



DATA NOTES

For the first time, **Women, Business and the Law** includes a scoring of **50** questions.

Women, Business and the Law monitors laws and regulations affecting women's ability to be entrepreneurs and employees. Legislation in various areas of the law can directly and indirectly affect women's economic potential.

Accordingly, *Women, Business and the Law* captures laws that directly differentiate between men and women, as well as laws that indirectly have a greater impact on women's ability to earn an income, start a business or get a job. *Women, Business and the Law* worked with local experts in each of the 189 covered economies to determine the sources of gender differentiation in the law. The information that local experts provided was checked for accuracy through a rigorous review process. Each answer was cross-verified with primary legal sources, resulting in revision or expansion of the information collected. The data in this report are current as of June 1, 2017.

With regard to women's rights, different economies reflect different cultural norms and values in their legislation. Although progress has been made toward gender parity, restrictions that limit women's economic prospects remain. This report provides objective, easily comparable data to inform dialogue about women's economic rights and opportunities. The methodology was designed to benchmark the legal and regulatory environment for women as entrepreneurs and employees.

Women, Business and the Law provides comparable data across 189 economies, covering the following seven indicators:

- **Accessing institutions** explores women's ability to interact with public

authorities and the private sector in the same ways as men, through examining constraints on women's legal capacity.

- **Using property** analyzes women's ability to access and use property based on their ability to own, manage, control and inherit it. It also examines whether legislation accounts for nonmonetary contributions, such as unpaid care for children or the elderly, in distributing assets upon the dissolution of marriage.
- **Getting a job** assesses restrictions on women's ability to work, such as prohibitions on working at night or in certain industries. It also covers laws on maternity, paternity and parental leave, retirement ages, equal remuneration for work of equal value, nondiscrimination at work and flexible work options.
- **Providing incentives to work** examines childcare and tax support, through assessing tax deductions and credits, childcare and primary education.
- **Going to court** explores women's ability to access justice through examining the evidentiary weight of women's testimony, the existence of justice institutions such as anti-discrimination commissions and small claims courts and mandates for legal aid.
- **Building credit** examines credit bureaus and registries that collect information from retailers and utility companies. It also covers nondiscrimination in access

to credit based on gender and marital status.

- **Protecting women from violence** considers laws on domestic violence and sexual harassment in education and employment.

Economy characteristics and coverage

The economies covered in this report are listed in table 5.1. Box 5.1 explains the economy characteristics such as regions and income groups.

Women, Business and the Law uses formal laws as a starting point for analysis and the report's indicators were constructed using responses from expert country practitioners in family law, labor law and criminal law, including lawyers, judges, academics and members of civil society organizations working on gender issues. The data were collected through several rounds of interaction with these

BOX 5.1 ECONOMY CHARACTERISTICS

Gross national income per capita

Women, Business and the Law 2018 reports 2016 incomes per capita as published in the World Bank's *World Development Indicators 2017*. For cost indicators expressed as a percentage of incomes per capita, 2016 gross national income (GNI) Atlas method in current U.S. dollars is used as denominator. GNI data based on the Atlas method were not available for Bahrain; Brunei Darussalam; Djibouti; Eritrea; the Islamic Republic of Iran; Kuwait; Libya; Myanmar; Oman; Papua New Guinea; Puerto Rico (U.S.); Qatar; San Marino; South Sudan; the Syrian Arab Republic; Taiwan, China; Timor-Leste; Vanuatu; and República Bolivariana de Venezuela. In these cases, gross domestic product or gross national product per capita data and growth rates from other sources, such as the International Monetary Fund's World Economic Outlook database and the Economist Intelligence Unit, were used.

Region and income group

Women, Business and the Law uses the World Bank regional and income group classifications, available at <http://datahelpdesk.worldbank.org/knowledgebase/articles/906519>. Although the World Bank does not assign regional classifications to high-income economies, the regional averages presented in the figures and tables in the *Women, Business and the Law* report include economies from all income groups (low, lower middle, upper middle and high income), although high-income OECD economies are assigned the "regional" classification of OECD high income.

Female population and labor force participation

Women, Business and the Law 2018 reports midyear 2016 female population data as published in the World Bank's *World Development Indicators 2017*. The publication was also used to obtain data on the female labor force as a percentage of the total labor force aged 15+.

TABLE 5.1 ECONOMIES COVERED BY WOMEN, BUSINESS AND THE LAW

Region	Total number of economies	Economies covered
East Asia & Pacific	25	Brunei Darussalam; Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Kiribati; Lao PDR; Malaysia; Marshall Islands; Micronesia, Fed. Sts.; Mongolia; Myanmar; Palau; Papua New Guinea; Philippines; Samoa; Singapore; Solomon Islands; Taiwan, China; Thailand; Timor-Leste; Tonga; Vanuatu; Vietnam
Europe & Central Asia	25	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Macedonia, FYR; Moldova; Montenegro; Romania; Russian Federation; San Marino; Serbia; Tajikistan; Turkey; Ukraine; Uzbekistan
OECD high income	32	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America & Caribbean	32	Antigua and Barbuda; Argentina; Bahamas, The; Barbados; Belize; Bolivia; Brazil; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; Puerto Rico; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela, RB
Middle East & North Africa	20	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Libya; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates; West Bank and Gaza; Yemen, Rep.
South Asia	8	Afghanistan; Bangladesh; Bhutan; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	47	Angola; Benin; Botswana; Burkina Faso; Burundi; Cabo Verde; Cameroon; Central African Republic; Chad; Comoros; Congo, Dem. Rep.; Congo, Rep.; Côte d'Ivoire; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Gambia, The; Ghana; Guinea; Guinea-Bissau; Kenya; Lesotho; Liberia; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Niger; Nigeria; Rwanda; São Tomé and Príncipe; Senegal; Seychelles; Sierra Leone; South Africa; South Sudan; Sudan; Swaziland; Tanzania; Togo; Uganda; Zambia; Zimbabwe

respondents—through responses to standardized questionnaires, conference calls, written correspondence and visits by the team.

In addition to filling out written questionnaires, *Women, Business and the Law* respondents provided references to relevant laws and regulations. The *Women, Business and the Law* team collects the texts of relevant laws and regulations and checks questionnaire responses for accuracy. Questionnaire responses are verified against codified sources of national law, including constitutions, marriage and family codes, labor laws, passport procedures, inheritance statutes, tax regulations, gender equality laws, civil procedure rules, social security codes, criminal laws and laws on violence against women. Additionally, *Doing Business 2018* surveys were used to develop some of the questions for the building credit and providing incentives to work indicators.

