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IMSS: The improper use of purported pension plans to supplement employees' wages

In recent years, the Mexican Social Security Institute (*Instituto Mexicano del Seguro Social*) (the "**IMSS**") has identified companies that pay part of their employees' wages as a "pension plan" or through other similar arrangements.

This type of arrangement involves an employer paying a relatively low salary to an employee through its ordinary payroll and then making payments to a "third-party payer", thereby creating the appearance of a commercial transaction. The third-party payer then uses its electronic registration with the National Commission for the Retirement Savings System (*Comisión Nacional del Sistema de Ahorro para el Retiro*) ("**CONSAR**") to make an additional payment to the employee in question.

To combat the aforementioned practices, in November 2025, the General Provisions Applicable to Pension Plans (*Disposiciones de Carácter General Aplicables a los Planes de Pensiones*) ("**DCGAPP**") were amended to establish that:

i) pension plans must exclusively supplement employees' income upon their final retirement;

ii) the disbursement of funds during the employment relationship is prohibited;

iii) employers must be correctly registered; and

iv) CONSAR is authorized to refuse registration if an employer has a negative compliance opinion, pending observations, or is under investigation by the IMSS, the Tax Administration Service (*Servicio de Administración Tributaria*) ("**SAT**"), or the Institute of the National Housing Fund for Workers (*Instituto del Fondo Nacional de la Vivienda para los Trabajadores*) ("**INFONAVIT**").

Based on the foregoing, the IMSS and CONSAR signed an information exchange agreement to prevent improper practices through the use of pension plans.

Finally, through its compliance enforcement program, the IMSS has started to pursue criminal proceedings against employers that use this type of arrangement.

Pérez-Llorca Mexico's Social Security team is available should you require further information or specialized legal analysis regarding this update.

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