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Electronic version

URL: <https://journals.openedition.org/rdctss/1316>

DOI: 10.4000/rdctss.1316

ISSN: 2262-9815

Publisher

Centre de droit comparé du travail et de la sécurité sociale

Printed version

Date of publication: 1 December 2019

Number of pages: 26-37

ISSN: 2117-4350

Electronic reference

Gabriela Mendizábal Bermúdez, "Mexico's Social Security Challenges before Socio-Natural Disasters", *Revue de droit comparé du travail et de la sécurité sociale* [Online], 4 | 2019, Online since 01 November 2021, connection on 11 November 2021. URL: <http://journals.openedition.org/rdctss/1316> ; DOI: <https://doi.org/10.4000/rdctss.1316>

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MEXICO'S SOCIAL SECURITY CHALLENGES BEFORE SOCIO-NATURAL DISASTERS

RÉSUMÉ

Les conséquences des catastrophes socio-naturelles posent de grands défis aux systèmes de sécurité sociale dans le monde. Cet article analyse et souligne l'intérêt légitime de répondre aux conséquences des catastrophes naturelles, comme c'est le cas dans certaines normes juridiques de la loi mexicaine sur la sécurité sociale qui, en cas de catastrophes naturelles, offre des avantages, la couverture santé entre autres, à la population en général et pas seulement aux bénéficiaires de l'ISSSTE (Institut national de sécurité sociale et de services sociaux des salariés). Cependant, il existe un grand besoin d'adapter la loi et d'étendre ainsi la couverture aux personnes vulnérables pour faire face à des événements naturels extrêmes.

MOTS CLÉS : *Sécurité sociale, risques sociaux, catastrophes naturelles, protection sociale.*

ABSTRACT

The consequences of socio-natural disasters impose great challenges to social security systems in the world. This paper analyses and underlines the legitimate interest in responding to the consequences of natural disasters, a fact that is clearly visible in certain legal standards of the Mexican Social Security Law, which in case of natural disasters provides benefits such as health care and others to all the population and not only to ISSSTE (State's Employees' Social Security and Social Services Institute) beneficiaries. However, there is a great need to adapt the Law and thus extend coverage to the most vulnerable in extreme natural events.

KEYWORDS : *Social Security, Social Risks, Natural Disasters, Social Protection.*

Global social security systems have evolved according to local culture, history, geography and economics. However, the needs of the population that must be protected are a constant factor that is determining for the direction that should be taken. In this way, social security systems initiate with protection against labor risks¹ and later, as it is today, they protect society from the consequences of climate change, specifically against natural disasters.

It should be mentioned that although these disasters are part of nature, they are also the result of the polluting actions of mankind that put at risk the economic sustainability of any social security system in the world by producing new needs and social risks, such as the rising of illnesses like skin cancer by exposure to UV rays and the destruction of homes caused by floods and increased pandemics, among others.

In this way, this paper reveals the need to update and extend Mexico's legal standards in order to protect the population from the challenges that natural disasters impose. Following a methodologically deductive order, it begins with a theoretical-conceptual framework **(I)** and then it presents the possible consequences of natural disasters related to the provision of social security benefits **(II)**. There is an analysis of the applicable law in Mexico that is the basis for the list of Mexico's social security system challenges facing socio-natural disasters, and finally the conclusions are presented. The paper ends with the respective research sources.

I - THEORETICAL-CONCEPTUAL FRAMEWORK

In this section it is necessary to define two themes: first, the socio-natural disasters and then the evolution of the social security system as a human right, taking into account the main tools used to achieve these objectives in Mexico, namely: social insurance, social assistance, etc². In this way both themes can be connected for their analysis and the determination of the cause and effect relation between natural disasters and the extension of social security coverage.

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- 1 It is worth clarifying that the function of the first old-age social insurance program, designed by Otto von Bismarck and adopted in Germany since 1883, was to treat workers' general illnesses so that they would not hinder their job performance and its aim was not to deprive them from their wages or labor income. See Bundesministerium für Arbeit und Soziales, *Bismarcks Sozialgesetze 1883-1889*, Sozialgeschichte Infoblatt ein Arbeitsheft für die Schule, Berlin, 2013, p. 3, http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a212-infoblatt-sozialgeschichte.pdf?__blob=publicationFile. See also G. Mendizábal Bermúdez, *La seguridad social en México*, 2nd ed., Mexico, Porrúa, 2013, p. 86.
 - 2 According to Professor Néstor de Buen, «Social security is in fact an end, and social insurance is only one of the means to achieve it». N. de Buen, *Seguridad Social*, ed. Porrúa, 2nd ed., Mexico, 1999, p. 16.