Women, Business and the Law requires each legal data point to have a specific citable legal source; the legal source is provided for every data point on the project website (<http://wbl.worldbank.org>) to ensure transparency of the data. More detailed data on each economy, including links to the legal sources used, are also provided on the project website.

The report team welcomes feedback on the methodology and construction of this set of indicators. We look forward to improving its coverage and scope. Feedback is welcome on all aspects of the report and can be offered through the *Women, Business and the Law* website.

The *Women, Business and the Law* methodology has several useful characteristics:

- It is transparent and uses information derived directly from laws and regulations.
- Because standard assumptions are used when collecting the data, comparisons are valid across economies.

- The data identify potential obstacles to women in business and legislation that can be changed because of this new information.

Although *Women, Business and the Law* focuses on written legislation, there is often a large gap between laws on the books and actual practices. Women do not always have access to the equality they are legally entitled to. This project attempts to identify areas in which formal legal differentiation still exists and then clarify the impacts of these legal differences on women.

In *Women, Business and the Law 2018*, three new scored questions were added across two of the seven indicators. The new questions are footnoted throughout the text. Any methodological changes made are described in the summary of methodology changes section of the Data Notes. For more information about the full set of data collected this cycle, please visit our website at <http://wbl.worldbank.org>.

The sections below provide detailed explanations of the methodology used to answer the 50 scored questions asked across 189 economies for a total of 9,450 data points.

The project has data available for an additional 116 questions which are not scored, for a total of 21,924 data points. Unscored questions fall into three categories. First, some questions constitute component parts of scored questions. For example, to understand if there is paid leave available to women of at least 14 weeks, *Women, Business and the Law* must first understand if the law mandates maternity leave or parental leave. And then it must understand how many days such maternity leave or parental leave is paid for. Second, some questions do not directly relate to women's entrepreneurship or employment, although they are important for gender equality. For example, the series of questions on protection orders fall into this category. And third, some questions are important to understand the legal framework, but do

not in and of themselves, denote a good practice. For example, questions on the nature of the marital property regimes. Detailed information on all unscored questions is available on the project website at <http://wbl.worldbank.org>.

The following section focuses on the 50 scored questions, which are grouped by indicator. Each question is followed by information on how the answers were standardized and made comparable across all economies, as well as on how the questions are scored. Assumptions, where used, are also listed. The indicator scores (a number between 0 and 100, 100 being the best) are obtained by calculating the unweighted average of the scored questions in that indicator, and scaling the result to 100.

Accessing institutions

Assumptions

It is assumed that the woman

- Resides in the main business city of the economy being examined.
- Has reached the legal age of majority and is capable of making decisions as an adult; if there is no legal age of majority, the woman is assumed to be 30 years old.
- Is sane, competent, in good health and has no criminal record.
- Is a lawful citizen of the economy examined.
- Where the question assumes the woman or man is married, the marriage is monogamous and registered with the authorities.
- Where the question assumes the woman or man is unmarried, she or he has never been married.
- Where the answer differs according to the legal system applicable to the woman in question (as may be the case in economies where there is legal plurality), the answer used will be the

one that applies to the majority of the population.

Answers to the questions are based on codified law and not how that law is applied in practice. Therefore, customary law is not taken into account unless it has been codified. Questions on the status of customary law within the legal system refer to its existence and position within the hierarchy of legislation, but do not assess its content. Reciprocal restrictions that govern the conduct of both spouses are not covered; this indicator measures only restrictions that govern the conduct of the wife, not the husband.

This topic addresses whether a woman can engage in certain legal transactions in the same way as a man. Differences related to property transactions are taken into account only for the using property indicator. Accessing institutions does not count this type of difference.

1. Are married women required by law to obey their husbands?

- The answer is “Yes” if
 - there is an explicit provision stating that a married woman must obey her husband; or
 - a provision states that disobedience toward her husband has legal ramifications for the wife, such as loss of maintenance.
- The answer is “No” if there is no provision that a married woman must obey her husband.
- Scoring: Yes = 0; No = 1.

2. Can a woman legally apply for a passport in the same way as a man?

- The answer is “Yes” if, upon reaching the legal age of majority, all civil legal acts can be completed and there are no differences in the way a woman or man obtains a passport.
- The answer is “No” if
 - an adult woman needs the permission or signature of her

husband, father, other male relative or guardian to apply for a passport; or

- the passport application of an adult woman requires a reference to her husband or father’s name, any other male relative or guardian;
- documentation is required from a woman that is not required from a man, e.g., a marriage certificate.
- Scoring: Yes = 1; No = 0.

3. Can a woman legally apply for a national ID card in the same way as a man?

- The answer is “Yes” if there are no inequalities in the process for obtaining a national identity card. If married men must provide a marriage certificate or birth certificate as proof of name, whereas married women must provide a marriage certificate, the answer is still “Yes.”
- The answer is “No” if
 - a married woman must provide a marriage certificate, but a married man need not; or
 - a woman requires additional signatures, such as those of her husband, father, other male relative or guardian, which are not required for a man; or
 - a married woman must indicate the name of her spouse, but a married man is not so required; or
 - a woman must indicate the name of her father, other male relative or guardian, but a man is not required to do so; or
 - the identity card of a married woman displays the name of her spouse, but the identity card of a married man does not;
 - identity cards are optional for women, but required for men.
- The answer is “N/A” if there is no national identity card that is

universally accepted based on an implemented national registration system that issues national ID cards.

- Scoring: Yes = 1; No = 0; N/A (no national ID) = not scored.

4. Can a woman legally travel outside the country in the same way as a man?

- The answer is “Yes” if there are no restrictions on a woman traveling alone internationally.
- The answer is “No” if permission, additional documentation or the presence of a guardian is required for a woman to leave the country; however, this permission must be different from what is required to get a passport, which is covered in a separate question.
- The answer is also “No” if the law requires a married woman to accompany her husband out of the country if he so wishes.
- Scoring: Yes = 1; No = 0.

5. Can a woman legally travel outside her home in the same way as a man?

- The answer is “Yes” if there are no restrictions on a woman traveling alone domestically.
- The answer is “No” if
 - permission, additional documentation or the presence of her husband or a guardian is required for a woman to travel domestically; or
 - a woman must justify her reasons to her husband, father or guardian for leaving the home;
 - leaving the home without a valid reason is considered disobedience with consequences under the law, for example, loss of her right to financial maintenance.
- Scoring: Yes = 1; No = 0.

