a specific request in order to transfer up to four of the six weeks of Maternity leave after birth.	<p>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.</p> <p>Unfortunately, self-employed are excluded.</p>	Maternity leave benefit covered about 26% of the 2.3 million births (2015).

Current characteristics and take-up of parental leave policies

b) Paternity leave

Length	Payment and funding	Eligibility	Take-up
5 days immediately after the childbirth. Paternity leave can be extended in cases of serious child illness or death of the mother.	100% of earnings, paid by the employer.	All fathers employed in the formal economy have the right to Paternity leave.	So far there is not national information about take-up of Paternity leave.

Bills submitted to national parliament on parental leave policies from 2012 to mid 2018

Over 90 bills and 'points of agreement' regarding to parental leave policies have been submitted to parliament.

For purposes of the Analysis, the information was classified into the following fields:

- Name of the bill
- Author
- Political affiliation
- Status
- Objectives and motivation
- Leave type and characteristics
- Scope and limits.

Bills submitted to national parliament on parental leave policies from 2012 to mid 2018

Results

- Lawmaker's aims:
 - a) non-discrimination against women;
 - b) women's employment stability;
 - c) work/life balance;
 - d) balance and equality in fathers' family co-responsibility
 - e) equal employment rights for men and women.
- Most proposals aimed to lengthen both mothers and fathers leaves
- Most proposals made no mention of children's welfare or the potential benefit of having both father and mother as caregivers.

Bills submitted to national parliament on leave periods in 2012-mid 2018

Results

- None of these proposals made any reference to the relationship between parental leaves and ECEC.
- None of these contains a comprehensive system of parental leaves including working fathers and mothers either because they are self-employed or working in the informal sector.
- None of these bills contains data on present parental leaves take-up.
- No significant measures have been enacted since 2012.

Institutional changes (2008- mid 2018)

Main public bodies and academic institutions that have introduced their own paternity leave, generally ranging from 10 to 15 fully paid days:

- Ministry of Social Development
- Ministry of Interior
- Ministry of Foreign Relations
- Federal Police
- Federal Judiciary Electoral Court
- National Workers' Housing Fund
- National Women's Institute
- National Polytechnic Institute
- 'Frontera Sur' School
- Government of Mexico City
- Government of Tamaulipas
- Municipal Government of Guanajuato

Public opinion surveys

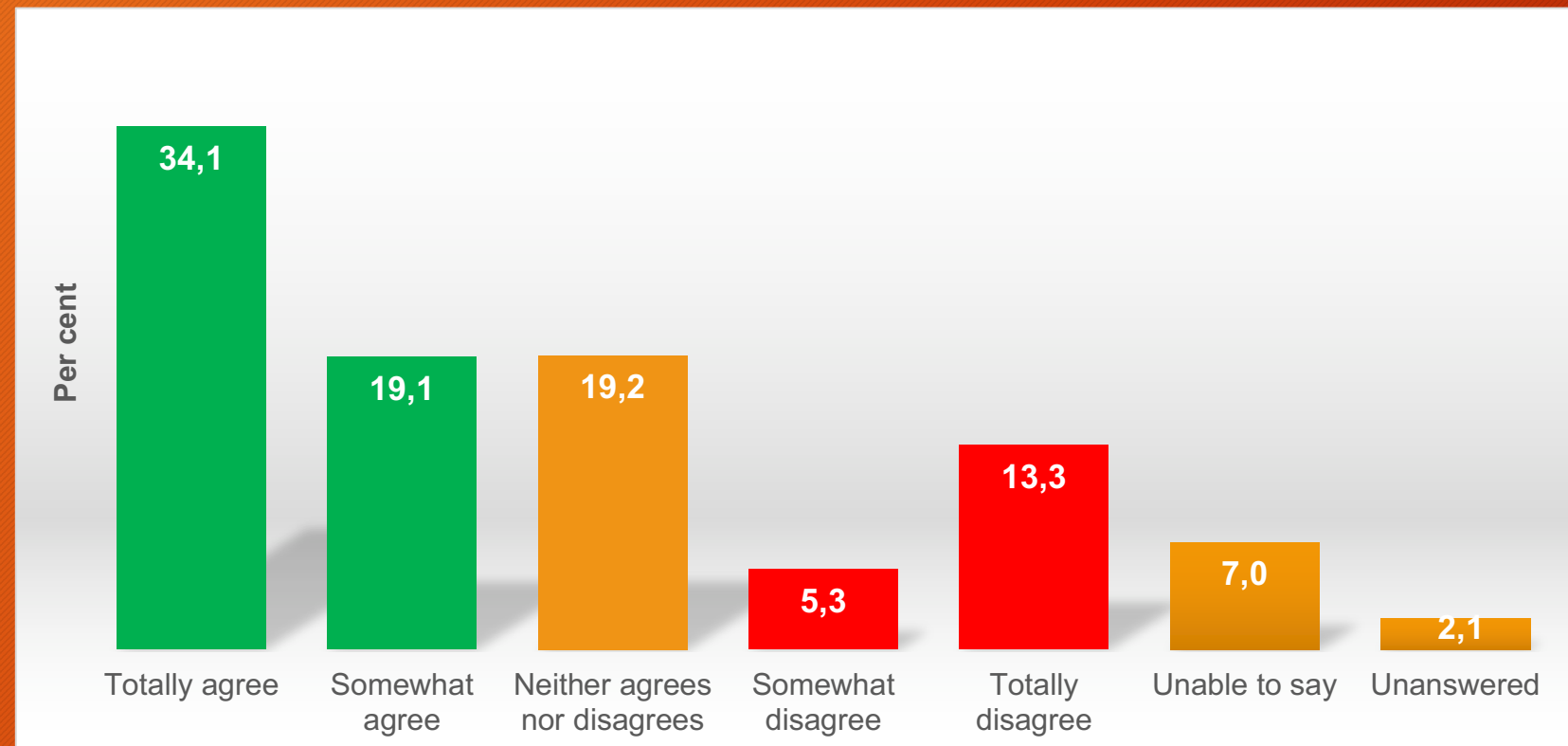
Four nationwide surveys were revised:

- National Time Use Survey (ENUT),
- National Occupation and Employment Survey (ENOE),
- National Household Earnings and Expenses Survey (ENIGH),
- National Gender Survey (ENG).

No detailed analysis can be conducted on the grounds of the first three, however, because the maternity- and paternity- related items are embedded in a question on sick leave.

The National Gender Survey (2015)

Agreement or disagreement with extending paternity leave to the 90 days provided for maternity leave



Source: author's
formulation based on
National Gender
Survey data (2015)

Concluding remarks

1. It took almost a century since maternity leave was introduced (at Constitutional level) until paternity leave was approved (not at Constitutional level).
2. Bills' revision attests not only to the presence of parental leave on the public agenda but also to the potential for future political agreements.
3. Legislative tools have been inefficiently overused, resulting in none practical improvements on parental leave policies.
4. The convenience of promoting the child welfare perspective in addition to the gender perspective, aiming to achieve significant changes in parental leave policies
5. Institutional changes are incipient as well as they are of limited scope
6. Despite the lack of data, there seems to be sufficient support to consider an egalitarian parental leave policy.