

Reform in relation to the granting of leave for parents whose children have been diagnosed with cancer

On June 4, 2019 a decree was published in the Official Federal Gazette by which several provisions were added to the Social Security Law, the Social Security and Services of State Workers Institute Law and the Federal Labor Law.

These additions permit working fathers or mothers whose children up to sixteen years of age have been diagnosed with cancer to enjoy leave for medical care, in order to be absent from their job if their children need medical rest in the critical period of treatment and hospitalization, including the treatment for alleviation of pain and the palliative care for advanced cancer.

The leave must be issued by the Mexican Social Security Institute (IMSS) or the Social Security and Services of State Workers Institute (ISSSTE), and may have a duration of 1 to 28 days; all necessary leaves may be issued over a maximum period of three years, without exceeding three hundred sixty-four days, not necessarily continuous.

During the leave, the employer is not obligated to pay the salary of the worker, since there is a suspension of the labor relationship. However, the decree indicates that working parents that have at least 30 weeks of contributions in the 12-month period prior to the date of the diagnosis or that have at least 52 weeks of contributions prior to the initiation of the granting of the leave, will enjoy a subsidy equivalent to 60% of the last daily contribution salary before IMSS.

This leave may only be granted at the request of a party and may not be granted to both parents.

Here is the link to the publication in the Official Federal Gazette
https://www.dof.gob.mx/nota_detalle.php?codigo=5561817&fecha=04/06/2019

Please let us know if you have any questions regarding the reform.



VON WOBESER
Y SIERRA
MEXICAN LEGAL NEWS

To obtain additional information contact our experts:

Rodolfo Trampe, Partner:
+52 (55) 5258 1054, rtrampe@vwys.com.mx

Alix Trimmer, Associate:
+52 (55) 5258 1016, atrimmer@vwys.com.mx

Sincerely,

Von Wobeser & Sierra, S.C.

Mexico City, June 11, 2019.