6. Can a woman legally get a job or pursue a trade or profession in the same way as a man?
- The answer is “Yes” if
 - no permission is needed for a woman to get a job or practice a trade or profession; or
 - there is no restriction in family or civil law on a woman’s ability to work.
 - The answer is “No” if
 - a husband can prevent his wife from getting or keeping a job or pursuing a trade or profession; or
 - permission or additional documentation is required, or if a husband or guardian can prevent a woman from getting or keeping job or pursuing a trade or profession; or
 - it is considered a form of disobedience with legal ramifications for a wife to engage in employment contrary to her husband’s wishes or the interests of the family.
 - Scoring: Yes = 1; No = 0.
7. Can a woman legally sign a contract in the same way as a man?
- The answer is “Yes” if full legal capacity is obtained upon the age of majority and there are no restrictions on a woman signing legally binding contracts.
 - The answer is “No” if a woman has limited legal capacity to sign a binding contract or needs the signature, consent or permission of her husband to legally bind herself.
 - This question does not concern restrictions on married women signing contracts specifically related to marital property governed by the default marital property regime; these are covered under the using property indicator.
 - Scoring: Yes = 1; No = 0.
8. Can a woman legally register a business in the same way as a man?
- The answer is “Yes” if a woman obtains full legal capacity upon reaching the age of majority and there are no restrictions on a woman registering a business.
 - The answer is “No” if
 - a woman has limited legal capacity to register a business; this includes situations where she needs her husband’s or a guardian’s permission, signature or consent to register a business; or
 - the registration process at any stage requires additional information or documentation for women not required of men.
 - The answer is also “No” for member states of regional bodies, such as the Organization for the Harmonization of Corporate Law in Africa (OHADA) for which supranational law applies (e.g., OHADA Uniform Act on General Commercial Law) when domestic law contravenes these supranational rules and limits the legal capacity of women.
 - Scoring: Yes = 1; No = 0.
9. Can a woman legally open a bank account in the same way as a man?
- The answer is “Yes” if
 - there are no restrictions on a woman opening a bank account;
 - the law explicitly states that a married woman may open a bank account, or that both spouses may open bank accounts in their own names.
 - The answer is “No” if
 - specific provisions limit the ability of a woman to open a bank account, such as those stating that a married woman who is separately employed from her husband may open a bank account in her own name (because that implies that a woman without a separate income stream may not); or
 - any other required permissions or additional documentation.
 - Only provisions from the body of family law in the economy are systematically reviewed.
 - Scoring: Yes = 1; No = 0.
10. Can a woman legally choose where to live in the same way as a man?
- The answer is “Yes” if there are no restrictions on a woman choosing where to live.
 - The answer is “No” if there are explicit restrictions on a woman choosing where to live or if the husband chooses the family residence or marital home or has more weight in determining where the family will live.
 - Scoring: Yes = 1; No = 0.
11. Can a woman legally be “head of household” or “head of family” in the same way as a man?
- The answer is “Yes” if the definition of head of household is codified and there are no explicit restrictions on a woman becoming “head of household” or “head of family.”
 - The answer is “No” if
 - there is an explicit restriction on a woman becoming “head of household” or “head of family,” e.g., a provision stating that only men or husbands can be so designated or that men “lead” or “represent the family;”
 - a male is designated as the default family member who receives the family book or equivalent document that is necessary for access to services.
 - The answer is “N/A” if the definition of head of household is not codified.

- This question does not assess gender inequalities in the tax code, which are captured by the providing incentives to work indicator.
- Scoring: Yes = 1; No = 0.

Using property

Assumptions

It is assumed that the woman

- Resides in the economy's main business city.
- Has reached the legal age of majority and is capable of making decisions as an adult; if there is no legal age of majority, the woman is assumed to be 30 years old.
- Is sane, competent, in good health and has no criminal record.
- Is a lawful citizen of the economy being examined.
- Where the question assumes that the woman or man is unmarried, she or he has never been married.
- Where the question assumes that the woman or man is married, the marriage is monogamous and registered with the authorities. De facto marriages or customary unions are not measured.
- Where the question assumes that the woman or man is married, the marital property regime under which she or he is married is assumed to be the default marital property regime, and it is also assumed that the marital property regime will not change during the course of the marriage. In economies where there is no default marital property regime, it is assumed that the couple is married under the most common regime for that jurisdiction.
- Where the answer differs according to the legal system that applies to the woman—as may occur in economies where legal plurality exists—the answer used will be the one that applies to the majority of the population.

The answers to these questions are based on the law as codified in the main business city and not the practice of that law. Therefore, customary law is not taken into account unless it has been codified. Unwritten, social or cultural norms are also not taken into account.

The questions for the using property indicator are designed to determine what management and control of property look like under the default marital property regime in each economy covered. For all questions relating to the ability of married women to carry out activities independently of their husbands, the key concern is reciprocity. Unequal treatment is counted only where a married man can carry out the activity and his wife is not able to do so equally.

The main areas of differentiation between women and men in exercising property rights lie in the rights granted under various marital property regimes. Some of these grant spouses equal treatment in property ownership. Other regimes grant husbands administrative control over jointly owned marital property. Still others grant husbands administrative control over their wives' property. The marital property regime also determines property ownership and administrative rights when a marriage is dissolved.

The default marital property regime is the set of rules that apply to the ownership and management of property within marriage and when the marriage ends, when there is no prenuptial agreement. *Women, Business and the Law* classifies default marital property regimes as follows:

Separation of property. All assets and income acquired by the spouses before they marry and during the marriage remain the separate property of the acquiring spouse. At the time of divorce or the death of one of the spouses, each spouse retains ownership of all assets and income brought to the marriage or acquired during the marriage by that person and any value that has accrued to that property.

Partial community property. Assets acquired before the marriage are regarded as the separate property of the acquiring spouse, and assets and income acquired after the marriage, with a few exceptions specified by law, are regarded as joint property of the couple. This regime also applies to cases where assets acquired before the marriage and assets acquired during the marriage are regarded as the separate property of the acquiring spouse, but the accrued value of the property acquired by any of the spouses is considered joint property. At the time of dissolution of the marriage by divorce or death, the joint property or its accrued value is divided equally between the spouses.

Full community property. All assets and income, whether brought into the marriage or acquired during the marriage—with a few exceptions specified by law—become the joint property of the couple. If the marriage is dissolved, all joint property is divided equally between the spouses.

Deferred full or partial community property. The rules of full or partial community of property apply at the time the marriage is dissolved; until then, separation of property applies.

Other. The default marital property regime does not fit any of the above four descriptions. This is also the case when the rules concerning the default marital property regime are not regulated by codified law, but are governed by unwritten customs.