A - SOCIO-NATURAL DISASTERS³

One of the main causes of climate change is global warming, which produces an increase of the Earth's surface temperature and thus the greenhouse effect. The greenhouse effect is the warming that happens when certain gases in Earth's atmosphere trap heat. These gases let in light but keep heat from escaping, like the glass walls of a greenhouse⁴.

Human activities that are enhancing the greenhouse effect are mainly the large-scale burning down of vegetation to expand cropland; the massive use of fossil fuels as sources of energy, such as oil, coal and natural gas; industrial processes and industry and automobile gas emissions, among others. This has as a result that⁵ :

- The amounts of rainfall on Earth have increased or decreased and there has been a variation in their intensity.
- Mountain glaciers and snow cover on average have declined in both hemispheres.
- More intense and longer worldwide droughts have been reported.
- A greater intensity of tropical cyclones has been observed.
- Many physical and biological systems are being affected by regional climate changes, particularly temperature increases or decreases.

The above effects have generated disasters and the most obvious are droughts, floods and hurricanes usually called natural disasters. However, there must be a serious thought on whether they are natural disasters or socio-natural environmental disasters.

During the 1940's, geographer Gilbert White began the first research on natural disasters with an emphasis on the social sciences in the United States⁶. Since then his conceptions have changed and derived into different general ideas:

- To transfer the cause of real and daily events to a superhuman level (divine), which is impossible to penetrate and thus a flooding is a punishment from God, for instance.
- Another destructive misconception is to attribute environmental disasters to the evil actions and behavior of nature.
- Natural phenomena, as a manifestation of nature, are cyclic and natural and so disasters are inevitable. However, although some disasters are natural, nowadays both human and natural actions are the cause of environmental disasters. This is, because either our actions or omissions have provoked them, we all are responsible for them to happen.

These points should draw attention to the following aspects:

1) While catastrophes or natural disasters occur according to their own natural cycles, the main consequence of natural disasters caused by climate change is the greenhouse effect, (95%) produced by human pollution worldwide. causing global warming, which

3 G. Mendizábal Bermúdez, *La seguridad social ante los retos del cambio climático*, Bol. Mex. Der. Comp. 2015, vol. 48, no. 143.

4 National Geographic, ¿Qué es el calentamiento global?: <http://www.nationalgeographic.es/medio-ambiente/calentamiento-global/calentamiento-global-definicion>

5 A. R. Moreno Sánchez and J. Urbina Soria, *Impactos sociales del cambio climático en México*, Mexico, Instituto Nacional de Ecología (INE)-SEMARNAT, 2008, p. 10.

6 A. Maskrey (comp.), *Los desastres no son naturales*, Red de Estudios Sociales en Prevención de Desastres en América Latina, 1993, p. 6: <http://www.oei.es/decada/portadas/Desnat.pdf>

in turn exacerbates climatic phenomena such as cyclones, drought, floods, melting ice on the poles and cold spells⁷. Excessive and illegal logging causes, among other things, soil erosion and makes it susceptible to fire. The destruction of mangroves on the coast is removing the natural protection against erosion, cyclones, strong winds and hurricanes that have a direct impact on the land, destroying them further⁸.

2) Natural phenomena that causes disasters are inevitable, for example, an earthquake. We do not know exactly where and when it is going to happen, nor its magnitude, but at least the most vulnerable risk zones have been established. On the other hand, natural disasters caused by climate change have defined patterns on the rise, for example, well-defined flood hazard areas due to typhoons or increased desert areas, etc. Therefore altered natural phenomena are not preventable, but consequences are preventable and controllable even when specialists have determined that environmental damage is irreversible⁹ and therefore, at this level, not preventable. What it is decisive is to stop their increase, and prepare for the consequences.

3) Once it is recognized that disasters are caused by actions and omissions of society; they may be defined as socio-natural disasters. They are the result of phenomena originated by nature and their social consequences, which have become a social risk; this is why this topic is the subject matter of this research. Now, we should be referring to the second component of the social security analysis.

