

Women's Guide to Work and Pregnancy

in Mexico

This guide talks about your rights as a working woman and mother. In Mexico all women who work have the same rights, even foreign workers or those who do not have a valid work permit.

- You have the right to receive the same treatment as a man.
- You have rights as a working mother.
- You have the right to be free from sexual harassment.
- You have the right to equal pay for equal work.

Do women who work have the same rights as men?

- Men and women have the same rights by law, according to the Mexican Constitution and the Federal Labor Law.
- You are entitled not to be discriminated against as a woman, and to be given a job if you can do it.
- As a woman, you are entitled to receive the same pay as a man, for the same work. Likewise, you are entitled to be considered for promotion at work.
- You can refuse to provide a pregnancy test before being hired for a job. It is illegal and discriminatory for your boss to ask you to take a pregnancy test. If this happens, you are protected by law.

Where do I go if my rights as a working woman have been violated?

If your rights as a working woman have been violated, you can go to the Federal (or State) Public Labor Defender (Profedet) for free legal help and representation, support in reconciliation with your boss and defense in local courts. These services are free.

You can also file a complaint with the local Conciliation and Arbitration Board (Junta de Conciliación y Arbitraje, JCA).



For more information on how the Federal Public Labor Defender and Conciliation and Arbitration Boards work, see [Guide to Resolving Labor Disputes in Mexico](#).

If the Federal Public Labor Defender will not represent you or the Federal Conciliation and Arbitration Board denies your case, you can file a complaint with the Internal Comptroller of the Ministry of Labor and Social Welfare [tels.: (55) 5644-7415 and 5644-1237] or with the state Comptroller's office.

Likewise, if you have been the victim of discrimination at work because you are a woman, or because you are pregnant, or because of your marital status you can go to the National Council on the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación, CNPD). There you will be provided with free legal advice regarding your rights and orientation on how to defend those rights. Call (55) 5203-4602.

Do I have special rights as a working mother?

Yes. Working mothers in Mexico have many rights under the Federal Labor Law. Working mothers and all working parents with the right to Social Security can participate in maternity and child care benefits provided by the Mexican Social Security Institute (Instituto Mexicano del Seguro Social, IMSS).

Your employer cannot fire you because you are pregnant. If this happens, you should go to Profedet or the CNPD. For more information about employment discrimination see the [Guide to Employment Discrimination Laws in Mexico](#).

The Federal Labor Law guarantees the following rights to working mothers:

- You do not have to work in dangerous places, or those that can make you ill. One example is work with pesticides.

Prevent injuries by being safe on the job!

On-the-job safety is important for all workers, not just working mothers. For more information, see [Guide to On-the-Job Safety and Health in Mexico](#). Pesticides, like many chemicals you may work with on the job, can be very dangerous to all workers, including working mothers. For more information, see [Guide to Pesticide Safety in Mexico](#).

- You have the right to rest for six weeks before your baby is born and six weeks afterwards, while receiving your full wages.
- You have the right to two daily half-hour rest periods to feed your baby.
- You have the right to a doctor, medicines and care at a hospital or clinic when your baby is born.
 - You can take your child to an IMSS child care center once he or she is 43 days old and until age four.



For more information, see [Guide to Social Security and Retirement in Mexico](#).

How long may I work during my pregnancy?

- You have the right to keep working during your pregnancy as long as you are able to perform your job safely.
- Your employer may not fire you, force you to take a lower paying job, or force you to take leave simply because you are pregnant.
- Your employer must provide you with safe, less strenuous work if it is necessary to protect your health and that of your unborn baby.

What if I need to take time off from work during my pregnancy?

During your pregnancy, you can take a day off if and when it are justified by a written medical note from IMSS. This is to ensure you do not lose a day of wages.

What if I need to take a leave of absence during my pregnancy?

Under Federal Labor Law, you have the right to 12 weeks of maternity leave.

Will I be paid during maternity leave?

Yes. Working mothers receive their full wages for 42 days (six weeks) before childbirth and 42 days (six weeks) after.

