

Committee on the Application of Standards

Date: 20 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Mexico (ratification: 1952)

Equal Remuneration Convention, 1951 (No. 100)

The Government has provided the following written information.

In Mexico, equality for women and men is set out in article 4 of the Political Constitution of the United States of Mexico. In respect of labour, article 123(VII) provides that equal wages shall be paid for equal work, without any discrimination. This provision reinforces the right to decent work, including work that respects the human dignity of workers. With reference to the requirement of equal wages for equal work, this is set out in section 2 of the Federal Labour Act. Accordingly, conditions of work based on the principle of substantive equality between women and men cannot be lower than those set out in the law, and have to be proportional to the importance of the services provided and equal for equal work, while differences and/or exclusions cannot be established on grounds of ethnic origin or nationality, sex, gender, age, disability, social condition, health conditions, religion, opinion, sexual preference, pregnancy, family responsibilities or civil status, as set out in section 56 of the Act.

The establishment of the general minimum wage and occupational minimum wages is agreed through negotiations and agreement between employers, workers and the Federal Government, which are members of the Council of Representatives of the National Minimum Wage Board. This process is undertaken while ensuring compatibility between the requirements of the labour legislation and the economic and social conditions of the country, thereby promoting equity and justice between production factors in a context of respect for the dignity of workers and their families. The proposals that the Government of Mexico makes to the social partners in respect of wages are based on technical studies which assess, for their determination, the economic branch or activity, and the profession, occupation or trade concerned and, in the case of wage increases, the impact of previous increases on inflation, employment, poverty, the gender gap and the macroeconomic environment.

The reduction of the gender wage gap is a Government commitment, as set out in the Sectoral Labour and Social Welfare Programme 2020–24 which, in priority objective No. 3,

proposes to recover the purchasing power of minimum wages and incomes in order to improve the quality of life of workers, particularly in action point “3.1.5 Contributing to the reduction of wage gaps in some categories of the occupational minimum wage system in order to improve the purchasing power of women and youth”, within the context of strategic priority 3.1. In this regard, Mexican labour policy is based on bodies such as the National Institute of Statistics and Geography which, in its biennial survey, entitled “National Survey of Household Income and Expenditure”, provides information on fluctuations in various areas related to the income and expenditure of Mexican households, based on the publication of their occupational and socio-demographic characteristics. Among its indicators, since 2016, it has regularly published the relationship between the average income received by men and women, which allows the measurement of its evolution.

In the context of the new minimum wage policy, over the past five years, the increase in the minimum wage has reduced the gap between women and men and has supported wage equality. This is due to a higher increase in the average wages of women in comparison with the increase for men, as a higher proportion of women than of men have benefited from minimum wage increases. The latest available data, from March 2024, shows that women workers insured by the Mexican Social Security Institute saw an annual increase of 5.9 per cent in their average wages, compared with an average of 5.1 per cent for men, or a difference of 0.8 percentage points in favour of women. When compared with the beginning of this six-year period, the average wages of women have increased by 22.6 per cent and those of men by 20.5 per cent (a difference of 2.1 percentage points). The rises in minimum wages between 2019 and 2024 therefore reduced the wage gap by 27.7 per cent at the municipal level in the formal sector. The impact has been greater in municipalities in which the poorest women are resident, where the gender wage gap fell by 63.8 per cent. It was also found that the increase of 20 per cent in the minimum wage in 2023 led to an increase in the average wages of formal women workers covered by insurance, who benefited from wage rises that were 0.3 percentage points higher than those of men in the Northern Frontier Free Zone (ZLFN) and 0.6 percentage points in the rest of the country, resulting in a reduction in the wage gap of 0.5 per cent in the ZLFN and 0.6 per cent in the rest of the country.