There is no default marital property regime. The law requires the spouses to opt in to the marital property regime of their choice—with legal alternatives provided—before or at the time of the marriage. In economies where there is no default marital property regime, the most common regime is used when answering the subsequent questions.

12. Who legally administers marital property?

- For this question, marital property refers to all property owned by either spouse and both spouses during the marriage. The answer to this question assumes that the default marital property regime applies and is classified as follows:
- **Original owner.** Each spouse retains administrative power over the assets she or he brings into or acquires during the marriage and their accrued value. No consent is needed from the other spouse for transactions in separate property. This administrative scheme is usually found in separation of property regimes and can also be found in deferred full or partial community regimes. It does not cover special provisions concerning the marital home.
- **Separate with spousal consent.** Each spouse administers her or his separate property, but for major transactions, such as selling or pledging the property as collateral, spousal consent is needed. This administrative scheme is mostly found in separation of property regimes, but can also be found in deferred full or partial community and partial community regimes.
- **Both must agree.** Both spouses have equal rights in the administration and transaction of joint property; they perform all acts of administration together and, if one of the spouses has been delegated administrative rights by the other, spousal consent is implied. This administrative scheme is mostly seen in full and partial community property regimes.
- **Husband.** The husband has administrative rights over all property, including any separate property of the wife. This scheme is found only in partial community regimes.
- **Other.** This alternative applies wherever the administrative

scheme does not fit into any of the previous categories. It includes, for example, cases in which in principle the law provides for both spouses to administer marital property, but if they disagree, the husband is given the power to ultimately decide or other members of the family have a say in how the property is administered. Where there is disagreement on how to administer marital property, a court may decide. This alternative also applies when the default marital property regime is based on unwritten custom.

- Scoring: "Husband" = 0; all other answers = 1.
- 13. Does the law provide for valuation of nonmonetary contributions?
 - This question is designed to measure if, at the time a marriage is dissolved, the division of property benefits both spouses. The process of dividing property upon divorce is examined to identify whether caring for minor children, taking care of the family home or any other nonmonetized contribution from the stay-at-home spouse, usually the wife, is taken into consideration. It does not consider regular payment obligations in the form of maintenance or alimony.
 - The answer is "Yes"
 - where an explicit legal recognition of such contributions is found and the law provides for equal or equitable division of the property or the transfer of a lump sum to the stay-at-home spouse based on the nonmonetary contributions; or
 - when the default marital property regime is full community, partial community or deferred full or partial community, because these regimes implicitly recognize nonmonetary contributions at the time of property division and benefit

both spouses regardless of who purchased the property or holds title to it.

- The answer is "No" where
 - the default marital property regime is separation of property or other, and there is no explicit legal provision providing for equal or equitable division of property based on nonmonetary contributions.
 - Scoring: Yes = 1; No = 0.
- 14. Do men and women have equal ownership rights to immovable property?
 - The answer is "Yes" when
 - there is no specific legal restriction related to property applied to women or men based on gender; or
 - aspects related to property during marriage fall under a mix of custom, law and judicial precedent and no sources, including Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) reports, reveal the existence of inequality.
 - The answer is "No" when
 - legal restrictions on property ownership are applied to women or men based on gender; or
 - there are gender differences in the legal treatment of spousal property (e.g., if husbands are granted administrative control over marital property).
 - The answer is ".." where aspects related to property during marriage fall under unwritten custom or judicial discretion in the absence of a legal framework.
 - Scoring: Yes = 1; No = 0; ".." = not scored.

15. Do sons and daughters have equal rights to inherit assets from their parents?

- This question examines whether there are gender-based differences in the rules of intestate succession for transfer of property from parents to children.
- The answer is “Yes” when the law recognizes children as heirs to property without any restrictions based on gender.
- The answer is also “Yes” when aspects related to inheritance fall under a mix of custom, law and judicial precedent and all sources, including CEDAW reports, do not reveal the existence of inequality.
- The answer is “No” when there are gender-based differences in the recognition of children as heirs to property.
- The answer is also “No” when aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law.
- The answer is “..” where aspects related to inheritance fall under unwritten custom.
- Scoring: Yes = 1; No = 0; “..” = not scored.

16. Do female and male surviving spouses have equal rights to inherit assets?

- For this question, it is assumed that the deceased spouse left no children or any other heirs, other than the surviving spouse.
- This question examines whether both spouses have equal rank and rights to inherit assets when there is no will.
- The answer is “Yes” when surviving spouses of either gender have the same legal rights.
- The answer is also “Yes” when the aspects related to inheritance fall

under a mix of custom, law and judicial precedent and secondary sources, including CEDAW reports, do not reveal the existence of inequality.

- The answer is “No” where there are gender-based differences in inheritance.
- The answer is also “No” when aspects related to inheritance fall under custom and sources confirm that the customary system is influenced by unequal personal law.
- The answer is “..” where aspects related to inheritance fall under unwritten custom.
- Scoring: Yes = 1; No = 0; “..” = not scored.

Getting a job

Assumptions

It is assumed that the woman

- 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 a lawful citizen of the economy being examined.
- For purposes of determining parental benefits, is in a legally recognized marriage with the other parent of the child.
- For purposes of determining maternity or parental leave, that she gave birth to her first child without complications on June 1, 2017, at age 30, and her child is in good health.
- Is sane, competent, in good health and has no criminal record.
- Has been working long enough to accrue any maternity and parental benefits.
- Will be nursing until the child is 1 year old.

• Is working as a cashier in the food retail sector in a supermarket or grocery store that has 60 employees.

It is assumed that the man

- 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 a lawful citizen of the economy being examined.
- For purposes of determining parental benefits, is in a legally recognized marriage with the other parent of the child.
- For purposes of determining paternity leave or parental leave, has a first child who was born on June 1, 2017, without complications, was 30 years old when his child was born and the child is in good health.
- Is sane, competent, in good health and has no criminal record.
- Has been working long enough to accrue any paternity and parental benefits.
- Is working as a cashier in the food retail sector in a supermarket or grocery store that has 60 employees.

The topic contains questions on leave benefits for expectant and new parents, workplace protections for women and parents, restrictions on women’s employment, and retirement ages. In general, the answers to the questions in the getting a job indicator are based on written law and not collective bargaining agreements; however, the latter are taken into account when two conditions are met:

- They cover more than 50% of the workforce in the food retail sector.
- They apply to individuals who were not party to the original collective bargaining agreement.