To be eligible to receive this benefit from IMSS, a working mother must have paid at least 30 weekly (7.5 months) contributions to IMSS in the previous 12 months. Otherwise, the employer must pay your salary during your maternity leave.

For more information on leaves of absence and IMSS medical insurance, consult the [Guide to Disability and Health Care in Mexico](#).

If I change employers in the 12 months before starting my maternity leave, will I still qualify for Social Security maternity benefits?

Yes. You will qualify for Social Security benefits as long as you have paid 30 weeks' contributions. The IMSS will add your contributions from all of your employers from the previous 12 months.

For more information about the IMSS and its programs, see [Guide to Disability and Health Care in Mexico](#) and [Guide to Social Security and Retirement in Mexico](#).

Who is entitled to Social Security maternity insurance?

Both working mothers and the wives or domestic partners of insured male workers are entitled to Social Security maternity insurance.

Does Social Security maternity insurance have other benefits?

Yes. Under Social Security maternity insurance, you are also entitled to free medical care, including:

- medical assistance, surgery and medicines;
- hospital costs;
- six months of food for the baby.

Working mothers are entitled to clothing for the baby, but the wives and domestic partners of insured working men are not.

Once my child is born, can I get help to pay for child care?

Yes. The Social Security Law provides for child care and social welfare insurance.

- This insurance is for working mothers and widowed or divorced fathers who need someone to care for their children while they work.
- Child care centers will take care of children 43 days after birth and until they are four years old.
- Child care centers take charge of children's hygiene, food, health care, education and recreation.
- This service is provided during working hours.

For more information, contact your local IMSS office.

My boss makes me uncomfortable by making sexual remarks to me at work. Is this proper or legal?

No. This is called sexual harassment and it is neither proper nor legal. You have the right not to be sexually harassed.



What is sexual harassment?

Any comments, insinuations or invitations made by your boss of a sexual nature or that make you feel uncomfortable are called sexual harassment.

Is there anything I can do to complain about and stop sexual harassment?

Yes. If you are victim of sexual harassment at work, you can do two things:

- Stop going to work. You have 30 days to file a complaint. If your complaint is valid and you win your case before the Conciliation and Arbitration Board, your boss must compensate you.
- In some states, sexual harassment is a crime. So, if your employer sexual harasses you, report the problem to the Attorney General's Office.

Know your rights!

Your employer can fire you only for certain reasons. This is one of the minimum rights you have as a worker. For more information about your basic rights on the job, see [Guide to Minimum Employment Standards, Pay Deductions and Severance Pay in Mexico](#).

Sexual harassment is considered a crime under the Federal Penal Code. In addition, the criminal codes of the following states consider sexual harassment to be a crime:

1. Aguascalientes
2. Baja California
3. Chihuahua
4. Distrito Federal
5. Guerrero
6. Hidalgo
7. Mexico State
8. Morelos
9. Nuevo León
10. Oaxaca
11. Guerrero
12. Sinaloa
13. Veracruz
14. Yucatán
15. Zacatecas

If you work in any of these states and are subjected to sexual harassment, you can report the problem to the nearest Attorney General's Office (Ministerio Público).

Farm workers: Tips for a safe and healthy pregnancy

Pesticides

- Being around pesticides while you are pregnant can be very dangerous to both you and your unborn baby. Make sure you read and follow all pesticide labels and warning signs.
- Wash your hands each time you use the bathroom and before eating to avoid getting germs or pesticides inside your mouth.
- For more information on how to protect yourself from pesticides, see [Guide to Pesticide Safety in Mexico](#).

Dehydration

- Dehydration can be dangerous to the health of your unborn child, especially if you work with pesticides
- Dehydration is a loss of water and other important fluids in the body. Half of a woman's weight is made up of water. The body needs to maintain a certain amount of water to work properly.
- Working outside in the sun for long periods without drinking water can easily cause dehydration.
- You must drink plenty of water throughout the day for a healthy pregnancy.



Diet

- Remember to eat a well-balanced diet, especially foods that have a lot of iron in them.
- Make sure you take the iron tablets that your doctor gives you. This will help you feel less tired.

Prenatal care

- It is important to visit the doctor often during your pregnancy.



Commission for Labor Cooperation