B - HISTORICAL DEVELOPMENT OF THE PROTECTION SYSTEM: FROM OCCUPATIONAL TO SOCIO-NATURAL RISKS

It is necessary to understand that there are different developmental stages of risks protection in the different legislations of all countries. The breakthrough is the clear establishment of beneficiaries' obligations and rights that legally provides them with the tools to address needs at specific times and places.

As discussed above, the risks have not always been considered in the same way as new contingencies arise that need to be protected along with the development of society. Indeed, social insurance protects a defined social group, namely employees and their families in Mexico (less than 60% of the population), while social security protects the individual in all circumstances, throughout his life. life, by other means, such as social assistance. In some countries, such as Mexico, social insurance is the instrument that allows workers and the state to unite their actions to protect the right of the working class to receive benefits (in-kind and financial benefits that protect them from certain risks) related to their work and thus allow a better quality of life. Social insurance is an instrument of social security; it is the orderly and systematized materialization of this legal discipline that allows it to have specific applications. Then, the main theories of protection against risks are enumerated as follows¹⁰:

7 AARP, 10 consecuencias del cambio climático : <https://www.aarp.org/espanol/politica/historia/info-04-2013/fotos-cambio-climatico.html#slide3>

8 FAO, *La desaparición de manglares alcanza un nivel alarmante*: <http://www.fao.org/newsroom/es/news/2008/1000776/index.html>

9 IPCC, *Fourth Assessment Report: Climate Change 2007, Synthesis Report*: https://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf

10 G. Mendizábal Bermúdez, *El acoso laboral y la seguridad social*, México, Porrúa, 2013, p. 163.

1 - Theory of guilt, a civil and criminal matter

This theory defines guilt as the set of conditions needed for the subjective imputation of the fact to the author¹¹. This definition responds to the demand of figuring in a single concept both guilt and fraud. The theory of guilt was created by the Roman Law, where «diligence» is an obligation by which harm must be prevented, and «negligence», not to use the means to prevent it. Therefore, guilt comes from the actions as well as the omissions that affect others.

This theory is based on criminal doctrines, specifically those based on the «victimological view of harm», where the author of the damages must be responsible. When Ruiz Moreno studied this theory, he referred to the French Civil Code and pointed out that «any human action that harms another human being, by the concept of guilt, obliges the responsible to repair the damage»¹². In this way, when there is a risk and damages occur, these must be repaired by the culprit.

2 - Theory of responsibility merely of civil contractors

Its foundations are the existence of a previous contract, and from the correspondent legal relations responsibility is derived. When applied to the labor context, «the responsibility for taking care of workers rests with the employer»¹³. As we can see, guilt is no longer a factor to determine the responsibility of created risks and the damage they cause. It is simple, responsibility derives from the work contract. In this sense, when a risk is created, the responsible for the consequences is determined by the contract.

3 - Theory of the created risk

This theory developed with machinism and was adopted in Civil Codes. Its origin is found in the impossibility to attach responsibility to any individual when will does not intervene in the catastrophic or harmful event, and thus the responsibility rests with the person who created the risk. It is a private limited theory that, when applied to employment, means that the owner of dangerous machinery and supplies within an industry will be responsible for any harm caused. This theory is also called 'objective theory', where responsibility rests with the person who has the custody of the harmful object, dispensing with the guilt and the contractual responsibility¹⁴.

4 - Theory of occupational hazard

According to this theory, the employer who benefits from the work of their employees must take responsibility for suffered contingencies. Alarcón and González explain: «The Law imputes liability to repair the harm caused without any guilt or negligence, but simply by the occurrence of a predetermined objective factor that, in case of work accidents, is

11 Author's translation. See G. Saccone, *Lezione L'elemento soggettivo*, Università Telemática, Rome, 2006, p. 7: http://www.unipegaso.it/materiali/PostLaurea/Saccone/Elemento_Soggetti vo.pdf.

12 A. G. Ruiz Moreno, *Nuevo derecho de la seguridad social*, Mexico, Porrúa, 1999, p. 483.

13 *Ibid*.

14 Banco de Seguros del Estado, *Accidentes del Trabajo y Enfermedades Profesionales*, Edición Concurso 2010, p. 13: <http://www.bse.com.uy/bse/archivos/accidentesdeltrabajoyenfermedadesprofesionales.pdf>

expressed in the "occupational hazard": the employer is always responsible for the risks created by the mere operation of his or her company»¹⁵.

