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**ANALYSIS AND
COMPARISON OF THE
EQUALITY PLANS IN
MEXICO AND SPAIN**

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Abstract: In recent years, both Mexico and Spain have been working to implement measures that regulate equality plans, understood as the set of measures that are adopted so that companies and public administrations carry them out with the purpose of generate equal opportunities for women and men. In Mexico and Spain, the importance of law in their respective constitutions has been highlighted, which is why different institutions have joined to end discrimination based on the gender. An important date for Spain is the one represented by the publication of Organic Law 3/2007, of March 22, for effective equality between women and men. Since then, companies with a certain number of employees have been required to have an equality plan. In Mexico, it was in 2009 when the first voluntary Mexican standard called NMX-R-025-SCFI-2009 for Labor Equality between Women and Men was created, which was created to promote equality models in companies and in Public Administrations. Another important date was that of the year 2018, the so-called NOM 035-STPS-2018.

Keywords: Equality Plans, Remuneration Registry, Remuneration Audit, Rule 035, Discrimination based on gender, REGCON.

INTRODUCTION

This research work arises at first from the need to generate environments free of violence with more equality for all, although this means a great challenge to be carried out in the coming years, which requires commitment and professionalism in this field. Therefore, this topic responds to the purpose of knowing the design and implementation of Equality Plans in both Spain and Mexico, this interest is motivated by the following reasons:

- On more than one occasion, Mexico has taken Spain as a reference in the design of Public Policies in the prevention of

Gender violence.

- In Spain it is mandatory for companies with more than 50 workers, for public administrations, companies whose collective agreement indicates so, as well as companies that have been sanctioned by labor inspection. The foregoing in accordance with the Basic Statute of Public Employees and Organic Law 3/2007, of March 22, for effective equality between women and men. While in Mexico it is optional, which reflects that there is still a long way to go.
- In Spain, there is the profession “Equality Agent”, this being an expert on Equality issues with different training in the matter while, in Mexico, there is still no such figure or a law that obliges Have an Equality Plan.

Therefore, this research aims to identify the main differences when designing an equality plan in both Spain and Mexico and to know the evolution of equality plans it is important to know the statistics of companies that already have a Plan of Equality.

MATERIALS AND METHODS

Different Mexican and Spanish legal sources have been reviewed, which refer to equality plans. In this search, it has been found how the regulations have been modified in recent years in both countries, which is why the Laws, Decrees and Regulations from which the equality plans have originated stand out.

In the Spanish case, there are different tools and guides for an equality plan to comply with the legislation, which is why the Ministry of Equality, the Women’s Institute and the Labor Inspectorate work together so that once the plans of equality are completed is published in the Registry and Deposits of collective agreements, Collective Work Agreements and

Equality Plans (REGCON), since, if it is not published in this institution, the Plan is not valid.

In Mexico, it was in 2009 when the regulations were created to demand models and promote equality in companies and in Public Administrations with the aim of promoting equal opportunities between women and men.

It is important to point out that, in 2003, the National Institute for Women in Mexico implemented the Gender Equity Model, its purpose was and is to promote and promote gender equality in companies and public administrations to institutionalize gender equality policies. and promote equal opportunities between women and men at work, but it was not until 2009 when the first regulations on labor equality and non-discrimination were implemented.

Therefore, two decades ago, Mexico gave the first indications to promote real equality in organizations (referring to companies and public administrations), since since then it has set itself the objective of promoting equal opportunities between women and men. For this, it is important to mention the following institutions that at the federal level have been pioneers in this area:

a) STPS. Ministry of Labor and Social Welfare. This instance is mainly in charge of the rights of workers throughout the country; Therefore, it seeks to promote an inclusive work culture, avoiding discrimination based on gender, age, disability, health, nationality, genderual orientation or any other. From which the official Mexican STANDARD NOM 035 STPS 2018 is derived, Psychosocial risk factors at work, identification, analysis and prevention.

b) INWOMEN. National Institute for Women. (In 2003, this Institution

designed and implemented a Gender Equity Model).

c) CONAPRED. National Council to prevent Discrimination. Its *raison d'être* is to promote actions to reduce and eradicate discrimination. In 2011, it designed and implemented an Action Guide against Discrimination.

The efforts of these institutions together with the Ministry of Economy and the private sector led to the creation of regulations that would be implemented throughout the country, with which, in 2009, the Ministry of Labor and Social Welfare (STPS) implemented the Mexican Standard NMX-R-025-SCFI-2009 for Labor Equality between Women and Men.

This standard was created with the purpose of evaluating and certifying practices in terms of labor equality and non-discrimination so that they could be carried out in companies and public administrations. In addition, this initiative would be monitoring international instruments on equality and non-discrimination at work.

Since then, this standard has had a couple of modifications with the aim of strengthening it. These changes occurred in the years 2012 and 2015, the latter being the one in force in Mexico.

