

Guide to Employment Discrimination Laws

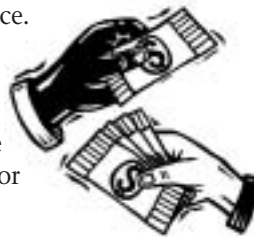
in Mexico

It is illegal for your employer to treat you unfairly at work because of your:

- Race
- Nationality
- Age
- Religion
- Sex
- Political opinion
- Social status
- Handicap (or challenged capacity)
- Economic status
- Health
- Pregnancy
- Language
- Sexual preference
- Marital status

This is called discrimination and, as an employee, you have the right to full equal opportunity in the workplace.

Your employer may not pay you less than somebody else for the same job because you are a man or a woman.



Your employer cannot fire you if you are pregnant. Your employer cannot require you to undergo a pregnancy test. For more information, see [Women's Guide to Work and Pregnancy in Mexico](#).

Is it illegal for an employer to deny me a job because of my race, nationality, age, religion, sex, political opinions, social status, handicap, economic status, health, pregnancy, language, sexual preference, or marital status?

Yes. The Mexican Constitution prohibits discrimination against workers. The Constitution also requires employers to provide equal pay for equal work. In addition, worker protection laws prohibit employers from setting different working conditions for jobs of equal value. Nor



can your right to on-the-job training and instruction be limited because you fall into any of the protected categories discussed in this guide. Discrimination violates the Constitution and laws protecting workers in Mexico.

Is it illegal for an employer to fire me because of my race, nationality, age, religion, sex, political opinions, social status, handicap, economic status, health, pregnancy, language, sexual preference, or marital status?

Yes. Your employer can fire you only for just cause. Firing you for discriminatory reasons is not just.

What can I do if my employer discriminates against me?

You can go to the Federal or Local Public Labor Defender's Office (Procuraduría Federal o Local de la Defensa del Trabajo) and ask for advice.

You can also file a claim with the Conciliation and Arbitration Board (Junta de Conciliación y Arbitraje, JCA) in the state where you are working.

For more information on Conciliation and Arbitration Boards and how they solve labor disputes, see [Guide to Resolving Labor Disputes in Mexico](#).

You can also file a complaint with the labor inspection agency in your jurisdiction, who can inspect your workplace for violations of Mexican labor and employment laws.

You also can go to the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación) and file a complaint against discriminatory practices in the workplace.

I am a foreign worker. Is it legal for my employer to discriminate against me?

Foreign workers are protected by most Mexican labor laws.

However, employers must give preference to hiring Mexican workers before giving a job to foreigners, in compliance with the 10 percent rule.

- The 10 percent rule. At least 90 percent of the workers in a Mexican company must be Mexican.

Where do I go if I want someone to explain the law to me and help me with my case?

Mexico has an agency in charge of advising workers about their labor rights, called the Public Labor Defender's Office, where you can obtain advice and free representation in your labor disputes. In Mexico City, call (55) 5134-9800 and 01-800-717-2942 (toll free).

In the event you are discriminated against, you can also go to the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación), which will provide free consultation regarding the rights

you are entitled to and the means to obtain them. Also, the Council will train you on how to defend your rights before the corresponding officials. In Mexico City, call (55) 5203-4602.

I am indigenous and want someone who can speak my language to help me with a dispute I am having with my employer. Is there someone who can help me?

The National Commission for the Development of Indigenous Peoples (Comisión Nacional para el Desarrollo de los Pueblos Indígenas, CNDPI) provides free legal services to indigenous people in Mexico, including for civil and labor dispute-related cases. CNDPI's legal services program can also help you with criminal matters. CNDPI has translators who speak indigenous languages and can help you with court proceedings.

For more information, call CNDPI's legal services program Legal Services for the Indigenous Population (Atención Legal a la Población Indígena) at (55) 5595-5698 ext. 2305 or 2306 in Mexico City, or contact the nearest CNDPI office in your state.

I am a handicapped person. How can I join the workforce and find the right job for me?

The federal government has created the Program of Labor Integration for Handicapped Persons (Programa de Integración Laboral para Personas con Discapacidad). This program seeks to provide equal opportunity to people with different capacities through consultation, information, and job orientation. Through this program you can receive information on job training and instruction, and familiarize yourself with job opportunities at companies.

For more information, contact the Federal Labor Delegation (Delegación Federal del Trabajo) of the Secretariat of Labor and Social Services (Secretaría del Trabajo y Previsión Social) in your state, or the Office of Representation for the Promotion and Social Integration of Handicapped Persons (Oficina de Representación para la Promoción e Integración Social para Personas con Discapacidad), at (55) 5563-0500 ext. 3151 in Mexico City.

