



WORKER RIGHTS · MEXICO

Working in Mexico: Your Rights

What every hospitality worker in Mexico should know — wages per day, the way Mexican law quotes them.

This guide is general information about Mexican employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation. Mexico's labor rules are federal — one law, the Ley Federal del Trabajo (LFT), covers the whole country, and wages here are quoted per day, as this guide follows. One reform to know about first: Mexico is phasing its legal workweek down from 48 hours to 40. The maximum is 48 hours in 2026, then 46 in 2027, 44 in 2028, 42 in 2029, and 40 in 2030 — and the reduction can never be used to cut your pay.

General information only — not legal advice.

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Your Contract

- Open-ended (tiempo indeterminado) is the default. Fixed-term and project contracts are the exception, and the law presumes your relationship is an employment relationship — whatever the paperwork calls it.
- Trial period (período de prueba): up to 30 days (up to 180 days for management roles), with full salary, social security, and benefits during it. Initial training contracts (capacitación inicial) run up to 3 months. If you keep working after either ends, you're an open-ended employee and the trial time counts toward your seniority.
- Staffing-agency warning: since 2021, hiring workers through a company that merely supplies personnel (subcontratación de personal) is prohibited in Mexico. Only genuinely specialized services can be contracted out, through firms registered with the labor ministry (REPSE). Recruiters can recruit — they are never your employer. The company whose work you do is.

Your Pay

- Minimum wage for 2026: \$315.04 pesos per day in the general zone (about \$9,582 per month). In the northern border free zone (Zona Libre de la Frontera Norte — the municipalities along the US border) it's \$440.87 per day (about \$13,410 per month).
- Hospitality has its own professional minimums, higher than the general rate. In the general zone for 2026: bartender \$333.52/day, head cook (jefe de cocina) \$368.05/day, hotel housekeeper (camarera de hotel) \$320.32/day. If your job is on the professional list, your floor is the professional rate, not the general one.
- Your salary must be paid in real money (legal tender — never merchandise, vouchers, or tokens), at least weekly if you do manual work and at least every 15 days otherwise.
- Aguinaldo (year-end bonus): at least 15 days of salary, paid before December 20, every year — pro-rated if you worked part of the year.
- Profit sharing (PTU): you share in your employer's profits — 10% of its taxable profit is divided among workers, paid in May-June. Your share is capped at 3 months of your salary or your average PTU of the last 3 years, whichever is better for you. New companies in their first year and very small employers are exempt.

Hours, Rest, and Overtime

- Shift maxima: a daytime shift (6 a.m.–8 p.m.) is at most 8 hours; a night shift (8 p.m.–6 a.m.) at most 7; a mixed shift 7.5. In 2026 the weekly ceiling is 48 hours, stepping down on the schedule in the introduction.
- Rest day: at least one full paid day off for every six days worked. If you work on a Sunday and rest another day, you're owed a Sunday premium (prima dominical) of at least 25%. Working on your rest day or a mandatory holiday pays double, on top of the day's salary you're already owed.
- Meal break: at least 30 minutes during a continuous shift — and if you can't leave the workplace during it, it counts as working time.
- Overtime (tiempo extraordinario) is voluntary — nobody can be forced to work it. Under the 2026 rules: up to 9 hours a week are paid at double (at most 4 extra hours in a day, on at most 4 days), and up to 4 more hours a week at triple. Your total day — ordinary plus extra hours — can never exceed 12 hours. (The old rule you may have heard — 3 hours a day, 3 times a week — no longer applies.) Workers under 18 may not work overtime at all.
- New in 2026: your employer must keep an electronic record of your daily start and finish times.

Vacation (Vacaciones)

- After your first year: 12 days of paid vacation. It grows by 2 days a year — 14, 16, 18, 20 — then by 2 days every 5 years after that.
- On top of your vacation pay, you receive a vacation premium (prima vacacional) of at least 25% of the salary for those days.
- Vacation is a right, not a favour: it can't be swapped for cash while you're employed, and untaken vacation must be paid if the job ends.