Below are the official names of the aforementioned standards:

- NMX-R-025 -SCFI-2012
- NMX-R-025 -SCFI-2015

The latter establishes the requirements for public, private and social work centers of any activity and size; integrate, implement and execute in their management and human resources processes practices for labor equality and non-discrimination that favor the integral development of workers.

On the other hand, it is important to mention the Official Mexican Standard NOM

035 STPS-2018, Psychosocial risk factors at work-Identification, analysis and prevention that is created with the purpose of establishing a culture of labor well-being and creating occupational health programs that benefit the workers.

The application of this Standard is mandatory for companies, however, the process is different from NMX R 025 SCFI-2015, since its process is very similar to equality plans in Spain and NOM 035 STPS-2018, refers only to psychosocial factors.

The importance of implementing equality plans, understood as “an ordered set of measures, adopted after carrying out a diagnosis of the situation, tending to achieve equal treatment and opportunities between women and men in the company and to eliminate discrimination based on reason of gender.” (Instituto Andaluz de la Mujer, n.d.), have the objective of promoting and promoting the leadership of more women in managerial positions and correcting the wage gap in companies.

For this reason, awareness raising and training for company personnel must be the first steps to be taken in order to raise awareness.

In the same way, it is essential to reiterate that more and more civil societies are joining, more companies and more governments are realizing that equal opportunities have great advantages.

Among them are the following:

- Better management in the selection of personnel from the human resources area of the work center, for which reason calls must be promoted through the blind curriculum. Understood the latter as an anonymous curriculum where certain information is not mentioned (photograph, date and place of birth) with the aim of reducing discrimination rates by age and gender.

- Work centers are more competitive because they are socially responsible and consequently are profitable.
- They increase the options in the public contracting processes, since they add points by participating in public bidding contests and they will also be able to access public subsidies.
- Retains and retains the talent of the personnel of each work center by valuing the workforce.
- Increases productivity as it improves the work environment and the prevention of absenteeism in the workplace.
- Distinctive of Equality, since it promotes the image of the company, differentiating them from those that do not have an equality plan.
- It benefits sustainable development, since it is a workplace with social responsibility and consequently committed to the 2030 Agenda.

For people, a good remunerative salary is important, but also good labor relations, since a pleasant environment will make the staff want to stay in the long term and consequently develop and grow professionally. Likewise, companies will prevent jobs from constantly rolling and that will give them greater stability and consequently they will be able to be more productive and efficient.

Therefore, it is important to take into account different factors with which an equality agent can be found in the labor field, such as:

- Resistance to change because it means modifying behavioral patterns in the way of communicating; both verbal and written.
- It supposes an economic expense both for the companies and for the public administrations, but in the long term it

will have greater benefits.

- Lack of initial commitment, which stems from misinformation. Hence the importance of awareness and training.

Equal opportunities are beginning to materialize through institutions that would be the pioneers in this area. In Spain, the Women's Institute was created by law in 1983, with the purpose of promoting and fostering the conditions that make possible the social equality of both genders and the participation of women in the spheres of political, cultural, economic and social life. social.

Likewise, Organic Law 3/2007 of March 22, for the effective equality of women and men, gave legal character to many of the women's demands. Hence the obligation for companies to have an equality plan.

Since 2020, the regulations have been modified with the aim of more workplaces implementing their equality plan. Initially, the workplaces that were obliged to comply were those with more than 250 workers and that changed on March 7, 2022, since now workplaces with more than 50 workers must implement an equality plan, regardless of whether They are full or part days.

Number of employees in a company	Year: 2020	Year: 2021	Year: 2022
Companies > 150 employees	obligatory		
Companies > 100 employees		obligatory	
Companies > 50 employees			obligatory

Note. Adapted from Organic Law 3/2007, of March 22, for the effective equality of women and men, BOE, no. 71 of March 23, 2007. <https://www.boe.es/buscar/act.php?id=BOE-A-2007-6115>

Table 1 - Advance of regulations in Spain

With the modifications to the law in Spain, we are closer to creating more inclusive

spaces and with greater diversity in the work environment.

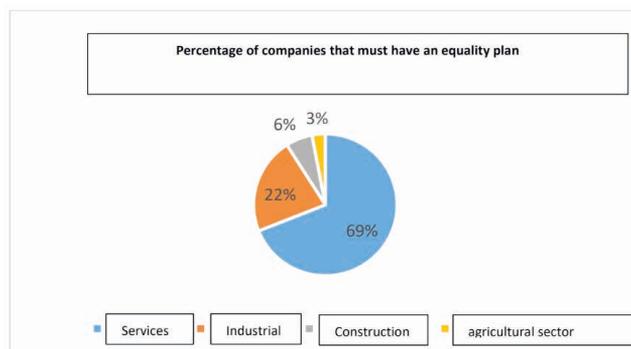
RESULTS

After the investigation carried out, different statistics were found, which are important to know where we stand and how to act to promote and foster the number of workplaces with an equality plan.