17. Is there paid leave available to women of at least 14 weeks?
- The answer is “Yes” if the law establishes at least 14 weeks of paid leave that is available to women for the birth of a child, either through maternity or parental leave.
 - The answer is “No” if the law does not establish paid leave for expectant and new mothers, or if the length of paid leave is less than 14 weeks.
 - Scoring: Yes = 1; No (because no paid leave) = 0; No (because paid leave < 14 weeks) = calculated as the distance to frontier where the frontier is 14 weeks.
18. Do women receive at least 2/3 of their wages for the first 14 weeks or the duration of the leave if it is shorter?
- The answer is “Yes” if
 - women receive at least 2/3 of their wages during the first 14 weeks of their leave (if their leave is longer than 14 weeks); or
 - women receive at least 2/3 of their wages during the duration of their leave (if their leave is shorter than 14 weeks).
 - The answer is “No” if
 - the law does not establish any paid leave for expectant and new mothers;
 - women receive less than 2/3 of their wages during their leave (or the first 14 weeks of their leave if the total leave is longer than 14 weeks).
 - Scoring: Yes = 1; No (because no paid leave) = 0; No (because women receive less than 2/3 of their wages) = calculated as the distance to frontier where the frontier is 2/3 (67%).
19. What is the percentage of maternity leave benefits paid by the government?
- This question examines the percentage of maternity leave benefits that are administered by the government. “Government” refers to social insurance or public funds.
 - Where paid maternity leave does not exist but there is paid parental leave, the question examines the percentage of parental leave benefits paid by the government.
 - Employer contributions to government funds (such as social security) that pay leave benefits are not considered employer payment of maternity benefits.
 - The answer is 0% if the employer is solely liable for paying leave benefits.
 - The answer is N/A if there is no paid leave available to expectant and new mothers.
 - Scoring: proportion of maternity leave benefits paid by the government (i.e., if government pays all, answer is 100%, if employer pays all, answer is 0%). If N/A (there is no paid maternity leave) this question is not scored.
20. What is the difference between leave reserved for women and men relative to leave reserved for women, as a function of who pays?
- This question covers the difference between leave reserved for women and leave reserved for men relative to leave reserved to women as a function of who pays to recognize the possible burden of hiring women placed on employers.
 - Leave reserved for women includes paid maternity leave and days of paid parental leave allotted to the mother. Leave reserved for men includes paid paternity leave and days of paid parental leave allotted to the father.
- Scoring: The question is calculated and scored as
 - $((\text{paid maternity leave} + \text{any mother quota in parental leave}) - (\text{paid paternity leave} + \text{any father quota in parental leave})) / (\text{paid maternity leave} + \text{any mother quota in parental leave}) * \text{percentage of leave paid by the government}$;
 - if the government pays 100%, the score is 1;
 - if there is no paid maternity leave this question is not scored.
21. Is there paid parental leave?
- The answer is “Yes” if the law explicitly mandates the right to some form of paid parental leave either shared between mother and father or as an individual entitlement.
 - The answer is “No” if the law does not explicitly mandate the right to some form of paid parental leave either shared between mother and father or as an individual entitlement.
 - Scoring: Yes = 1; No = 0.
22. Does the law mandate equal remuneration for work of equal value?
- This question captures whether employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value.
 - “Remuneration” refers to the ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker’s employment.
 - “Work of equal value” refers not only to the same or similar jobs, but also to different jobs of the same value.
 - Scoring: Yes = 1; No = 0.

23. Does the law mandate nondiscrimination based on gender in employment?¹
- This question is designed to determine whether the law generally prevents or penalizes gender-based discrimination in employment.
 - Laws that mandate equal treatment or equality between women and men in employment are also counted for this question.
 - Where the law mandates nondiscrimination in multiple aspects of employment (such as in job advertisements, hiring and dismissal) on the basis of gender, the answer is “Yes.”
 - Scoring: Yes = 1; No = 0.
24. Is dismissal of pregnant workers prohibited?
- This question is designed to determine whether pregnancy can serve as grounds for dismissal.
 - The answer is “Yes” if the law explicitly prohibits or penalizes the dismissal of pregnant women or if termination of contract based on pregnancy is considered a form of unlawful termination, unfair dismissal or wrongful discharge.
 - The answer is “No” if the law only prohibits the dismissal of pregnant workers during maternity leave or for a limited period of the pregnancy.
 - Scoring: Yes = 1; No = 0.
25. Can parents work flexibly?
- The answer is “Yes” if the law explicitly permits flexible work arrangements for employees who have minor children, such as part-time work, reduced hours, flextime work and teleworking. This includes the right to request flexible work and the right to obtain flexible work. It does not include parental leave that can be taken flexibly.
 - The answer is “No” if only women are entitled to flexible work.
 - Scoring: Yes = 1; No = 0.
26. Can women work the same night hours as men?
- This question is designed to determine whether nonpregnant and nonnursing women are prohibited from working at night or cannot work the same night hours as men. Night-hour restrictions on women in specified industries are captured in later questions.
 - The answer is “Yes” if there are no restrictions on women working at night. If the law conditions women’s ability to work at night on employer compliance with safety measures (such as providing transportation to and from work), the answer is also “Yes.”
 - The answer is “No” if the law broadly prohibits women from working at night or limits the hours women can work.
 - The answer is also “No” if the law only allows women to work at night in certain circumstances, such as in cases of *force majeure* or if the woman works for her family’s business.
 - If various sectors of the economy are regulated separately (i.e., no central labor law), it is assumed that the woman is employed as a cashier in a grocery store or supermarket.
 - Where the law indicates that a given ministry or minister may promulgate regulations restricting women’s work at night, this is considered a restriction even if no such regulation has been issued.
 - Scoring: Yes = 1; No = 0.
27. Can women work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men?
- The answer is “Yes” if there are no laws that prohibit women from working in a broad and subjective category of jobs deemed hazardous, arduous, or morally or socially inappropriate.
 - The answer is “No” if
 - the employer can determine whether particular jobs are too hazardous for women but not for men. In such cases, the law explicitly uses the term “hazardous” or its synonyms to describe a broad category of jobs that women—but not men—are prohibited from doing. Work of a hazardous nature includes, for example, jobs that could have a harmful effect on or increased risk to women’s lives or health, given women’s psycho-physical qualities, or jobs not deemed to have a harmful effect on or increased risk to men’s life or health, given men’s psycho-physical qualities;
 - the employer can determine whether particular jobs are morally inappropriate or socially harmful for women but not for men. In such cases, the law explicitly uses the term “morally inappropriate” or its synonyms to describe a broad category of jobs that women—but not men—are prohibited from doing. Work that is morally inappropriate includes, for example, employment that is considered not in accordance with the “moral development” only of women;
 - the employer can determine whether particular jobs are too arduous for women but not for men. In such cases, the law explicitly uses the term “arduous” or its synonyms to describe a broad category of jobs that women—but not men—are

prohibited from doing. Work of an arduous nature includes jobs that involve particularly hard manual labor or jobs that are considered to exceed women's capabilities;

- the law indicates that a given minister or ministry may promulgate regulations restricting women's work in hazardous, arduous, or morally or socially inappropriate jobs, even if no such regulation has been issued.