This theory is the basis for the global social insurances nowadays, and is the present demurrage of maximum protection in many countries. However, it is important to mention two theories more.

5 - Theory of social risk currently in force

This current legislation is the subject of this paper so it is important to analyze it. Risks for any member of society are called social risks due to a double reason, as Alarcón y González state¹⁶:

a) Because of its general condition, since are a threat to everybody. For example, illnesses and the risks of climate change. In addition to that, in many cases the risks are the result of social organization, for example, demonstrations, inherent in society; an epidemic, a car accident o greenhouse gas emission.

b) Because there is conviction that the community itself must organize preventive measures and repair the harmful consequences¹⁷.

In this way, social security has evolved in every country according to the needs set down by history, however, its aim remains the same: to elevate the quality of life for all individuals of a society. This means that social security is the people's organized consciousness and it must protect them with a social insurance or protection technique when social risks arise.

6 - Theory of social security as a human right

The ILO defines social security as the protection that a society offers to individuals and households to ensure access to health care and income security, especially in old age, unemployment, sickness, disability, accident work, maternity or disappearance of the breadwinner¹⁸. However, it is necessary to analyze the concept of social security in the light of human rights theory, which makes the above definition restrictive. That is why it seems preferable to recognize social security as a natural right inherent in every human being, which the State is obliged to guarantee in a systematic way and not only for the self-fulfillment of the individual but also for that of the individual society in general, which means that this right is recognized by the legal systems in force. In other words, social security is not limited to any social group, on the contrary, it recognizes that each individual, as a member of a society, needs to be protected against all social risks in order to be able to achieve fully.

As can be seen, the ILO definition is based on the social risk theory that has emerged in some countries, mainly European, which covers all persons, whether or not they have a formal employment relationship. This demonstrates the need to protect all social groups

15 M. R. Alarcón Caracuel and S. González Ortega, *Compendio de Seguridad Social*, 4th ed., Tecnos, Madrid, 1991, p. 20.

16 *Ibid.*

17 *Ibid.*, p.16.

18 International Labour Organization, *Hechos concretos de la Seguridad Social*: <https://www.ilo.org/wcmsp5/groups/public/---dgreports/>

or the population from the consequences of different risks (e.g. management of maternal health care during pregnancy and breastfeeding, child vaccination, support seniors, benefits in kind to relieve the physical dependency of the elderly in a country like Mexico where the population is aging).

Social insurance is the main tool for social security based on social risk theory and provides social protection for people affected by natural social risks.

Understanding that social security is a human right gives power to citizens vis-à-vis the state as evidenced by the Latin American social neo-constitutionalism, the highest courts of some countries granting on this basis social benefits independently of the administrative requirements established by law, simply by considering them as human rights.

II - CONSEQUENCES OF NATURAL DISASTERS RELATED TO THE PROVISION OF SOCIAL SECURITY BENEFITS

There are several consequences of socio-natural disasters caused by climate change that affect the quality of life. These consequences violate the human right to social security of many Mexicans, since they are reflected in the needs that should be covered by social security and are human rights as well, these are the right to health, the right to adequate housing and the right to livelihood security. Often, the benefits provided do not meet the needs of the people, violating the above rights. It is important to mention that the main consequences of the socio-natural disasters derived from the climate change that affect the people's quality of life and that must be addressed by the social security system are the following:

a) *Affectation of public health.* Besides accidental and sudden contingencies that produce socio-natural risks (this is, the consequences of earthquakes, tropical cyclones, floods and volcanic eruptions) such as injuries, burns, mutilations, etc., slowly but continuously climate change affects the health of the entire population, causing serious classified public health problems. In this sense, there is evidence that an excessive increase in ultraviolet radiation is the major cause of skin cancer; a year, 16 thousand new cases of this type of skin cancer are detected in Mexico¹⁹, it has also been recognized an increase in infectious diseases resulting from water pollution transmitted by animals (for instance, mosquitoes growing up in geographical areas where they would not develop before) and the rapid spread of contagious diseases that started as local and later became epidemics or pandemics, such as Ebola, HIV or influenza; that allergies are a challenge for any health system; and finally, that there is a large number of acute respiratory infections that each year cause death to the most vulnerable, this is, the elderly and children, related to the increasingly extreme weather conditions during winter²⁰.

