WOMEN, BUSINESS AND THE LAW 2020

Why workplace matters for working women

Isabel Santagostino | June 17, 2020
LAWS AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES
WORKPLACE ASSUMPTIONS

The woman in question:

- Resides in the economy’s main business city.
- Has reached the legal age of majority and is capable of making decisions as an adult, is in good health and has no criminal record.
- Is a lawful citizen of the economy being examined.
- Is a cashier in the food retail sector in a supermarket or grocery store that has 60 employees.
- Is in a monogamous first marriage registered with the appropriate authorities (de facto marriages and customary unions are not measured).
I. Why does workplace matter for working women?

II. What does workplace measure?

III. What are the main workplace findings in WBL 2020?

IV. Where are workplace reforms happening?

V. What does the 50-year panel data tell us about workplace?
I. Why does workplace matter for working women?

Freedom to get a job

Anti-discrimination/sexual harassment legal protections in employment

Women’s employment and earnings
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II. What does workplace measure?

1. Can a woman get a job in the same way as a man?
2. Does the law prohibit discrimination in employment based on gender?
3. Is there legislation on sexual harassment in employment?
4. Are there criminal penalties or civil remedies for sexual harassment in employment?
1. Can a woman get a job in the same way as a man?

In Ethiopia, removing the ability of a husband to prevent his wife from working has been linked to more women working outside the home and in paid jobs.

(Hallward-Driemeier and Gajigo, 2015)
1. Can a woman get a job in the same way as a man?

**No**
- Husband’s permission
- Additional documentation
- Loss of maintenance

**Yes**
- No restrictions on a woman’s legal capacity
- No restriction on a woman’s ability to work
CAMEROON
Ordonnance No. 81/02 on Civil Status, Art. 74
A married woman can pursue a separate profession from her husband. **The husband can oppose to the profession** in the interest of the family and the children.

SWITZERLAND
Federal Law of October 16, 1984
In the choice and pursuit of his or her career or business, **each spouse** must have due regard to the other and to the welfare of the marital union.
II. What does workplace measure?

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4. Are there criminal penalties or civil remedies for sexual harassment in employment?
2. Does the law prohibit discrimination in employment based on gender?

A study covering 58 developing countries shows a strong positive relationship between a **nondiscrimination clause** and **women's employment** relative to men's.

(Amin and Islam, 2014)
2. Does the law prohibit discrimination in employment based on gender?
MOLDOVA

Law No. 5 of 9 February 2006, Art. 9

The state guarantees equal rights and opportunities, equal treatment of women and men in the employment.

FIJI

Employment Relations Act 2007, Sec. 6(2)

No person shall discriminate [...] on the grounds of [...] gender [...] in respect of [...] matters arising out of the employment relationship.

ZAMBIA

Employment Code Act 2019, Sec. 5(2)

An employer shall not, in any employment policy or practice discriminate, [...] an employee [...] on grounds of [...] sex, gender.
II. What does workplace measure?

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3. Is there legislation on sexual harassment in employment?

Sexual harassment

- Physical and psychological impact
- Productivity reduction
- Higher turnover and absenteeism
- Returns and profitability decrease
3. Is there legislation on sexual harassment in employment?

- Unwelcome sexual advance
- Sexual harassment in employment
- Request for sexual favor
- Verbal/physical conduct/gesture of a sexual nature
- Annoyance
- Offence
- Humiliation

In employment or workplace
II. What does workplace measure?

1. Can a woman get a job in the same way as a man?
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Criminal Penalties

- Fines and imprisonment
- Penalties for more serious offenses (e.g. sexual assault)
- Prohibition and discretionary sanctions
- Penalties for violation of a protection order

Civil Remedies

- Recovery of monetary / emotional damages
- Compensation for victims even after dismissal
- Reparation of damages for offenses covered by the criminal code
PHILIPPINES

Anti-Sexual Harassment Act
Sec. 7
• 1-6 months imprisonment
• 10,000-20,000 pesos fine
• Both fine and imprisonment

MOZAMBIQUE

Labor Law
Art. 66
• Disciplinary offense
• Compensation equivalent to 20 times the minimum wage

KENYA

Sexual Offences Act
Sec. 23
• ≥ 3 years imprisonment
• ≥100,000 shillings fine
• Both fine and imprisonment
WORKPLACE

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III. What are the main workplace findings in WBL 2020?

