

MIJARES ANGOITIA  
CORTES Y FUENTES

25  
AÑOS

DECREE IN TERMS OF WHICH  
SEVERAL PROVISIONS ARE ADDED  
TO THE SOCIAL SECURITY LAW AND  
THE MEXICAN FEDERAL LABOR LAW



On June 4, 2019, it was published in the Official Federal Gazette ("DOF") the decree in terms of which article 140 bis was added to the Social Security Law ("LSS"), which establishes that for insured working mothers or fathers, whose children up to sixteen years old have been diagnosed by the Mexican Social Security Institute ("IMSS") with cancer of any kind, may enjoy a license for medical care of the children to be absent from their work in case that the child or adolescent diagnosed requires medical rest during critical periods of treatment or hospitalization during medical treatment, according to the doctor's prescription.

Likewise, the license issued by the IMSS to the insured working mother or father shall be in force for one and up to twenty-eight days. Furthermore, as many licenses as necessary may be issued for a maximum period of three years without exceeding three hundred and sixty-four days of license, which may not necessarily be continuous.

The insured fathers and mothers can benefit from a subsidy equivalent to 60% of the last salary for computing social security contributions and benefits registered by the employer before the IMSS, as long as they have covered at least thirty weekly contributions in the previous twelve-month period at the date of diagnosis by the institutional medical services, and in case of not complying with this period, have at least fifty-two weeks immediate quotation prior to the start of the license.

Moreover, this license cannot be granted to both parents, but only to the working father or mother and must be requested by such parent.

The aforementioned licenses will cease in the following cases:

- a. When the minor does not require hospitalization or medical rest during the critical periods of treatment;
- b. Due to the death of the minor;
- c. When the child turns sixteen years old;
- d. When the ascendant who enjoys the license, is hired by a new employer.

Furthermore, article 42 of the Federal Labor Law was reformed in connection with the temporary suspension of the obligations to provide the service and pay the salary, without liability for the employer and the employer, in terms of which it is added Section XXIX Bis in relation to the granting of the corresponding facilities to employees with respect to the licenses issued by the IMSS as provided in Article 140 Bis of the LSS.

Finally, such decree entered into force on the day following its publication in the DOF, that is, on June 5, 2019, in terms of its first transitory article.

Should you have any further questions or comments in connection with the foregoing, please contact:

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