- Scoring: Yes = 1; No = 0.

28. Are women able to work in the same industries as men?

- The answer is "Yes" if there are no restrictions on women working in mining, construction, manufacturing, energy, water, agriculture and transportation sectors.
- The answer is "No" if there are full or partial restrictions on women working in mining, construction, manufacturing, energy, water, agriculture or transportation sectors.

- Scoring: Yes = 1; No = 0.

29. Are women able to perform the same tasks at work as men?

- The answer is "Yes" if
 - there are no restrictions on women working in metal work;
 - there are no restrictions on women engaging in jobs with a minimum weightlifting requirement, or if there are no differences between the amount of weight men and women can lift;
 - there are no other restrictions on women's employment (not including jobs in mining, construction, factories, agriculture, transport, energy, water sector, which are captured in separate questions).

- The answer is "No" if

- there are full or partial restrictions on women working in metal work;

- there are full or partial restrictions on women engaging in jobs that require lifting weights above a certain threshold;

- women cannot perform work requiring heavy lifting, for example, if the law prohibits women from working in jobs that involve the loading and unloading of goods;

- there are restrictions on women doing particular jobs—such as working with certain chemicals or substances—but not on men doing them; or

- women are prohibited from working in certain settings in which men are allowed to work.

- Scoring: Yes = 1; No = 0.

The following assumptions are specific to the following questions on retirement benefits:

- The individual was born in 1977.
- The individual has been continuously employed since age 25.
- The answers are rounded to the nearest year.

30. Are the ages at which men and women can retire with full pension benefits equal?

- The answer is "Yes" if the ages at which men and a women can retire with full pension benefits is the same.

- The answer is "No" if there is a difference in the age at which a man and a woman can retire with full pension benefits.

- The answer is "N/A" if there is no national law on pension benefits.

- Scoring: Yes = 1; No (because women retire earlier) = calculated as distance to frontier where the frontier is 10 years; N/A = not scored.

31. Are the ages at which men and women can retire with partial pension benefits equal?

- This question examines the relative ages at which men and women can retire with partial but not with full pension benefits, because he or she did not accumulate enough work experience or contributions, has not reached the age that would qualify him or her for a full pension or continues to work part-time upon reaching the retirement age.

- The answer is "Yes" if the ages at which men and women can receive partial pension benefits are the same.

- The answer is "No" if there is no difference in the age at which a man and a woman can receive partial pension benefits.

- The answer is "N/A" if

- the law does not establish an age at which men and women can receive partial benefits; or
- there is no national law on pension benefits.

- Scoring: Yes = 1; No (because women retire earlier) = calculated as distance to frontier where the frontier is 10 years; N/A = not scored.

32. Are the mandatory retirement ages for men and women equal?

- This question examines the relative ages at which men and women must cease employment or can be terminated by their employer. Even if the law allows employers and employees to contract for work beyond that age, retirement is still considered mandatory because the employer can legally oblige the employee to retire.

- The answer is "Yes" if the age at which a man or woman must retire is the same.

- The answer is “No” if the ages at which men or women must retire are different.
- The answer is “N/A” if there is no mandatory retirement age for men and women.
- Scoring: Yes = 1; No (because women retire earlier) = calculated as distance to frontier where the frontier is 6 years; N/A = not scored.

Providing incentives to work

Assumptions

It is assumed that both parents

- Have reached the legal age of majority and are capable of making decisions as adults. If there is no legal age of majority, parents are assumed to be 30 years old.
- Are in a legally recognized marriage.
- Are sane, competent, in good health, have no criminal record, and are lawful citizens.
- Reside in the economy’s main business city.
- Are employed in a private sector company.
- Share one child.

33. Are mothers guaranteed an equivalent position after maternity leave?

- The question captures whether the employer has a legal obligation to reinstate an employee returning from maternity leave to an equivalent or better position than the employee had pre-leave.
- Where the maternity leave regime explicitly states that the employee may not be indefinitely replaced, the answer is assumed to be “Yes.”
- Where the maternity leave regime explicitly establishes a suspension of the employee’s contract, the answer is assumed to be “Yes.”

- In economies that also have parental leave and the law guarantees return after the leave to the same or an equivalent position paid at the same rate but is silent on guaranteeing the same position after maternity leave, the answer is “Yes.”
- In economies that only have parental leave and the law guarantees return after the leave to the same or an equivalent position paid at the same rate, the answer is “Yes.”
- Scoring: Yes = 1; No = 0.

34. Does the government support or provide childcare services?

- This question captures public childcare services that are completely funded by the government or government-funded with co-pay by parents. It also covers public childcare centers that are available universally to all families regardless of their income level.
- Government support or nontax benefits include funding and/or nonmonetary support.
- The answer is “Yes” if
 - the government provides, establishes or mandates childcare services; or
 - childcare is available universally but there are priority criteria for admission when there is not enough space for all children; or
 - private, stand-alone childcare centers receive nontax benefits from the government in the form of financial or nonmonetary support, such as providing building and school equipment as well as start-up grants; or
 - private, stand-alone childcare centers receive nontax benefits only if they meet certain ordinary requirements, such as the number of children enrolled in the childcare center or the location of the childcare center.

- The answer is “No” if
 - government childcare service is provided to a group of people qualified by something other than income level; or
 - the service is 100% run by non-state institutions; or
 - private, stand-alone childcare centers do not receive any non-tax benefits; or
 - private childcare centers receive nontax benefits only if they meet certain extraordinary requirements, such as a budget deficit.
- Scoring: Yes = 1; No = 0.

35. Are payments for childcare tax deductible?

- The answer is “Yes” if childcare or education expenses are deductible in the personal income tax law; for this question, childcare expenses cover various options: kindergartens or crèches, day care centers, after-school centers, in-home care and child-minding arrangements.
- The answer is “No” if childcare or education payments are not deductible in the personal income tax law.
- The answer is “No” if childcare or education tax deductions are only applied to childcare allowances granted by the government (tax exemptions on government allowances).
- The answer is “No” if employees receive tax benefits on payments for the use of employer-provided childcare centers only.
- Scoring: Yes = 1; No = 0.