b) *Loss of income to subsist.* Natural disasters cause the loss of the means of subsistence for many workers when they lose their source of employment or their health, as in the case

19 R. Rojas, Boletín Saludario, Every year 16 thousand new cases of skin cancer are detected in Mexico, UNAM: <https://saludario.com/cada-ano-se-detectan-16-mil-nuevos-casos-de-cancer-de-piel-en-mexico-unam/>

20 R. Koch, Institut und Umweltbundesamt, *Klimawandel und Gesundheit*, Germany, 2013, p. 7: http://www.rki.de/DE/Content/Kommissionen/UmweltKommission/Aktuelle_Informationen/Downloads/klimawandelgesundheitsempfehlungen_2013.pdf?blob=publicationFile

of hurricanes in the coastal zones that devastate touristic areas and leave many families without possibilities of economic development.

c) Deterioration or loss of their housing. In Mexico, housing is considered a social security benefit and is provided by social insurance (through the Instituto de Fondo Nacional para la Vivienda de los Trabajadores and Fondo de la Vivienda del Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado). Housing is seriously affected by socio-natural disasters such as hurricanes, floods and earthquakes. It is therefore essential to have insurance to protect the real estate assets of workers, whether in the event of total or partial losses. Currently, only dwellings giving rise to a credit in progress benefit from this protection. Other dwellings that do not fall into this category do not benefit from any type of social insurance and can only be covered if they take out private insurance.

A - MEXICO'S LEGISLATION CONCERNING NATURAL DISASTERS

Mexico plays an active part in the worldwide problem of global warming: it emits 2% of the gases that create the greenhouse effect. «According to the figures of the International Energy Agency in 2004, Mexico is among the 15 countries with the highest levels of emissions caused by burning combustible fuels on a global level»²¹. On December 12, 2013, the World Bank released the document entitled «2014-2019 Country Partnership Strategy for the United Mexican States» (AEP in Spanish). This document aims to reduce extreme poverty and increase shared prosperity for all citizens, ensuring sustainable development. The document states that Mexico emits 472 million tons of CO₂ each year, approximately 3.8 metric tons per capita. This is due to the inefficient use and production of power, industry and energy²². This represents a great challenge in terms of consequences caused by climate change: environmental deterioration, loss of biodiversity, growing urban pressure on natural resources and the vulnerability of poor citizens before socio-natural disasters.

This country is located on a geographic area particularly vulnerable to the effects of climate change and thus to suffering socio-natural disasters. The Northwest of the country is and will be constantly more affected by droughts; the Southeast, by floods; and the coastal zones suffer more and more the results of hydro meteorological phenomena such as hurricanes and tropical storms. If we also take into consideration the weaknesses in social and economic structures and this trend is maintained, today's latent inequalities will be further accentuated in large portions of our population.

Over time, Mexicans have come to understand that climate change affects the economy and the fact that having a large part of the population in extreme poverty makes more people victims of socio-natural disasters.

As a result, a series of programs and actions have been implemented in order to face the challenges. Among them, SEMARNAT (Ministry of Environment and Natural Resources)

21 Agencia Iberoamericana para la Difusión de la Ciencia y tecnología, *México ocupa el 14º lugar del mundo en emisiones de gases de efecto invernadero*: <http://www.dicyt.com/noticias/mexico-ocupa-el-14o-lugar-del-mundo-en-emisiones-de-gases-de-efecto-invernadero>

22 Banco Mundial, Alianza Estratégica de País (AEP) 2014-2019 para los Estados Unidos Mexicanos: <http://www.bancomundial.org/es/news/press-release/2013/12/12/WBG-New-Country-Partnership-Strategy-for-Mexico-2014-2019>

highlights the following: Fund for Natural Disaster Reduction (FOPREDEN); National Disaster Response Fund (FONDEN); SAGARPA Recurrent Drought Zone Management Program (PIASRE); Temporary Employment Program (PET) implemented mainly implemented by the Ministry of Social Development (SEDESOL).

