

Mexico*

* information updated as of December 2019

INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY

CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)



Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 1999 / RATIFICATION 2002

ILO Conventions

related to gender equality



C100 Equal remuneration convention, 1951 ✓ 1952

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1961

C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2020

C190 Violence and Harassment Convention, 2019 ! Not ratified



BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the United Mexican States of 1917 (last reform: DOF 6 June, 2019).
- ✓ Federal Labour Law (1 April, 1970) (last amendment: DOF 2 July, 2019).
- ✓ Federal Law for the prevention and elimination of discrimination (11 June, 2003) (last amendment published: DOF 14 June, 2018).

- ✓ General Law for Equality between Women and Men (2 August, 2006) (last amendment published: DOF 21 June 2018)
- ✓ Federal Law on the Remuneration of Public Servants, regulating Articles 75 and 127 of the Political Constitution of the United Mexican States (5 November, 2018) (last reform published: DOF 12 April, 2019).
- ✓ Social Security Law (1 April, 1970) (last amendment: DOF 2 July, 2019)

Areas for women's economic empowerment

1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 1 and 4), by the *Federal Labour Law* (Art. 2, 56, 133, 164, 541 and 995), and by the *Federal Law for the prevention and elimination of discrimination* (Art. 9).



The *Federal Law for the prevention and elimination of discrimination* establishes, furthermore, that federal government authorities are **required to carry out measures for equalization, inclusion, and affirmative actions necessary to guarantee all people real equality of opportunity and the right to non-discrimination** (Art. 15 bis).

2 Freedom of choice of employment

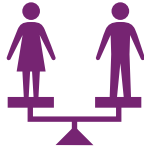
- ✓ Regulated by the Constitution (Art. 5), and by the *Federal Law for the prevention and elimination of discrimination* (Art. 9).



Article 5. No person can be impeded from working in any profession, industry, trade or job that they prefer, providing it is legal.

3 Equal pay

! Regulated by the Constitution (Art. 123), by the *Federal Labour Law* (Art. 5 and 86), and by the *Federal Law on the Remuneration of Public Servants* (Art. 3).



Application of a more restrictive criterion than that of ILO Convention 100 on **equal remuneration for work of equal value**, associating equal salaries to equal work (in functions, responsibility, working hours, efficiency, etc.).

4 Maternity protection

Regulated by the Constitution (Art. 123), by the *Federal Labour Law* (Art. 126, 132 and 165-172), and by the *Law on Social Security* (Art. 11, 85, 94 and 101-103).



! **Maternity leave: 12 weeks** (6 before birth and 6 after).

Minimum amount established by the ILO in its Convention No. 183: 14 weeks.

✓ **Amount and financing:** 100% paid by Social Security.

Protection against dismissal: keep their job and any rights they may have acquired in relation to the job; same position providing that not more than one year has passed since the birth.

5 Paternity leave

! Regulated by the *Federal Labour Law* (Art. 132), and by the *Law on Social Security* (Art. 11, 85, 94 and 101-103).



Duration: 5 days.

Amount and financing: 100% paid by the employer.

6 Social security

Regulated by the *Law on Social Security*.



✓ • Same rights to insurance for: occupational risk; disability and life; and retirement, old age severance and old age. Contribution-paying member and spouses, regardless of their sex.

• Same age of retirement for women and men: 65 (Art. 162).

7 Care

✓ *The General Law for Equality between Women and Men* establishes that national policy shall consider the creation of measures that ensure shared responsibility in work and in the personal and family life of women and men (Art. 17, VIII).



! The *Law on Social Security* recognizes the right to nurseries for female workers who are not able to provide care to their children during working hours in early childhood (and only in her absence to the widowed or divorced male worker or he who has been legally granted custody of his children).

8 Protection of domestic workers

Regulated by the *Federal Labour Law* (Art. 127 and from 331 to 343), and by the *Law on Social Security* (Art. 12).



✓ • Right to Minimum Salary.
• Insurance under the obligatory social security regime.
• Limitations on the working day and right to payment for overtime.
• Regulated rest period during working hours and weekly.
• Rest on recognized official holidays.
• Right to holidays.
• Compensation for unfair dismissal, equal to the general regime.
• Prohibition of dismissal due to pregnancy.
• Maternity rights recognized.

! • Payment in kind (board and food) calculated at 50% of the salary in cash.
• Excluded from the right to profit sharing.
• They do not have the right to reinstatement in the event of unfair dismissal.

Mexico: Action points to accelerate progress

+ **ADOPT:** • Ratify ILO Conventions 156, 183 and 190.

! **REFORM:** • Extend the principle of equal remuneration for work of equal value.
• Increase maternity leave to the minimum amount of 14 weeks.
• Extend paternity leave financed by Social Security.
• Extend childcare centers for minors, regardless of the sex of the employees.
• Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