When taking into consideration both formal and informal workers, based on the data of the National Survey of Occupation and Employment, it can be seen that the average wage of women has increased by 14.1 per cent and that of men by 13.0 per cent (a difference of 1.1 percentage points). Based on data from the National Survey of Household Income and Expenditure, the hourly wage gap in 2018 was 12.5 per cent, compared with 12 per cent in 2022, or a reduction of 0.5 percentage points. In contrast, the gender labour income gap (which includes income in addition to wages, such as bonuses, shares in enterprise earnings, overtime pay, commissions and tips) was 18.1 per cent in 2018 and 14.6 per cent in 2022, representing a reduction of 3.4 percentage points. The National Minimum Wage Board, within the context of its mandate, has followed fluctuations in the gender wage gap through studies and reports, with a view to continuing to promote a minimum wage policy which has a positive effect on the reduction of wage gaps, particularly for women with the lowest earnings.

With reference to the Mexican Standard on Labour Equality and Non-Discrimination, the Government of Mexico provides the information and tools to job centres to promote the exercise of the labour rights of workers, such as dignified and decent work, equality of opportunity and treatment, non-discrimination and labour inclusion, among others, which make it possible to address, prevent and eradicate labour discrimination. The measures adopted to ensure its application include requirement No. 7, entitled “Guaranteeing equality of wages and the provision of staff benefits and compensation”, with a view to ensuring that

job centres have the information to establish criteria for the evaluation of jobs with a view to fixing and raising wages, without gender discrimination. Other elements include the list of jobs, categories, wages by sex and the allocation of compensation and other financial incentives in addition to those set out by law, based on transparent procedures determined by the job centre. These elements have to be established through an evidence-based process, that is documents that identify wage equality, including manuals and operating documents and/or procedures, guidelines, guides for the allocation of compensation based on performance assessment, all of which are disaggregated by wages, categories and sex. The procedures undertaken within the framework of the Standard include internal hearings and supervision, which are overseen and undertaken by both the job centre and by certifying bodies outside the Federal Government, in accordance with the applicable provisions.

With regard to progress in the revision of the Standard, it should be recalled that the Interinstitutional Council for NMX-025, composed of the Secretariat for Labour and Social Welfare, the National Institute of Women and the National Council for the Prevention of Discrimination, already has earlier work undertaken with similar aims during the presentation of the draft Standard on Labour Equality and Non-Discrimination to the Office of the Secretary for the Economy. The principal purpose is the establishment of the requirements to ensure that public, private and social job centres, irrespective of their sector and size, integrate, implement and execute, within the context of their management and human resources procedures, practices that are free from violence, with wage equality between men and women, and without discrimination, and which promote the comprehensive development of women and men workers. With a view to completing the formal transformation of the NMX into a Standard, it is necessary to follow certain relevant normative procedures which form part of this process, including issuing the Regulations of the Act on Quality Infrastructure, which will set out the specific rules on the basis of which the Interinstitutional Council of the NMX will implement the change in this procedure.

Finally, it should be emphasized that, with a view to improving the quality of the labour environment in Mexico and ensuring compliance with national and international labour standards, on 8 March 2024, the Secretariat for Labour and Social Welfare submitted the Protocol for Labour Inspection from a Gender Perspective. The Protocol is a tool that provides guidance on the normative scope and action available to the labour authorities for the establishment of the criteria governing inspection at the workplace. The key indicators envisaged by the Protocol include the verification of wage equality between men and women, the existence of measures to prevent and combat violence and sexual harassment, as well as safe conditions of work for pregnant and nursing women. The implementation of equality and non-discrimination policies are also covered by the internal rules of job centres. The inclusion of the gender perspective in labour inspection will make it possible to assess the situation in relation to compliance with the labour rights of women and men, and give visibility to the needs and specific action required to ensure for all women workers the effective exercise of their labour rights from a gender perspective. It will also make it possible to observe gender gaps in labour conditions with a view to the adoption of the relevant inspection measures for their reduction. Moreover, it is hoped that the accumulation of strategic information on labour inspection will be used for the adoption of decisions, such as the adoption and implementation of measures to ensure progress towards gender equality in the effective exercise of the labour rights of men and women.