For the first time, climate change is included in the National Development Plan 2007-2012 (Plan Nacional de Desarrollo -PND), as a priority to planning the development of the country. Its main objective is to boost measures aimed at adaptation due to the negative consequences of climate change. Since that year, objectives have been included in the development plan. In 2013-2018, it was implemented some objectives of the Cancun Agreement (Special Climate Change Program 2013-2018 - PECC).

This presented 142 adaptation objectives, 46% of which are focused on planning instruments; 28% on research and publications; 20% are concrete objectives with a direct impact on society and territory; 6% are actions for institutional strengthening, which includes three fundamental aspects: 2008-2012, assessment of the vulnerability of the country and of economic valuation; 2013-2030, strengthening strategic adaptation capacities; and 2030-2050, consolidation of the constructed capacities²³.

B - SOCIAL SECURITY SPECIFIC MEASURES AGAINST SOCIO-NATURAL RISKS

It is true that we do not have the measures in place that truly attend the consequences of natural disasters, nor considerable progress like the Japanese do²⁴; however, there are already some legal norms that demonstrate acknowledgment of the problem in social insurances and that can constitute the beginning of development towards the necessary coverage.

The legislation of social security with regulations applicable specifically to the attention to victims of socio-natural disasters is the following (Social Security Act):

Article 214: The benefits or services of social solidarity include actions related to community health, medical, pharmaceutical and even hospital assistance, in the forms and terms established in the articles 215 to 217 of this Act.

Article 216.A: The Institute must attend the uncovered population in the following cases: I. In national, regional or local emergencies, in case of catastrophes or natural disasters; II. In campaigns for vaccination, and health attention and promotion; and III. To support programs to combat marginalization and poverty when the Federal Power requires it.

For the purposes of this Act, the Federal Power, through the Ministry of Hacienda and Public Credit will provide the financial resources corresponding to the Institute in compliance with the applicable standards. The last article reproduced here recognizes the presence of the problem of natural catastrophes in Mexico as well as the general population's right to

²³ *Ibid.* p. 85.

²⁴ For example, they have a program called «Assistance for the Recovery of the Lifestyle of Victims», in which aid is given to victims to restore their self-sufficient lifestyles. The following are available: money for disasters, for impediments, to support the reconstruction of the lifestyle of disaster victims and loans as disaster support funds and social aid funds. General Direction of Disaster Management, *Management of Disasters in Japan*, Cabinet Office, p. 4: <http://www.ve.emb-japan.go.jp/esp/image/ADMINISTRACION%20DE%20DESASTRES%20EN%20JAPON.pdf>.

medical attention, provided that they are victims of a natural disaster, regardless of a legal link to insurance. . In its Article 4, the State's Employees' Social Security and Social Services Institute Act states that its beneficiaries have the right to obtain a personal loan in case of natural disaster, and numbers 162 and 234 state the amount and accessibility: Article 4. The following benefits and services are established as mandatory: II. Personal loans: a) Ordinary b) Special c) For the acquisition of non-perishable goods, and d) Extraordinary for victims of natural disasters...

Article 162: Personal loans will be given to Workers and Pensioners in accordance with the annual program that authorizes the Institute Board of Directors, based on the revolving Fund and in accordance with the following: Loans will be given depending on the financial availability of the Fund and in accordance with the rules established by the Institute's Board of Directors, and will be of four types: II. Loans are granted according to the financial capacities of the Fund and in accordance with the rules established by the Board of Directors of the Institute, and fall into four categories, namely: (d) (Loans) Extraordinary for victims of natural disasters. The amount is fixed by the Board of Directors of the Institute;

Article 239: The Institute must constitute the Operation Reserve for contingencies and funding referred to in this Chapter, separating it into three categories: prediction, catastrophic and special: II. The category of catastrophic will be used to fund expenses of any kind to face natural disasters or events of force majeure that because of their nature have not been insured.

Article 240: The Operation Reserve for contingencies and funding will be constituted, incremented or reconstituted every trimester up to the equivalent of sixty natural days of the previous year's total income of the Institute, excluding resources corresponding to retirement, severance at old age and old age insurances and the Housing Fund.

...The Institute, with previous authorization by the Board of Directors, will be able to use the resources of the Operation Reserve for contingencies and funding, to defray the contingency up to the equivalent of ninety days of the previous year's average income of the insurance or service that requires funding...

