

# An Introduction to Mexican Workers' Compensation Law for the U.S. Workers' Compensation Practitioner<sup>†</sup>

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**T**he purpose of this article is to introduce the U.S. workers' compensation practitioner to the basic principles of the Mexican workers' compensation system. A proper understanding of workers' compensation law in Mexico requires an introduction to the history of Mexico and to the role of labor in Mexico's social revolution of 1910. The "Historical Background" section does the basic introduction (nothing more than a handshake and a polite peck on the cheek) and the "Reference" section provides references to some Mexican history texts so the reader can get better acquainted with our neighbor to the south.

The "Historical Background" section re-introduces the U.S. reader to some basic points about U.S. workers' compensation and social security for comparison, but does so through a Mexican framework. In Mexico, as in

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<sup>†</sup>*The views expressed in this article are the author's own and do not reflect the views of the Commission for Labor Cooperation, the Secretariat, or any of the three governments of Canada, Mexico, or the United States.*

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many European and Latin American countries, workers' compensation is one component of the overall social security program that encompasses both economic and health security. This concept will be expanded in the "Legal Framework" section, which will give some highlights of Mexican workers' compensation law within the context of the Constitution and the Federal Labor Law. Once U.S. readers navigate the overall structural provisions in Mexico that create the framework of workers' compensation, you will find yourself in extremely familiar territory of temporary total disability (TTD), permanent partial disability (PPD), and scheduled injuries.

The next section, "The Mexican Social Security Institute," will discuss Mexico's Social Security Law (SSL) and the social security system set up under this legal framework. This section will provide a broadly painted description of the federal institution that applies and administers workers' compensation law in Mexico, along with some statistics and information about the kinds of on-the-job injuries suffered by workers in Mexico. Next comes a section called "Common Problems," which will discuss two problems faced by workers' compensation administrators everywhere: (1) What if the employer doesn't pay premiums? and (2) How does the dispute mechanism work? Finally, the last section of this article, "Special Problems in Mexico," will address the special problems posed for the workers' compensation and entire social security system by the informal economy in Mexico.

With the entrance of the US into the North American Free Trade Agreement (NAFTA) almost a decade ago and with the rapid increase in Mexican and other Latino populations in the US, we can no longer afford to be strangers to the rich and ancient culture and legal tradition of our neighbor to the south. Comparing legal systems - as anyone who has compared even Wisconsin to Nevada knows - is a way to enrich our understanding not only of the new system but also of our own. In the scope of this short article it would be impossible to explore all of the differences and similarities between the U.S. system and that of Mexico - or to make a determination of whether one policy mechanism is better or more effective than another. My hope is that the reader will approach the Mexican system respectfully and in so doing, come away with a richer understanding of the U.S. system and both systems' flaws and strengths.

## **Historical Background: A Comparison of U.S. and Mexican Social Security Law**

In the United States, it might be said that the workers' compensation statutes that were passed in the teens and twenties of the last century were the first U.S. social security programs. Increased use of mechanized production resulted in higher rates of occupational injury. Labor agitation and increased worker power resulted in the recognition of some occupational diseases that had plagued workers since before the time historians took note of workplace injuries like hand-wrist trauma disorders (from telegraph typing and longhand scribing) and back disorders and lung disorders from working in mines (Dambe, 1996). Court decisions both in favor and against injured and dying workers resulted in policymakers, employers, insurers, unions, and community groups looking to England and Germany for an alternative. The need to address this pervasive social issue resulted in the passage of workers' compensation provisions and the establishment of workers' compensation administration agencies in every single U.S. state. In fact, workers' compensation insurance continues to be the only medical insurance many Americans have.

What is referred to as social security in the rest of the world - disability compensation, life insurance, pension benefits, medical care, workers' compensation - developed in a piecemeal and patchwork fashion in the United States over the teens, twenties, and thirties. Unilateral employer pension plans were supplanted by contributory governmental pensions in the 1938 Social Security Act and by supplemental contributory private pension plans. Faced with increased worker power and the prospect of governmental programs in other areas of social security like long- and short-term disability and health care, employers and insurance companies scrambled to develop programs that would pre-empt the need for governmental intervention and create a stable workforce less likely to be enticed by an increasingly active and powerful labor movement (Klein, 2003). Under this patchwork, workers' compensation is a state-level, insurance-based program, short- and long-term disability coverage are generally unilateral employer and private insurance programs, retirement pensions are both federal and employer-based, and health care coverage varies from unilateral

employer provision through private insurance companies in most states and a statewide health care program in a few states.

