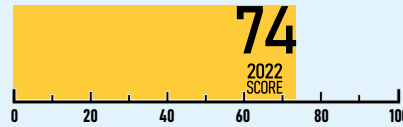


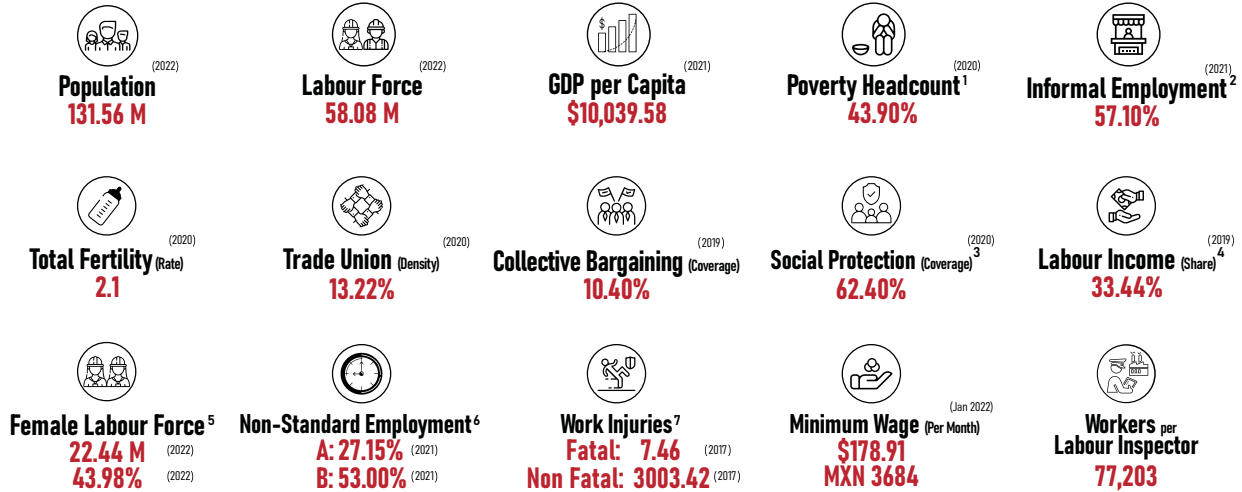


Mexico



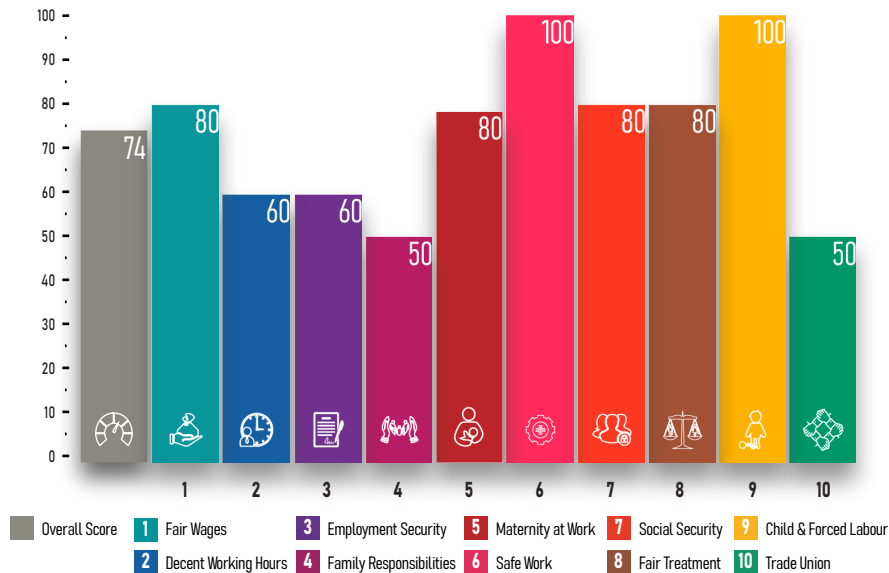
**71.5** 2020 SCORE  
Latin America and The Caribbean  
Upper-middle income  
Reasonable Access to Decent Work  
LRI RATING

## Contextual Indicators



Sources: World Bank  
International Labour Organization  
WageIndicator Minimum Wages and Living Wages Database  
M=Million

## Legislative Performance Indicators



## Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Mexico's overall score is 74 out of 100. The overall score for Mexico is higher than the regional average observed across Latin America and The Caribbean (71). Within the Latin America and The Caribbean region, the highest score is observed for Paraguay (82.5).

<sup>1</sup> Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

<sup>2</sup> Share of informal employment in total employment (%), as measured under SDG 8.3.1

<sup>3</sup> Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

<sup>4</sup> Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

<sup>5</sup> The female labour force is shown in absolute number along with the female labour force participation rate