With which in this paper the following data from Spain are presented, obtained from the Report of the Union Confederation of Workers' Commissions, which contains data from companies registered with Social Security, as well as from the Registry and Deposit of Collective Agreements, Agreements Work Groups and Equality Plans, by its acronym REGCON.

Derived from the report described above, it was possible to obtain that "until November 10, 2021, there were 3,726 registered equality plans. It was also observed that there are more than 30,000 companies registered with Social Security with more than 50 workers, which have the obligation to implement an equality plan." (Trade Union Confederation of Workers Commissions [CCOO], 2021, p. 9).

To have a picture of the sectors of the companies' activities, use the following graph:

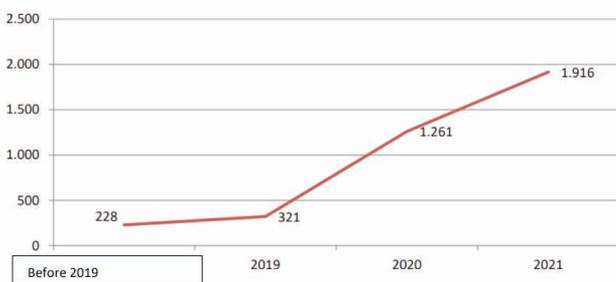


Note. Adapted from the "Registro de Planes CCOO", by the CCOO Confederal Secretariat for Union Action and Employment, 2021, p. 9. <https://www.ccoo.es/6d3e2811926ee5a53ff4eec81ca6cbbf000001.pdf>

With the entry into force of Royal Decree-Law 6/2019, of March 1, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation, a clear increase could be observed in the register of equality plans, so it is assumed that this change is due to the size of the companies going from 250 to 50 workers.

Below is a graph showing a turning point from the year 2019.

EVOLUTION OF REGISTRATION OF EQUALITY PLAN AGREEMENTS IN SPAIN



(CCOO, 2021, P.9)

<https://www.ccoo.es/6d3e2811926ee5a53ff4eec81ca6cbbf000001.pdf>

Since 2019 there has been an increase, probably due to the regulations that would come into force in March 2020 and the continuous inspections that are taking place in workplaces as a result of the regulations.

Despite the global conditions derived from the pandemic, there was a significant increase in the registration of equality plans between 2020 and 2021. Therefore, it can be interpreted that prior to the confinement, the workplaces were already thinking of implementing measures equality and opportunities between women and men.

Therefore, for more companies to join in having an equality plan, it is important to create more awareness and awareness of the benefits it entails for companies and public

administrations. In addition to that workers will be able to feel more committed, more productive and consequently generate better income for companies.

In the case of Mexico, the term Equality Plan does not yet exist, it is only a certification.

On the other hand, in Mexico a law has not yet been created that obliges all companies to have an equal opportunities plan and it is possible that from there the first problem arises, since the origin to achieve real equality of opportunities between women and men is summarized only in two Mexican regulations. One of them is the norm: **NMX R 025 SCFI 2015** “The Mexican Standard on Labor Equality and Non-Discrimination, which is a voluntary adoption mechanism to recognize workplaces that have labor equality and non-discrimination practices to promote the integral development of workers. (National Institute for Women, 2015).

This certification is aimed at all public, private and social work centers established in the Mexican Republic, of any size, sector or activity. This standard is voluntary, so workplaces are not required to comply with it.

Below is a capture of the register, since it is for public consultation.



Consejo Interdisciplinario de la Norma Mexicana (CINM) en Igualdad Laboral y No Discriminación

Padrón Nacional de Centros de Trabajo Certificados

No.	Centros de trabajo certificados*	Entidad Federativa	Sector	Inicio de vigencia	Término de vigencia	Nivel de certificación	Alcance de la certificación	Símbolos	Mujeres**	Hombres**	Total de personal
1	IM Mexico, S.A. de C.V.	Ciudad de México	Privado	15/06/2021	15/06/2026	Plata	Multisector	2	396	533	889
2	Administradora Comercial ACESA, S.A. de C.V.	Querétaro	Privado	03/05/2017	02/05/2021	Plata	Un sitio	1	183	32	235
3	Alamos y Distribuciones Institucionales, S.A. de C.V.	Ciudad de México	Privado	08/12/2019	08/12/2021	Plata	Un sitio	1	62	91	153
4	Accercom, S.C.	Ciudad de México	Privado	07/09/2018	06/09/2022	Certificado	Multisector	2	898	1781	2679
5	Administración Portuaria Integral de Coahuila de C.V.	Veracruz	Público	29/04/2022	29/04/2026	Bronce	Un sitio	1	27	33	60
6	Administración Portuaria Integral de Bahía Cruz, S.A. de C.V.	Oaxaca	Público	29/04/2022	17/04/2026	Bronce	Un sitio	1	17	36	53
7	Administradora de Trabajo Humano WC, S.A. de C.V.	Ciudad de México	Privado	10/08/2020	10/08/2024	Certificado	Un sitio	1	6	7	13
8	Advancing Administración de Nómina, S.A. de C.V.	Ciudad de México	Privado	19/06/2017	19/06/2021	Certificado	Un sitio	1	18	25	43