As we can see, the standards are not sufficient for the real needs, and thus requires both legal and financial adaptations in order to face the consequences of natural disasters. It should therefore be emphasized that, in addition to respecting national legislation in the event of socio-natural risks, international guidelines focusing on disaster protection must also be respected. This is the case, for example, of the ILO Recommendation (No. 205) on Employment and Decent Work for Peace and Resilience, 2017, which, although it does not specifically include victims of certain socio-natural risks, establishes disaster-related measures for employment and decent work for prevention, recovery, peace and resilience in response to crisis situations resulting from conflicts and disasters²⁵.

The strategies set out in Recommendation 205 are entirely aimed at protecting workers according to their source of income, the first strategy being the introduction of immediate measures for employment and social protection, and the second the promotion of source recovery. to create decent and sustainable jobs. It should be noted that Mexico has not

25 OIT, *Recomendación sobre el empleo y el trabajo decente para la paz y la resiliencia*, 2017, no. 205.

followed this Recommendation. Nevertheless, it is a Recommendation which undoubtedly prepares the ground for extending protection in the event of socio-natural risks.

C - CHALLENGES OF MEXICO'S SOCIAL SECURITY SYSTEM

Despite the considerable transformations in the world, even in the very concept of social security, its aim remains the same: to elevate the quality of life of each for all individuals of a society. In other words, social security is still the organized consciousness of a people and must use an insurance or social protection technique to protect individuals from any social risk. In this sense, the first and most important challenge of social security is to recognize that the consequences of natural disasters affect any person, are a product of social organization and the certainty must therefore exist that it is the collective group itself that must organize the prevention and assist in the reparation of harmful consequences.

Once this is established, the following challenges can be noted:

1) To recognize the importance of the role of insurances before natural disasters, particularly social insurances. Though many countries have begun to insure themselves before the considerable expenses caused by socio-natural disasters, this insurance has been limited to commercial insurances and it is necessary to extend it to social insurances, which as the main and most effective instrument of social security have demonstrated - in times of crisis and in times that are not of crisis - that they are capable of providing the necessary social network that no other mechanism of social protection can give, whether through unemployment insurance in Europe in the financial crisis of 2009; sanitary assistance for all the population, such as the sanitary contingency in Mexico for the H1N1 flu virus; or through means of contention or massive reparation, such as in Japan after the 2011 earthquake.

2) Preventing before repairing. Social security must be preventive and proactive. Since the launching of the vision of the AISS of the «Social Security dynamic» in 2007, important changes are acknowledged as the organization reports: «Social security systems are responsible for great progress in the development of protective, proactive and preventive roles, and they have become more accessible»²⁶. However, there is no analysis of the actions that these systems are taking preventively and proactively to reduce the consequences of disasters caused by climate change; as it can be seen in the previous section, there are almost none.

3) Identifying new forms of funding. Just as social security must be adapted to the new social risks of today, such as protection from social risks of global warming, it is necessary to establish new funding mechanisms for social security, including not only contributions directed at new benefits related to this social risk, but also indirect funding mechanisms.

Providing new economic and cash benefits. These should be intended at mitigating consequences (for example, loans in case of natural disaster, unemployment support, pensions for orphans of victims of socio-natural disasters, etc.), but mainly at preventing them, by means of preventive medicine, contributions directed at funding catastrophic expenses due to global warming, etc.

26 Konkolewsky, Hans-Horst (ISSA Secretary General), *Developments and Trends in Social Security* : <http://www.issa.int/wssf2013>

Lastly we have the age-old challenges that must be addressed: universal coverage, requiring that social security is not linked to employment, since otherwise there will be no protection for the uninsured population nor coverage of risks derived from natural disasters.

Conclusion

If natural disasters affect people around the world, those caused in part by human behavior have even more serious consequences on people's health, loss of income sources or loss of breadwinner, etc. In other words, socio-natural disasters produce risks that, when they materialize, become needs for the population and must be recognized as social risks (generated by human intervention). It is therefore the responsibility of the state to respond quickly, adequately and comprehensively by ensuring the prevention and reparation of the consequences on society.

These risks are caused by social organization; It must therefore be recognized that it is up to the community itself to organize the prevention as well as the reparation of the consequences. Therefore, social insurance, as the main tool of social security, no longer protects individuals against work-related risks, but extends their coverage to social risks, which is why the protection of risks caused by disasters socio-natural is an issue that needs to be addressed in a concrete way.

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