By contrast, Mexico's social security system is a comprehensive system that covers retirement and old age pensions, long- and short-term disability, life insurance, workers' compensation insurance, medical care, maternity benefits, and even child care benefits and some cultural benefits. This system developed somewhat differently from that in the US.

*Workers' compensation and social security in the Mexican Revolution and post-revolutionary Mexico*

Lack of workers' rights, a history of worker exploitation, and appalling working conditions figured prominently in the political, social, and economic crises that led to Mexico's social revolution of 1910 - although they were not the only cause of the revolution. Modernization and industrialization processes during the 31-year dictatorship of Porfirio Díaz resulted in many of the same problems that resulted in the US, such as an increase in occupational injuries due to mechanized production. Another effect of these processes was foreign control of most of Mexico's critical industries like mining, logging, railroads, and manufacturing. Many Mexicans found themselves in the unenviable position of being discriminated against by foreigners in workplaces in their own country - being paid a pittance in comparison to the extravagant salaries of foreign owners and managers, not having access to the best jobs in companies, and being abused, disrespected, and mistreated by foreign owners and managers (Ruíz, 1992).

These modern problems of industrialization and foreign control of industry compounded existing historical patterns of workplace organization in Mexico. Historically, the Mexican workforce, especially indigenous workers, often toiled in mining and logging operations as debt peons - owing so much to the employer and being paid so little that they were working for nothing or even paying to work - and passing their debts on to their children in a never-ending cycle (Id.).<sup>1</sup>

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<sup>1</sup> For a moving fictional account of debt peonage, see Traven, 1971.

As in the United States and elsewhere throughout the world, Mexican workers began to agitate for more power in the workplace and to organize themselves in unions as a result of terrible working conditions. Between 1906 and 1910, five hundred men died in coal disasters in the state of Coahuila. Workplace hazards were compounded by public health crises and poverty. In dismal living conditions, workers and their families suffered outbreaks of tuberculosis, syphilis, pellagra, and silicosis (Id.). These conditions led to several major strikes before and during the Mexican Revolution of 1910, like the famous strike at the Cananea copper mines in 1906. Mexican demands for equal wages, access to better jobs, an eight-hour day, and the dismissal of arbitrary American and other foreign managers had an indelible impact on the formation of the modern Mexican state, its Constitution, and its laws. Labor agitation and organizing continued beyond the Mexican Revolution of 1910 and the creation of the 1917 Mexican Constitution, resulting in the passage of the Federal Labor Law in 1931 and the Social Security Law in 1943.

### **Legal Framework: Workers' Compensation as Part of the Labor Law and Social Security System in Mexico**

The primary source for workers' compensation in Mexico is the Constitution of 1917. The right to be compensated by the employer for injuries and diseases that arise as a result of incidents in the workplace is a constitutional right in Mexico (Article 123 A-XIV). For private sector workers, this right is expanded upon in several articles of Mexico's Federal Labor Law. Mexico's Federal Labor Law regulates both collective and individual labor and employment relationships, as well as occupational safety and health, minimum standards of employment, and compensation for on-the-job injuries and illnesses. The Federal Labor Law is drafted in the Napoleonic civil law tradition, meaning it is designed to be a comprehensive code that is understandable by employers, workers, and all members of the public. One critical difference between application of the workers' compensation provisions of the Mexican Federal Labor Law and U.S. workers' compensation statutes is that under Mexico's civil law system there is no case law or common law interpretation of statutory provisions. Authorities must apply the law to the facts in a formulaic fashion, but may use jurisprudence -

interpretations by recognized law scholars - to guide this interpretation and application process.