36. Is primary education free and compulsory?

- The answer is “Yes” if primary education is compulsory, fully publicly funded and provided by the

government universally, regardless of the families' income level.

- The answer is "No" if either of the above elements are not met.
- Scoring: Yes = 1; No = 0.

37. Are there specific tax deductions or tax credits that are only applicable to men?

- This question is designed to determine whether the personal income tax law differentiates between men and women on deductions and credits and includes instances where tax-specific deductions and credits can only be granted to male heads of household.
- The answer is "Yes" if the personal income tax law grants tax deductions or credits that apply only to male taxpayers.
- The answer is "Yes" if the personal income tax law grants tax deductions or credits that can only be granted to the head of household and the tax law defines the head of household as the male by default.
- The answer is "No" if the personal income tax law does not differentiate between men and women in terms of tax benefits.
- The answer is "." where there is no information available on tax deductions or tax credits.
- Scoring: Yes = 0; No = 1; "." = not scored.

Going to court

Assumptions

It is assumed that the woman

- 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 sane, competent, in good health and has no criminal record.

- Where the answer differs according to the legal system that applies to the woman (e.g. where different laws govern different groups of people within an economy), the answer used is the one that applies to the majority of the population.

38. Does a woman's testimony carry the same evidentiary weight in court as a man's?

- This question covers the weight of women's evidentiary testimony in all court cases, and does not include differences in testimony when executing contracts (i.e., marriage).
- The answer is "Yes" if the law does not differentiate between the evidentiary value of women's and men's testimony.
- The answer is "No" if the law explicitly differentiates between the evidentiary value of women's and men's testimony.
- Scoring: Yes = 1; No = 0.

39. Does the law establish an anti-discrimination commission?²

- This question looks at institutions that have been established in addition to courts, but are state bodies with a constitutional and/or legislative mandate to protect and promote principles of equality. Although they are part of the state apparatus and funded by the state, they operate and function independently from the government.
- Commissions are specialized, independent bodies tasked with receiving complaints of gender discrimination. The bodies considered may take such forms as women's commissions, ombudspersons or national human rights institutions.
- The answer is "Yes" if the commission is mandated to receive

complaints of gender discrimination by public and private actors.

- The answer is "No" if there is no such commission, or if the body in question does not receive complaints of gender discrimination by public and private actors.
- Scoring: Yes = 1; No = 0.

40. Does the law mandate legal aid in civil and family matters?³

- The answer is "Yes" if the constitution or another law establishes the right to legal aid or assistance in most civil and/or family matters.
- The answer is "No" if the constitution or another law provides for legal aid and assistance, but civil and/or family matters are not eligible.
- The answer is "No" if the constitution or another law establishes only the right to counsel or the mandatory presence of an attorney in civil matters.
- Scoring: Yes = 1; No = 0.

41. Is there a small claims court or a fast-track procedure for small claims?

- Small claims courts hear civil cases between private litigants involving relatively small amounts of money. Although the names of such courts vary by jurisdiction, common features include relaxed rules of civil procedure, the appearance of adversaries without legal representation, the use of plain language and informal evidentiary rules. Fast-track procedural rules for small claims operate similarly; however, cases are tried in courts of more general jurisdiction.
- The answer is "Yes" if
 - there is a small claims court or a fast-track procedure for civil claims of small value and a maximum value for cases that may be heard; and

- the small claims court or fast-track procedure has jurisdiction to hear at least general civil cases.
- The answer is “No” if
 - there is a small claims court or fast-track procedure, but it is competent only to hear commercial claims, not all civil claims; or
 - few types of civil disputes are within the jurisdiction of the small claims court (e.g., rent disputes only).
- Scoring: Yes = 1; No = 0.

Building credit

The background information for the questions on credit registries and bureaus comes from the depth of credit information index that is part of the *Doing Business 2018* getting credit indicator. That index covers rules affecting the scope, accessibility and quality of credit information available through private credit bureaus and public credit registries. Credit bureaus and registries are only considered if their coverage extends to at least 5% of the adult population within an economy.

42. Do retailers provide information to private credit bureaus or public credit registries?
- For the answer to this question to be “Yes,” it is sufficient that any private credit bureau or public credit registry in the economy in question collects information from any retailer.
 - The answer is “No” if retailers do not provide information to credit bureaus or registries.
 - The answer is “N/A” if there is no credit bureau or registry in the economy or if their coverage extends to less than 5% of the adult population.
 - Scoring: Yes = 1; No = 0; N/A = 0.

43. Do utility companies provide information to private credit bureaus or public credit registries?
- For the answer to this question to be “Yes,” it is sufficient that any private credit bureau or public credit registry in the economy in question collects information from a utility company.
 - The answer is “No” if utility companies do not provide information to credit bureaus or registries.
 - The answer is “N/A” if there is no credit bureau or registry in the economy or if their coverage extends to less than 5% of the adult population.
 - Scoring: Yes = 1; No = 0; N/A = 0.

44. Does the law prohibit discrimination by creditors on the basis of sex or gender in access to credit?
- The answer is “Yes” if
 - the law prohibits discrimination on the basis of sex or gender, or provides for equal access for both sexes when conducting financial transactions, such as applying for credit or loans; or
 - the law prohibits discrimination on the basis of sex or gender when conducting entrepreneurial activities or receiving financial assistance; or
 - the law prohibits discrimination on the basis of sex or gender or prescribes equality of the sexes when accessing goods and services, and the definition of services in law, regulation or legal interpretation covers financial services.
 - The answer is “No” if the law does not prohibit such discrimination.
 - Scoring: Yes = 1; No = 0.

45. Does the law prohibit discrimination by creditors on the basis of marital status in access to credit?
- The answer is “Yes” if
 - the law specifically prohibits discrimination on the basis of marital status or provides for equal access irrespective of marital status when conducting financial transactions, such as applying for credit or loans; or
 - the law prohibits discrimination on the basis of marital status when conducting entrepreneurial activities or receiving financial assistance; or
 - the law prohibits discrimination on the basis of marital status when accessing goods and services, and the definition of services in law, regulation or legal interpretation covers financial services.
 - The answer is “No” if the law does not prohibit such discrimination.
 - Scoring: Yes = 1; No = 0.

Protecting women from violence

Assumptions

It is assumed that the woman

- Resides in the main business city of the economy being examined.
- Is a lawful citizen of the economy where she resides.

