

Amendments to the Social Security Law regarding domestic workers

Labor - November 28th, 2022

On November 16, 2022, the Decree whereby several provisions of the Social Security Law ("SSL") are amended and supplemented regarding domestic workers (the "Decree") was published in the Official Gazette of the Federation.

The Decree added Chapter XI to the SSL with regards to domestic workers whereby a domestic worker is defined as an individual receiving a remuneration for performing care, cleaning, assistance, or any other activity inherent to housework within the framework of an employment relationship without implying a direct economic benefit to the employer. Domestic workers will be categorized as such regardless of whether or not they reside in the domicile where they perform their activities and even if they provide their services for various employers.

The Decree provides additional employer obligations for domestic workers in order to safeguard their social security rights, such as: (i) register domestic workers in the social security system, (ii) withhold and pay the amounts determined as employer contributions in accordance with the calculation issued by the Mexican Social Security Institute, and (iii) submit the termination notice when the employment relationship between the parties concludes.

Additionally, it is also provided that the base salary for computing social security contributions shall consider days of rest and vacations to which the employees are entitled as provided under the Federal Labor Law.

Finally, it is important to note that employees rendering services on an occasional or sporadic basis or who provide cleaning, assistance, customer service and other similar services in hotels, nursing homes, restaurants, bars, hospitals, sanatoriums, schools, boarding schools and other similar establishments will not be considered as domestic employees.

The Decree entered into force the day after its publication granting a six-month period for the Mexican Social Security Institute to implement any required actions for the proper operation of the new provisions.

Should you have any questions or comments, please do not hesitate to contact our team.

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