Title IX of the Federal Labor Law (FLL) governs workers' compensation. Many of the provisions in Title IX will be familiar to the U.S. workers' compensation practitioner. Like policymakers and other actors in the United States, Mexican policymakers and actors looked to the British and German workers' compensation systems as models for compensation for on-the-job injuries and illnesses. Under the Federal Labor Law, workers who are injured on the job are entitled to, and employers must provide, medical care and wage indemnity for total temporary disability (TTD), partial permanent disability (PPD), permanent total disability (PTD), and death on the job (FLL Article 477). The medical care employers are required to provide in the case of an on-the-job injury include medical attention, physical rehabilitation, hospitalization, medicine, prosthetic, and orthopedic devices (FLL Article 487). One big difference between workers' compensation statutes and Mexico's Federal Labor Law is that employers must pay employees 100 percent of their salary for TTD from the day the TTD begins, instead of a percentage (FLL Article 491). After three months, the employer can request medical certification of the worker's injury and a determination of whether the worker has a total or partial permanent disability (FLL Article 491). The Federal Labor Law lists over 400 types of scheduled injuries and the percentage of permanent disability allowed for each type of injury (FLL Article 514), as well as 161 types of occupational diseases that are covered (FLL Article 513).

Although common law defenses such as assumption of the risk, contributory negligence, and negligence of another were not available under Mexico's civil law system, none of these factors liberate the employer from his or her responsibility for an on-the-job incident (FLL Article 489). (Unfortunately, it is beyond the scope of this article to discuss whether injured workers used the Civil Code or other laws as a basis for court complaints about on-the-job injuries). As in many U.S. states, an injured employee cannot recover if it is shown he or she was intoxicated or under the influence of drugs (unless prescribed by a physician) when the accident occurred, if the employee intentionally injured him or herself, or if the on-the-job incident resulted from a suicide attempt (FLL Article 488). One big

difference between the U.S. state workers' compensation systems and the system in Mexico is that in Mexico, an employer must pay an additional 25 percent more in benefits to an injured employee if the on-the-job incident resulted from the employer's inexcusable fault (FLL Article 490). Failing to comply with occupational safety and health requirements set forth in the FLL and accompanying regulations and norms, not adopting measures to prevent similar accidents after a particular on-the-job accident has occurred, not adopting recommendations of in-house Occupational Safety and Health committees, and ignoring employee reports of occupational hazards are all considered to be instances of inexcusable fault under FLL Article 490.

As can be seen from this incomplete discussion of some of the workers' compensation provisions of the FLL, there are many similarities in the concepts that underlie the U.S. and Mexican workers' compensation systems. There are also some interesting differences as well. As previously discussed, two of the major differences are (1) workers' compensation is a constitutional right in Mexico and (2) workers' compensation in Mexico is governed by federal legislation. Another key difference is who insures employers for on-the-job injuries in Mexico - not private insurers as in the United States, but the national social security system.

## **The Mexican Institute of Social Security**

*An introduction to the federal institution that administers workers' compensation law in Mexico*

Workers' compensation coverage in Mexico is a monopolistic federal system. Sixty years ago, the Mexican Institute of Social Security (IMSS) was created by the Mexican Social Security Law (SSL). The Social Security Law provides for social benefits to qualified participants, including retirement and old age pensions, short-term and long-term disability benefits, health care benefits, maternity benefits, and workers' compensation insurance (Commission for Labor Cooperation, 2003). In the context of workers' compensation, the IMSS is the employer's workers' compensation insurer. As in most U.S. states, the employer is responsible for paying the entire

contribution/premium for workers' compensation coverage (SSL Article 70). For most of the other benefits covered under the Social Security Law, contributions are borne by the employer, the worker, and the government in percentages set forth in the law.

*Setting employer premiums in Mexico*

Chapter Three of Title II of the Social Security Law governs workers' compensation in Mexico (SSL Articles 41-83).<sup>2</sup> When a company first registers with IMSS, its workers' compensation premiums are set according to its base salary rate and to the average premium for similar industries/businesses (SSL Articles 71-72). Types of businesses are divided into five classes, with the premium percentages varying between 0.54355 percent (Class I) and 7.5587 percent (Class V) (SSL Article 73). Article 196 of the Affiliation and Business Classification Regulation classifies various kinds of businesses into 99 groups and hundreds of subgroups for determining into what class a particular kind of business falls (Affiliation and Business Classification Regulation 1998). Examples of Class I businesses include art promotion, social services, renting to the public (unless driving is involved), and selling household goods like silverware and rugs. Examples of Class V businesses include construction of public works and buildings, using airplanes to spray pesticides and other chemicals, renting construction equipment and machinery, and transporting trains, buses, and other motor vehicles.