- **21 economies**: Do not allow a woman to get a job in the same way as a man.
- **36 economies**: Do not prohibit discrimination in employment based on gender.
- **50 economies**: Lack legislation on sexual harassment in employment.
- **57 economies**: Lack criminal penalties or civil remedies for sexual harassment in employment.
III. What are the main workplace findings in WBL 2020?

Global average indicator scores

<table>
<thead>
<tr>
<th>MOBILITY</th>
<th>WORKPLACE</th>
<th>PAY</th>
<th>MARRIAGE</th>
<th>PARENTHOOD</th>
<th>ENTREPRENEURSHIP</th>
<th>ASSETS</th>
<th>PENSION</th>
<th>WBL 2020 SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>87.2</td>
<td>78.4</td>
<td>66.1</td>
<td>78.5</td>
<td>53.9</td>
<td>82.8</td>
<td>81.8</td>
<td>73.2</td>
<td>75.2</td>
</tr>
</tbody>
</table>
III. What are the main workplace findings in WBL 2020?

WBL 2020 Regional Workplace Score

- OECD High income: 97.66
- East and Central Asia: 85
- South Asia: 84.38
- Global Average: 78.42
- Latin America and Caribbean: 76.56
- Sub-Saharan Africa: 76.04
- East Asia and Pacific: 68
- Middle East and North Africa: 58.75
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- **3** Enacted criminal penalties
  - Gabon, Montenegro, and Peru

- **7** Adopted new legislation on Sexual Harassment
  - 5 economies in MENA, 1 in LAC and 1 in ECA

- **3** Implemented civil remedies
  - France, São Tomé and Príncipe, and South Sudan
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Most legal reforms occurred in the Workplace indicator.

V. What does the 50-year panel data tell us about workplace?

REFORM TREND FOR EACH QUESTION

- Are there criminal penalties or civil remedies for sexual harassment in employment?
- Does the law prohibit discrimination in employment based on gender?
- Is there legislation on sexual harassment in employment?
- Can a woman get a job in the same way as a man?
V. What does the 50-year panel data tell us about workplace?

NUMBER OF REFORMS INCREASE OVER EACH DECADE

- Can a woman get a job in the same way as a man?
- Does the law prohibit discrimination in employment based on gender?
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V. What does the 50-year panel data tell us about workplace?

REGIONAL COMPARISON

WBL Score

100 90 80 70 60 50 40 30 20 10 0


- East Asia & Pacific
- Europe & Central Asia
- High income: OECD
- Latin America & Caribbean
- Middle East & North Africa
- South Asia
- Sub-Saharan Africa
V. What does the 50-year panel data tell us about workplace?

REGIONAL SCORE INCREASE OVER EACH DECADE

- East Asia & Pacific: 15.0, 16.0, 16.0
- Europe & Central Asia: 8.0, 12.0, 12.0
- High income: OECD: 12.5, 11.7, 31.3
- Latin America & Caribbean: 3.1, 7.0, 13.3
- Middle East & North Africa: 0.0, 1.3, 18.8
- South Asia: 3.1, 6.3, 21.3
- Sub-Saharan Africa: 2.1, 4.2, 27.6

Legend: 1970s, 1980s, 1990s, 2000s, 2010s
THANK YOU!

Women, Business and the Law

Women, Business and the Law (WBL) measures gender inequality in the law. The dataset identifies barriers to women's economic participation and encourages the reform of discriminatory laws. Read more

Women, Business and the Law 2020

Women, Business and the Law 2020 analyzes laws and regulations affecting women's economic inclusion in 190 economies. While celebrating the progress made, the data and analysis emphasize the work still to be done to ensure economic empowerment for all.

Read the Study | Get the data | Learn more