If You Earn Tips (Propinas)

- Tips are part of your salary under the LFT (Arts. 346-347) — and they belong to the workers. Your employer may never keep any part of them, take them, or involve itself in how they're shared.
- There is no tip credit in Mexico. Your employer owes you the full minimum wage (general or professional) in cash, whatever you receive in tips.

Social Security (IMSS)

- Your employer must register you with the IMSS from day one and pay the contributions. That registration drives your healthcare, sick pay, maternity pay, pension, and your INFONAVIT housing fund (your employer contributes 5% of your salary).
- Sick pay: for a general illness, the IMSS pays 60% of your registered salary from the fourth day. A work injury or illness pays 100% from the first day. Maternity leave is 12 weeks (6 before and 6 after the birth) at 100% through the IMSS when the contribution requirements are met.

Check your registered salary. Everything above is calculated on the salary your employer registered with the IMSS. Being registered at less than you really earn — paid the rest “in cash” — quietly shrinks your sick pay, your pension, and your severance. It’s expressly void, and you can ask the IMSS to correct it.

If the Job Ends

- Finiquito — the settlement when the job ends without the employer being at fault (you resign, a genuine fixed term ends, or a justified dismissal): pay for days worked, pro-rated aguinaldo, untaken vacation plus its premium, any PTU owed — and the seniority premium if it applies (below).

- Liquidación — the settlement when the dismissal is unjustified. On top of everything in a finiquito, it includes the constitutional indemnity of 3 months of salary, plus back wages (salarios vencidos) capped at 12 months (with 2% monthly interest after that), and in many cases 20 days of salary per year of service.
- Seniority premium (prima de antigüedad): 12 days of salary for every year of service (salary base capped at twice the minimum wage). It's owed whenever you're separated — justified or not — and when you resign, once you have 15 years of service.
- A dismissal "for cause" (LFT Art. 47) must be given to you in writing, with the reasons and dates. No written notice, no valid cause dismissal.

Deadlines are short: you have 2 months from a dismissal to bring your claim (1 year for most other claims like unpaid aguinaldo or PTU). Do not wait.

Your Rights Cannot Be Signed Away

Any clause — in a contract, a settlement, anything — that sets your pay below the minimum, stretches your hours past the legal maxima, or has you give up a statutory right is void. The law replaces it automatically. A settlement only fully closes a claim if it's made in writing with the facts and rights itemised, and ratified before a Conciliation Center or the labor court.

If You're Foreign

- Companies in Mexico must employ at least 90% Mexican workers. To hire you, your employer must hold an employer registration certificate (Constancia de Inscripción de Empleador) from the INM (immigration institute), and you need an immigration status that authorises paid work — typically temporary residence with a work permit based on the job offer.
- Once you're employed, your rights are identical. The LFT expressly bans discrimination based on national origin or migratory status: minimum wage, aguinaldo, vacation, IMSS, and everything in this guide apply to you in full.

Red Flags

- Being asked to sign blank pages — or an undated resignation letter — at hiring. Both are expressly prohibited conduct under the LFT. Never sign either.
- Registered with the IMSS at the minimum while your real pay is higher (see the IMSS section).
- No written contract. Absence of one is the employer's fault, not yours: the relationship and all LFT rights still exist, and you can demand the document.
- Being labelled an honorarios (fee-for-service) worker or an outsourced “service provider” while you work set shifts under a boss's orders — that's an employment relationship in disguise.

Where to Complain

- PROFEDET (the federal workers' defense office): free legal advice, help, and representation — phone 800 911 7877 or 800 717 2942. Start [here](#).
- Conciliation comes first: most disputes must go through a Conciliation Center (federal CFCRL or your state's center) before you can sue. The process may not exceed 45 days, and simply filing pauses your deadline clock.
- Labor Tribunals hear the case if conciliation fails; the STPS labor inspectorate inspects workplaces for hours, conditions, and tip compliance and can fine employers.