After a company has been in business for a while and has developed an accident rate, its premiums rise or fall depending on the company's accident rate. Premiums are then calculated according to a formula which takes into account the average contributory life of an individual not killed or permanently disabled on the job (28 years), a premium factor of 2.9, the average number of workers exposed to the risk, the total number of work days lost due to on-the-job injuries, the sum of percentages of permanent partial disabilities, and the number of deaths on the job. If the company changes the nature of its business, it pays the average premium set for the class of the new business under the regulations (SSL Article 72).

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<sup>2</sup> The IMSS Web site has a link to an English translation of the Social Security Law at: <http://www.imss.gob.mx/IMSS/nuevaley/english/index.htm>



*Some facts about the Mexican Social Security Institute*

In addition to being Mexico's workers' compensation insurer, the Mexican Social Security Institute is also Mexico's health care provider and arbiter of disputes at the initial workers' compensation complaint level.

IMSS has offices in all 31 Mexican states and the Federal District (Mexico City), organized under four regional offices (North, South, East, and West).<sup>3</sup> The Federal District, which has a population of over 20 million, is divided into four quadrants, each having its own office. In addition to regional and state offices, there are a number of Social Security Service Centers in communities in each state and in each quadrant of the Federal District. For example, in the northeastern quadrant of the Federal District, there are four such centers. In the state of Sonora, there are six centers in various towns and cities. In the state of Chiapas, there is one center in the city of Tapachula.

Each of these offices has health care providers and other personnel who provide medical service to workers who are injured on the job and determine whether an injured worker is entitled to wage indemnity. The injured worker's primary care physician provides initial care to the injured worker and makes the determination of whether the injury is job-related and forwards this information to other departments within the IMSS that will determine whether there is disability and whether wage indemnity should be issued.

If an injured worker disagrees with a medical determination, a decision regarding a TTD or PPD or other wage indemnity matter, or wants to complain about or change physicians, he or she can file a complaint with the Office of Attention to Claimants' Rights. Technical and medical experts in this office will conduct an administrative investigation. The complaint must be investigated and resolved within 50 days. For more complex workers' compensation-related complaints that are not resolved at the administrative level in the IMSS, workers may file a complaint with the

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<sup>3</sup> See the IMSS Web site at:  
<http://www.imss.gob.mx/nr/imss/organigrama/organigrama.html>

Labor Arbitration and Conciliation Board, described in the “Common Problems” section of this paper.

*Statistical information about on-the-job injuries in Mexico*

The Mexican Social Security Institute keeps statistics on job accident rates and types. In 2001, the IMSS covered 800,617 employers and 12,224,231 employees. During that year, there were 737,895 on-the-job accidents and injuries reported and covered by the IMSS, and 5,520 incidences of occupational disease (IMSS Statistical Summary, 2001, Chart VI[1]). Of the on-the-job accidents and injuries that occurred in 2001 and previous years, 32,439 resulted in some kind of permanent disability. Of the incidences of occupational disease, 6,532 resulted in some kind of permanent disability. It should be noted that a permanent disability determination may not happen during the same year the incident or disease is reported, which would account for why there were more permanent disabilities resulting from occupational disease than incidents in 2001 (IMSS Statistical Summary, 2001, Chart VI[2]).

