

Mexico³⁷¹

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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)

- 12 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, funding and taxation

- 100 per cent of earnings, with no upper limit on payment for the standard period; 50 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.
- Payments are not taxed.
- Maternity leave periods are taken into account in the calculation of old age and other pension benefits.

³⁷¹ Please cite as: Pérez, C. (2025) 'Mexico country note', in Dobrotić, I., Arnalds, Á. A., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2025*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

³⁷² '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).

- Payments are funded by the social security fund, which is financed by contributions from employers (around 20 per cent), employees (5 per cent) and the federal government (75 per cent).

Flexibility in use

- In the private sector, at the request of an employee, up to 4 of the 6 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.
- In the public sector, some State laws and some agency regulations provide the flexibility to transfer up to 2 weeks of the prenatal period to after the birth. For other public sector employees, the judicial route is available to enforce this right by claiming discrimination.

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.
- In the public sector, there are no specific eligibility requirements.
- 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 8 weeks after birth; however, the mother must show a medical certificate to claim this extension.

Regional or local variations in leave policy

- Some state governments have extended Maternity leave for public sector employees, from 12 to 14 weeks (Chihuahua, Puebla), from 12 to 18 weeks (Michoacán), from 3 to 4 months (Yucatán), and from 3 until 7.5 months, 40 per cent of earnings (Ciudad de México).

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

- None reported.

- 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

- 5 working days.

Payment, funding and taxation

- 100 per cent of earnings with no upper limit on payment.
- Payments are taxed.
- Paternity leave periods are taken into account in the calculation of old age and other pension benefits.
- Funded by the employer.

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.

Regional or local variations in leave policy

- See 'Additional note' below.

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, including: 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 *Secretaría de las 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*, and the State governments of Campeche, Coahuila, Colima, Hidalgo, Jalisco, Mexico City, Michoacán, Morelos, Nayarit, Puebla and Yucatán. Public employees from the States of Michoacán, Tamaulipas and Querétaro are entitled to 20 days, those from the state of Chiapas are entitled to 30 days, those from the States of México, Tlaxcala and Zacatecas are entitled to 45 days, while public employees from the States of Nuevo León, Hidalgo and Quintana Roo are entitled to 60 days. Public employees in the *Consejo de la Judicatura Federal* and the State government of Baja California Sur public are entitled to 90 days, which is the longest Paternity leave in the country.

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 for carers

- 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.

Time off for antenatal appointments and care

- Although the Federal Labour Law does not explicitly establish the right to take time off work for antenatal appointments, various regulations - such as the General Law on the Rights of Children and Adolescents - recognize that pregnant women are entitled to timely, effective, comprehensive and safe medical care. This includes attendance at antenatal appointments or any other medically necessary care. Consequently, attending antenatal appointments is considered a justified and remunerated form of work leave.

Other provisions of leave

- None reported.

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.
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3. Changes in policy since April 2025 (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 5 days to between 10 days and 8 weeks. These proposals should be discussed or dropped without discussion during 2026.

In recent years, various legislative proposals, such as these, have been introduced at the national level to reform Maternity and Paternity leave, as well as to introduce other types of Parental leave. However, none of these initiatives have been approved. Progress continues to take place at the state level, where an increasing

number of states are expanding or improving leave entitlements. Nevertheless, these changes only apply to public sector employees, as the regulation of leave in the private sector falls under federal jurisdiction.

4. Uptake of leave

a. Maternity leave

Maternity leave benefit covered about 13 per cent of the 1,820,888 births in 2023.³⁷³ 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.

³⁷³ 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*.