Complete link: https://www.gob.mx/cms/uploads/attachment/file/803197/1Padro_n_de_CT_certificados_NMX_10_de_febrero_de_2023.pdf

In this register you can see private sector companies and government institutions.

On the other hand, the Official Mexican

Standard NOM 035 STPS 2018, Psychosocial risk factors at work, identification, analysis and prevention, is more focused on psychosocial risk factors. It is more aimed at people's mental health, such as long hours, work overloads, negative leadership and lack of control over work, among others. This regulation is mandatory for companies with more than 16 workers.

This regulation enters into force on October 23, 2019, so it is relatively new. Therefore, the data obtained is more qualitative, since only percentages of companies are discussed; "78% of the companies in Mexico had already identified the psychosocial risks in their workplaces and even carried out an evaluation of the organizational environment, but only 32% of the companies have evidence of the application of the standard" (Organization of United Nations, [UN], 2019).

In other words, a high percentage of workplaces do not have adequate conditions

for the performance of their workers, which is why environments such as stress, workplace bullying, absenteeism or that people go to work are not totally productive. So this situation leads workers to suffer from the burnout syndrome better known as burnout syndrome or professional burnout syndrome.

The World Health Organization considers burnout syndrome as an occupational disease due to the characteristics that motivate its appearance. This disorder causes emotional exhaustion in workers, increasing work stress and leading to a feeling of passivity, neglect and inefficiency.

DIFFERENCES BETWEEN MEXICO AND SPAIN

Derived from the research that was done in different legal frameworks, documents and government institutions, the following differences are presented:

Spain	Mexico	
		
There is a law that obliges the company and the government to have an Equality Plan and implement it: Organic Law 3/2007 of March 22, for the effective equality of women and men.	Rule: NMX R 025 SCFI 2015 and rule: 035 STPS-2018	
Evolution in terms of the obligation of organizations according to the number of workers. Initially companies with more than 250 workers, More than 150 workers: 03/07/2020 / Between 100 and 150 workers: 03/07/2021	NMX R 025 SCFI 2015	Rule: 035 STPS-2018
From March 7, 2022, it is mandatory for companies with more than 50 employees	NMX R 025 SCFI 2015 (voluntary). Mexican Standard on Labor Equality and Non-Discrimination. It is a voluntary certification for companies and public administrations (any sector or activity). Its process is very similar to the Equality Plans in Spain	Mandatory for companies with more than 16 workers. Better known as the anti-stress NOM.
	Process: Diagnosis, 1 Committee in charge of monitoring it, Implementation of measures, Monitoring and Evaluation. Validity of certification from 2 to 4 years	Stage 1. Questionnaires are applied to find out if any worker has had a traumatic event. Questionnaires will be applied to the entire workforce.

<p>Process: Diagnosis, 1 Committee in charge of monitoring it, Implementation of measures, Monitoring and Evaluation. Validity of an Equality Plan up to 4 years</p>	<p>Its main axes are: incorporate the gender perspective and non-discrimination in the recruitment, selection, mobility and training processes; guarantee equal pay; implement actions to prevent and address workplace violence; and carry out actions of co-responsibility between the work, family and personal life of its workers, with equal treatment and opportunities.</p>	<p>Stage 2. Psychosocial risks are identified through questionnaires that are applied.</p>
<p>In Spain, both companies and public administrations that have an approved Equality Plan may have more advantages when applying for subsidies and, in the case of companies, obtain better scores when participating in public tenders.</p>		
<p>Once the organization has the Equality Plan with all the stages; it is uploaded to the REGCON platform (Registration of collective agreements and agreements at the state and supra-autonomous level) for its authorization and publication at the national level.</p>		



Badge of Equality



CONCLUSIONS

The challenge that many Spanish and Mexican companies still have will be to believe in the opportunities and advantages of implementing equality measures; in the case of Spain the Equality Plans and in the case of Mexico; certification, as diversity and inclusion ensures that there is a place for everyone.

Despite the fact that there are more and

more women trained in different sectors, the reality is that Mexico still has a lot of work to do to create environments of equality between women and men to access senior management and management positions in both companies like the public sector, however, knowing the statistics of the advances that Spain has made in recent years is a hope for Mexico.

Therefore, the work of the Equality Agent must be an agent of change.

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