According to IMSS statistics, injuries to the hand and wrist were the predominant on-the-job injuries that occurred in Mexico in 2001. There were 61,557 cases of hand/wrist injuries reported and covered in 2001. The highest frequency of these types of injuries were suffered by laborers in the mining, construction, manufacturing, and transportation industries (10,510) and machinery operators (12,746). The 61,557 figure does not include 23,829 injuries classified as “superficial trauma to the hand and wrist,” which showed up in the statistical data as third in the types of injuries with the highest injury rates. The second most frequent injury types were dislocations and sprains to the lumbar region of the lower back and the pelvis. There were 27,257 cases of this kind of lower back injury incurred in 2001. As with hand and wrist injuries, laborers in mining, construction, manufacturing, and transportation industries, along with machinery operators, suffered the most back injuries (6,897 and 3234, respectively) with unskilled workers in sales and services coming in a close third (2,825) (IMSS Statistical Summary, 2001, Chart VI[15]). Occupational diseases that were predominant in Mexico in 2001 were hearing loss (2,470), respiratory illnesses due to breathing in gases, vapors, and chemical substances (1,147),

and black lung disease related to breathing in silica and coal dust (566 and 361, respectively) (IMSS Statistical Summary, 2001, Chart VI[16]).

## **Common Problems in the U.S. and Mexican Workers' Compensation Systems**

As can be seen, there are several points of convergence between workers' compensation systems in the US and Mexico: the types of injuries that predominate, the types of wage benefits provided, and the basic principles of providing both medical care and wage indemnity. There are other points of convergence and divergence as well as different approaches to solving similar problems in each country. This section will address two types of problems that are common to the U.S. and Mexican systems. The question of what happens when an employer doesn't pay workers' compensation premiums will be discussed, as payment of premiums is critical to the effectiveness of any workers' compensation system. The question of how disputes about on-the-job injuries are resolved will be discussed because dispute resolution mechanisms in Mexico are quite different from those in the US.

### *What happens when an employer doesn't pay workers' compensation premiums?*

When an employer registers his or her workers with the IMSS, the employer's obligations under the Federal Labor Law in relation to workers' compensation are deemed fulfilled. All employers are required to register with the IMSS. If an employer has not registered a worker and the worker is injured on the job, the IMSS may provide medical treatment to the worker and pay wage indemnity benefits (SSL Article 77). The IMSS will then collect the costs for workers' compensation from the employer, including a 5 percent administrative fee (SSL Article 79). This is also the case if the IMSS discovers that the employer has underestimated or misstated financial information resulting in a payment of premiums lower than those that would have resulted from properly reported financial information.

If an employer fails to pay employer-employee social security contributions to the IMSS, including workers' compensation premiums, the employer may be liable for a fine of 70 - 100 percent of the unpaid amount. For other acts and omissions that are detrimental to the worker or the IMSS, the employer may be liable for a fine of 50 - 350 times the Daily Minimum Wage (currently approximately \$4). These fines are levied by the IMSS (SSL Article 30). The employer who engages in tax fraud related to social security obligations will be liable under the Federal Tax Code. Tax fraud under the Social Security Law is defined to include failing to pay employer-employee social security contributions for 12 months or more, failing to register an employee with the IMSS and furnishing false information to the IMSS resulting in the underpayment of contributions of 25 percent or more.

*How are disputes about on-the-job injuries resolved?*

Dispute resolution is one of the most significant differences between administration of labor and employment laws (including workers' compensation) in the US and Mexico. As discussed above, all labor and employment matters in the private sector in Mexico are regulated by a single Federal Labor Law.<sup>4</sup> Culturally and in practice, workers' compensation law falls in the ambit of personal injury rather than labor and employment law in the US. Not so in Mexico; workers' compensation falls directly within the ambit of labor and employment law and regulation.

Unlike in the United States, where there is a different federal or state agency to apply, interpret, and implement each labor and employment law (workers' compensation administrations, the National Labor Relations Board, the Equal Employment Opportunity Commission, state and federal Departments of Labor), Mexico's Federal Labor Law establishes one administrative agency to adjudicate all labor and employment disputes in the private sector - whether they be collective or individual - including workers' compensation disputes. This agency is called the Conciliation and Arbitration Board (the Board). For a few industries that are designated as being under the federal jurisdiction (like sugar plantations), complaints are made to the Federal Conciliation and Arbitration Board. For the majority of

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<sup>4</sup> There are separate laws for federal public employees and in each state for state public employees, however.

complaints filed in most industries, complaints are filed with a local Board (Commission for Labor Cooperation, 2000).