<sup>6</sup> Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

<sup>7</sup> Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

# LABOUR RIGHTS INDEX 2022

	Question <sup>9</sup>	Answer	Legal Basis	Trend <sup>12</sup>
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§123-A-VI of the Constitution, 1917; §90-97, 540, 560-562 & 570 and 1004 of Federal Labour Law, 1970	●
	Does the law require regular payment of wages?	Yes	§123-A-VIII & XXVII of the Constitution, 1917; §82-116 of Federal Labour Law, 1970	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§123-A-XI of the Constitution, 1917; §58-68 of Federal Labour Law, 1970; Decision (No. 107/2018) by the Second Chamber of the Supreme Court	●
	Does the law require additional compensation for working on a weekly rest day?	No	§71 & 73 of Federal Labour Law, 1970	●
	Does the law require additional compensation for night work?	Yes	§123 of Political Constitution of Mexico, §60 & 61 of Federal Labour Law, 1970	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§123-A-XI of the Constitution, 1917; §58-68 of Federal Labour Law, 1970	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§123-A-XI, Constitution 1917; §58-68, Federal Labour Law 1970; Decision (No. 107/2018) of Second Chamber, Supreme Court	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§63, 69-71, 177, 333-342 of Federal Labour Law, 1970	●
	Does the law require paid public holidays?	Yes	§74 of Federal Labour Law, 1970	●
	Does the law require at least three working weeks of paid annual leave?	No	§76-81 of Federal Labour Law, 1970	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§20, 24-26, 33-35 of Federal Labour Law, 1970	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§35-39 of Federal Labour Law, 1970	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§39-A of Federal Labour Law, 1970	●
	Does the law require a 30-day notice before contract termination?	No	§42-47, 53, 132-XXX, 133-XVI, 141 & 434 of Federal Labour Law, 1970	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§48-50, 434 & 436 of Federal Labour Law, 1970	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§132.XXVII.Bis of Federal Labour Law, 1970	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	Yes	§123-A-V of Political Constitution of Mexico, §170 (6) of Federal Labour Law, 1970	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§133 of Federal Labour Law, 1970	●
	Does the law require paid maternity leave of at least 14 weeks?	No	§123-A-V of Political Constitution of Mexico, §170 of Federal Labour Law, 1970	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§170 (5) of Federal Labour Law, 1970	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§170 (5) of Federal Labour Law, 1970	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§123-A-V of Political Constitution of Mexico, §133 (15) of Federal Labour Law, 1970	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§5.10 of the NOM-012-STPS-1999; NOM-017-STPS-2008 on PPE	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§153(A-X) of Federal Labour Law, 1970; §5(8) of the NOM-012-STPS-1999; §6(7) & 11 of the NOM-018-STPS-2015	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§123-A-V of Political Constitution of Mexico, §166-167 of Federal Labour Law, 1970	●
	Does the law provide for employment injury benefit?	Yes	§58 & 64, Ley de Seguro Social, 1997; ISSA Country Profile for Mexico	●
	Does the law provide for an old age pension?	Yes	§138, 154-164 Ley de Seguro Social, 1995; ISSA Country Profile for Mexico	●
	Does the law provide for a dependants/survivors' pension?	Yes	§127-137, Ley de Seguro Social, 1995; ISSA Country Profile for Mexico	●
	Does the law provide for unemployment benefit?	No	§191, Ley de Seguro Social, 1995; §436 of Federal Labour Law, 1970	●
7. Social Security	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§42.III of Federal Labour Law, 1970; §96-98 of Social Security Law	●
	Does the law provide for invalidity benefit?	Yes	§119 - 126, Ley de Seguro Social, 1995; ISSA Country Profile for Mexico	●
	Does the law require equal remuneration for work of equal value?	No	§123-A-VII of the Constitution, 1917; §3 & 5 of Federal Labour Law, 1970	●
	Does the law prohibit sexual harassment in employment?	Yes	§133-XII&XIII & 994-VI of Federal Labour Law, 1970; §259-Bis of Federal Penal Code	●
	Does the law prohibit discrimination in employment matters? <sup>10</sup>	Yes	§01 & 04 of the Constitution, 1917; §3, 132-VI, 133(1) & 164 of Federal Labour Law, 1970	●
	Does the law allow women to do the same jobs as men?	Yes	§1 (Chapter 1 of First Title) of Mexican Constitution 1917; §169 of the Civil Code, 2015	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Ley de Seguro Social, 1995; ISSA Country Profile for Mexico	●
9. Child and Forced Labour	Does the law prohibit employment of children?	Yes	§5, 22, 23, 173-180, 988, 995 of Federal Labour Law, 1970; §47, Children & Adolescents Law, 2014	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§6 & 129 of the General Law on Education, 2019	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§175-176 of the Federal Labour Law, 1970	●
	Does the law prohibit forced labour?	Yes	§11, 12, & 22, Trafficking in Persons Law, 2012; §47, Law on the Rights of Children & Adolescents, 2014	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	Yes	§123-A-XVI of the Constitution, 1917; §354-385 of Federal Labour Law, 1970; CEACR C87 Obs. 2021	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§107 and 123 of the Constitution, 1917; §386-403 of Federal Labour Law, 1970; CEACR C98 DR 2021	●
	Does the law provide for the right to strike?	No	§123-A-XVI-XVIII of the Constitution, 1917; §440-471 of Federal Labour Law, 1970; CEACR C87 DR 2021	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§123-A-XVI-XVIII, Constitution 1917; §133, 440-471, Federal Labour Law 1970; USDOS CRHRP 2021	●

## Covid 19 and Labour Market in Mexico\*

Total Covid Cases	6.49 Million
Total Covid Deaths	326,657
Partial Vaccinated	71.0%
Fully Vaccinated	63.0%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✔
Paid Sick Leave	✘
Add. Unemployment Benefits	✔

Protection from Dismissals	✘
Telework/flexible work	✔
Improved Health Access	✘
Training (activation measures)	✘

<sup>9</sup> The Index has 10 indicators and 46 evaluation criteria or questions.

<sup>10</sup> The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

<sup>11</sup> A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Mexico on SDG 8.8.2 is 1.94 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change