The answers to the questions in this topic are based on statutory or codified law for civil law systems, and on case law, i.e., law established by judicial decision in cases as binding precedent for common law systems. Therefore, customary law is not taken into account, unless it has been codified or upheld by case law, and the answers are based solely on the

letter of the law and not the implementation or practice thereof.

46. Is there legislation specifically addressing domestic violence? If not, are there aggravated penalties for crimes committed against a spouse or family member?

- The answer is “Yes” if
 - there is legislation addressing domestic violence, i.e., violence between spouses, within the family or members of the same household or in interpersonal relationships, including intimate partner violence that includes criminal sanctions or provides for protection orders for domestic violence; or
 - the legislation addresses “harassment” that clearly affects physical and/or mental health, such that damage is implied, as within the scope of domestic violence.
- The answer is “No, but aggravated penalties exist” if there is no domestic violence legislation but penalties in the criminal code are increased for offenses committed by a spouse, family member or intimate partner.
- The answer is “No” if
 - there is no legislation addressing domestic violence or the law only refers to or prohibits domestic violence but does not provide for sanctions or protection orders; or
 - the law enables women to obtain a protection order only if the husband has been convicted of the offense or she has ceased to reside in the common home; or
 - the law protects only a specific category of women (e.g., pregnant), a specific member of the family (e.g., children), but not all family members, or defines the offense in connection with

specific motives (e.g., violence against a person while performing a professional or civil duty); and

- there are no aggravated penalties for crimes committed against a spouse, family member or intimate partner.
- Scoring: Yes = 1; No, but aggravated penalties exist = 0.5; No = 0.
- 47.** Is there legislation on sexual harassment in employment?
- The question covers provisions on sexual harassment in the workplace or in employment, whether or not sanctions apply.
 - The answer is “Yes” if
 - there is a law or provision that specifically protects against sexual harassment in employment, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment, including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse; or sexual harassment is considered a form of discrimination in employment and the law protects against discrimination.
 - The answer is “No” if
 - there is no legislation specifically addressing sexual harassment in employment; or
 - the behavior or gesture of a sexual nature addressed in the

law includes the use of force or violence or the threat of force or violence, which is understood to constitute a crime, e.g., sexual assault or abuse; or

- the conduct covered by legislation is not directed at a specific individual; or
 - the law only allows an employee to terminate employment based on sexual harassment but provides for no other protection or form of redress; however, a provision allowing the employer to terminate an employee’s contract for committing sexual harassment will be considered; or
 - the law or provision covers only public or only private sector employees, but not both; or
 - the law or provision protects only a specific category of women or those in a specific area or sector of employment, e.g., protection from sexual harassment in political functions, or applicable only to government or state-owned enterprises; or
 - the law accounts only for sexual acts, including intercourse or copulation, as clearly involving contact of or with genital organs; or
 - the law or provision states only that the employer has a duty to prevent sexual harassment, but no provisions exist to prohibit or provide sanctions or other form of redress for sexual harassment; or
 - the law addresses harassment in general but makes no reference to acts of a sexual nature or contact.
- Scoring: Yes = 1; No = 0.
- 48.** Is there legislation on sexual harassment in education?
- The question covers provisions addressing sexual harassment in

education, education facilities, schools or where the offender is in the role of educator, professor or in charge of the education of the victim, whether or not there are sanctions associated with the provision.

- The answer is “Yes” if the law specifically covers sexual harassment in education or contains language that can clearly be interpreted as sexual harassment in education.
- The answer is “No” if
 - the law does not specifically cover sexual harassment in education; or
 - the law covers only education within the scope of work, such as vocational training in the workplace, but not education generally; or
 - the law covers sexual harassment only in public or only in private education, but not in both; or
 - the law or provision only covers students up to a certain age (e.g., 18 years).
- Scoring: Yes = 1; No = 0.

49. Are there criminal penalties for sexual harassment in employment?

- The answer is “Yes” if
 - the law establishes criminal sanctions, such as fines and imprisonment, for sexual harassment in employment.
- The answer is “No” if
 - There are no criminal sanctions for sexual harassment in employment; or
 - the law on sexual harassment in employment refers to penalties for more serious offenses in the criminal code, such as for sexual assault; or
 - the law only prohibits sexual harassment in employment and sets forth that the employer

should apply discretionary sanctions.

- Scoring: Yes = 1; No = 0.
50. Are there civil remedies for sexual harassment in employment?
- The answer is “Yes” if
 - the law provides for civil remedies or compensation for victims of sexual harassment in employment or the workplace, such as recovery of monetary damages for loss of employment opportunities and wages, expenses and compensation for emotional damages; or
 - the provision on sexual harassment in employment or the workplace in the criminal code provides for reparation of damages for offenses covered by the code.
 - The answer is “No” if the law does not provide for civil remedies or compensation for victims of sexual harassment in employment or the workplace.
 - Scoring: Yes = 1; No = 0.

Summary of methodology changes

There were some changes in the methodology between *Women, Business and the Law 2016* and *Women, Business and the Law 2018*. For that reason, the data for previous cycles—which can be found on the *Women, Business and the Law* website—were recomputed to match the new methodology. Four of the topics had changes in methodology, as described below:

Accessing institutions. The methodology for the questions on whether a woman can legally be designated “head of household” in the same way as a man will no longer reflect inequalities in the tax code, as these are captured by the providing incentives to work indicator.

Getting a job. It is now assumed that a woman or man earns the minimum wage rather than the average value added per worker for calculating maternity, paternity and parental benefits. Answers to the questions on parental benefits now reflect the applicable leave policies in force as of June 1, 2017. The length of paternity leave is now counted in work days when it is less than 30 days. The question on flexible work no longer requires easier access to flexible work to be provided to parents than to non-parents. The question on whether women can work the same night hours as men now captures laws that restrict women from working at night in the food retail sector in addition to broad restrictions on women’s night work. The questions on the ages at which men and women can retire with partial benefits are now answered as “N/A” where the law does not establish an age at which partial benefits can be collected. It is also no longer assumed that a woman has raised one child for purposes of calculating the age at which she can retire and receive pension benefits.

Providing incentives to work. The definition of childcare has been revised to cover services provided to children between the ages of 1 and 5. Previously, childcare covered services provided to children age 6 and below. The question on whether childcare expenses are tax deductible now covers education expenses in addition to childcare expenses (where there is an explicit reference to childcare).

Going to court. Explicit restrictions on women’s testimony relative to men’s across all civil and criminal cases are taken into account, except when differences exist in the execution of marriage contracts.

Notes

- 1 This is a new question.
- 2 This is a new question.
- 3 This is a new question.