Local Boards are state administrative agencies. They are tri-partite in structure, meaning that they consist of a governmental representative, a labor representative, and an employer representative. When a worker files a complaint, the Board tries to bring about a conciliation and agreement between the worker and the employer. If conciliation is unsuccessful, the Board arbitrates the matter and issues a binding decision. If either party is unhappy with the decision, the party can apply to the civil court for what is called an *amparo*. The *amparo* is a mechanism whereby a party asks the court to overturn the decision of a governmental entity based on constitutional grounds. *Amparo* decisions can be appealed to the Supreme Court of Mexico (Id.).

If the internal administrative process of IMSS does not resolve a dispute involving an on-the-job injury to the satisfaction of the worker, the worker may file a complaint with the Board. The worker may represent him or herself, hire an attorney, or take advantage of the Labor Public Defender. Under the Federal Labor Law, workers are entitled to free legal representation and advice from the Labor Public Defender, just as indigent criminal defendants in the US are entitled to free legal counsel from the Criminal Public Defender. There are Labor Public Defender offices in every Mexican state, sometimes housed in the same building as the Board office. There is also a Federal Labor Public Defender for cases that fall within the federal jurisdiction (Id.).

### **Special Problem: The Challenge of Extending Social Security and Workers' Compensation to All Mexicans**

According to the Development Programme of the United Nations Population Fund (2001), the population of Mexico in 2001 was 100,368,000. Approximately 60 percent, or 60,220,800, of Mexico's population are working age (15-60). If 33 percent of working age women participate in Mexico's labor market, then the working age population in Mexico is approximately 40,000,000 (Hofbauer, 2003). Yet only 12,224,231 private

sector employees are covered by the IMSS for workers' compensation purposes. (In other IMSS programs, many more dependents are covered than the actual covered employee). Even accounting for people in the military, and those who work for the federal and state governments, for PEMEX (the federally-owned oil company), or for other government-owned enterprises, there is a big difference between the number of people who ought to be covered by workers' compensation and those who actually are.

*Where are the people who ought to be covered by Mexico's workers' compensation and other social security programs?*

Job creation is one of Mexico's biggest challenges. Ensuring that eligible workers with jobs in the formal sector are registered and covered under the social security regime is another of IMSS' biggest challenges. It is estimated that approximately 48.7 percent of the urban working population in Mexico works in the informal sector (Llamas and Garro, 2003). The informal sector is defined as economic activity that is outside the bounds of formal regulation - or under the table. Many micro-enterprises might fall under this definition, such as some street vendors, taxi drivers, or home workers who do small manufacturing on a piece-rate basis for subcontractors. There is extensive literature on the roots of the informal sector. Some writers attribute the existence of the informal sector to some employers' desire to increase workplace flexibility and reduce labor costs. Others attribute its existence to the creative or desperate survival strategies of workers in an economy with a surplus of workers in relation to the number of formal jobs available (Id.). Depending on the type of work, workers in the informal sector can earn more or less than their counterparts in the formal sector. Many informal sector organizations operate at a marginal level, however, with not much left over to pay for taxes or contributions for social security programs. In fact, some define the informal sector in Mexico in relation to social security coverage - meaning if you aren't working in a job that provides social security coverage and you are economically active, you are working in the informal sector.

In 1997, the Congress and President of Mexico amended the Social Security Law to address in part the issue of informal sector participation in

social security programs by establishing mechanisms by which workers in the informal sector can voluntarily inscribe themselves into IMSS coverage. Under the voluntary program, workers in the informal sector pay both the employer and employee contributions to IMSS for coverage (SSL Article 222). To enter the program, however, the first payment must consist of a year's worth of contributions (Commission for Labor Cooperation, 2003). Participation in the voluntary program includes workers' compensation insurance as well as other types of social security programs provided by IMSS. The voluntary program allows groups and organizations of people (such as community micro-business groups or unions) to obtain group coverage. Many Mexicans working in the United States who are members of the United Farm Workers Union, the Carpenters' Union, and the Service Employees International Union have negotiated contracts with IMSS so that their families at home in Mexico have health coverage through IMSS.

## **Final Thoughts**

The 20th century was the century of social security in both Mexico and the United States, as well as throughout the world. Similar world trends and processes like industrialization and worker radicalization manifested themselves differently according to different conditions in Mexico and the US, but had the same effect: the establishment of social security systems and workers' compensation programs in both countries. Challenges face both countries entering the 21<sup>st</sup> century - how to extend social security coverage to more people in better jobs in Mexico and how to extend basic health coverage to millions of people in the US. Importantly, there are challenges that face both countries and our neighbor to the north, Canada, as a whole.

In addition to workers in Mexico who are not covered by IMSS programs and workers in the US who do not have access to basic medical insurance, there are millions of undocumented Mexicans working in the United States who do not have access to social security programs in Mexico. These workers who pay into social security programs in the US do not have access to U.S. Social Security because of their immigration status. Because of politics, inhospitable rhetoric in the US about undocumented workers, and

lack of foresight, social security systems in neither Mexico nor the US receive revenue from undocumented workers. What is going to happen to these workers when they become disabled or reach an age when they want to retire? How will they support themselves? How much revenue are social security systems losing as a result of not working with each other to develop mechanisms to solve potential fiscal crises and, critically, to ensure that millions of hardworking people are not left with nothing if they are disabled on the job or off the job or when they reach retirement age?

The first step to coordinating better social security policy for all workers in the US, Mexico, and Canada is breaking down barriers to understanding and shedding misconceptions and prejudices. Examining and learning about our neighbors' workers' compensation systems and cultures brings us closer to ensuring basic social security coverage for everyone in North America.

## References

- Commission for Labor Cooperation. (2000). *Labor relations law in North America*. Washington, DC: Commission for Labor Cooperation Secretariat. Retrieved from <http://www.naalc.org/english/publications/labormain.htm>
- Commission for Labor Cooperation. (2003). *The rights of nonstandard workers: A North American guide*. Washington, DC: Commission for Labor Cooperation Secretariat. Retrieved from [http://www.naalc.org/english/publications/worker\\_rights.htm](http://www.naalc.org/english/publications/worker_rights.htm)
- Constitución política de los Estados Unidos Mexicanos*. (1917). Mexico City, Mexico. Retrieved from <http://192.168.100.6/MXTrabajo.pdf>
- Dambe, A. (1996). *Occupation and disease: How social factors affect the conception of work-related disorders*. New Haven, CT: Yale University Press.
- Hofbauer, H. (2003). *Case study: Gender analysis in policy planning and budgeting*. Washington, DC: The World Bank. Retrieved from <http://www.worldbank.org/wbi/publicfinance/documents/gender/casemexico.pdf>



- Instituto Mexicano de seguro social.* (2001). *Memoría Estadística.* Mexico City, Mexico: IMSS. CD Rom on file with the author.
- Klein, J. (2003). *For all these rights: Business, labor, and the shaping of America's public-private welfare state.* Princeton, New Jersey: Princeton University Press.
- Krauze, E. (1997). *Mexico biography of power: A history of modern Mexico, 1810-1996.*
- Ley Federal de Trabajo.* (1970). Mexico City, Mexico. Retrieved from <http://192.168.100.6/MXTrabajo.pdf>
- Ley de seguro social.* (1997). Mexico City, Mexico. Available in Spanish at <http://natlex.ilo.org/txt/S95MEX02.htm>. Available in English at <http://www.imss.gob.mx/IMSS/nuevaley/english/index.htm>
- Llamas Huitrón, I., & Garro Bordanaro, N. (2003). Trabajo, formalidad, escolaridad y capacitación. In E. De la Garza and C. Salas (Eds.), *La situación del trabajo en México 2003.*
- Reglamento de la ley del seguro social en materia de afiliación, clasificación de empresas, recaudación y fiscalización.* (1998). Mexico City, Mexico. Retrieved from <http://www.imss.gob.mx/NR/IMSS/infor/REGLAMENTO%20DOF.pdf>
- Ruíz, R. (1992). *Triumphs and tragedy: A history of the Mexican people.* New York, NY: W.W. Norton.
- Traven, B. (1971). *March to the Monterría.* New York, NY: Hill and Wang.
- United Nations Population Fund. (2001). *Recommendation by the executive director: Assistance to the government of Mexico.* Geneva, Switzerland: The United Nations. Retrieved from <http://www.unfpa.org/latinamerica/mexico/4mex0206.doc>

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