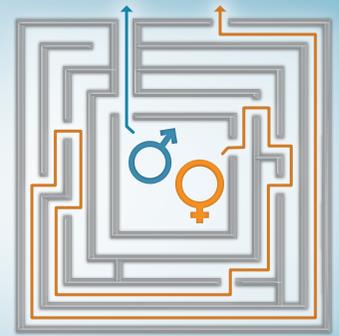


WOMEN, BUSINESS AND THE LAW 2018

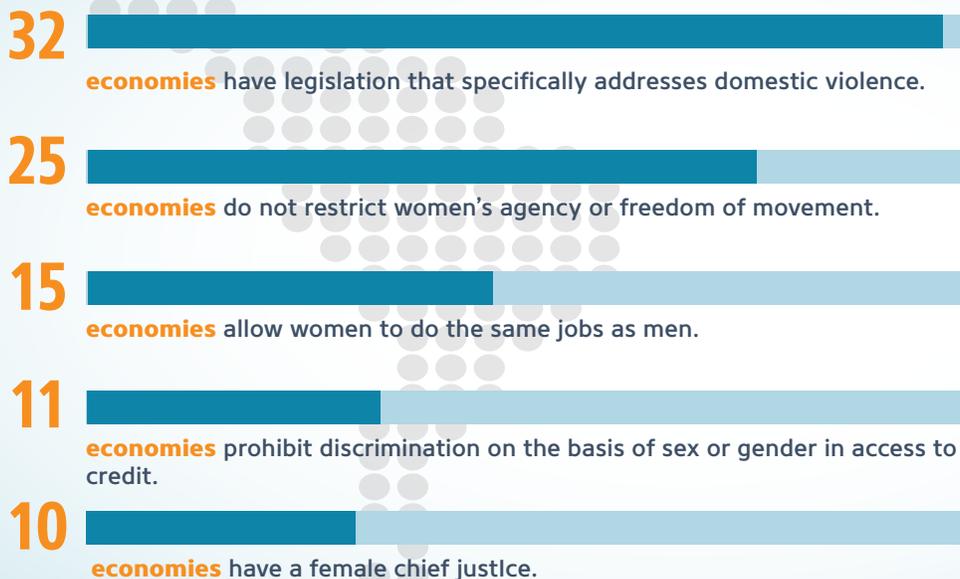


LATIN AMERICA & THE CARIBBEAN

No economy can grow to its full potential unless both women and men participate fully. As entrepreneurs and employees, women are crucial to sustainable development and poverty reduction. While some laws in the 33 Latin America & the Caribbean (LAC) economies enable women's labor force participation, others make it more difficult. In economies where there is less legal gender equality, fewer women work and own businesses.

WOMEN, BUSINESS AND THE LAW 2018 HIGHLIGHTS

DESPITE PROGRESS IN THE REGION, LEGAL BARRIERS REMAIN



“THE LAW IS
A STRAIGHT
LINE FOR MEN,

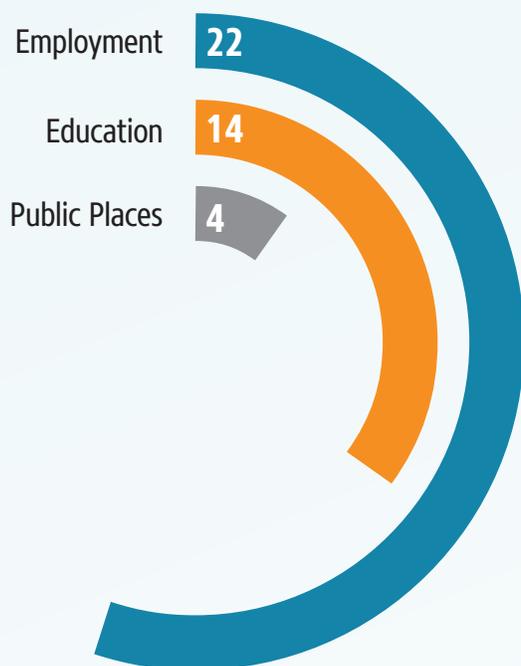
BUT FOR
WOMEN

IT IS A MAZE”

This document aims to improve understanding of how legal and regulatory environments shape women's economic opportunities in Latin America & the Caribbean. It seeks to build awareness of gender differentiated laws and identify areas for reform in the region.

PROTECTING WOMEN FROM VIOLENCE

Economies with legislation on sexual harassment in:



Women can function more freely in society when not faced with the threat of violence. Violence against women can undermine economic empowerment by preventing employment and blocking access to important financial resources.

Domestic violence legislation is a key first step towards ensuring women's protection. Of the 189 economies examined by *Women, Business and the Law*, 144 have enacted laws addressing domestic violence. Of the economies in LAC, all except Haiti have specific legislation on domestic violence, including a specialized court or procedure for such cases. Eight economies (Antigua and Barbuda, Bahamas, Barbados, Chile, Guyana, Haiti, Jamaica and Uruguay), however, have not established clear criminal penalties for domestic violence.

Although women are statistically at greater risk of violence from an intimate partner, other forms of violence are also common. In the workplace and other arenas, for example, women may face sexual harassment, which involves the abuse of a position of hierarchy or a significant power disparity. *Women, Business and the Law* measures legislation on sexual harassment in employment, education and public places.

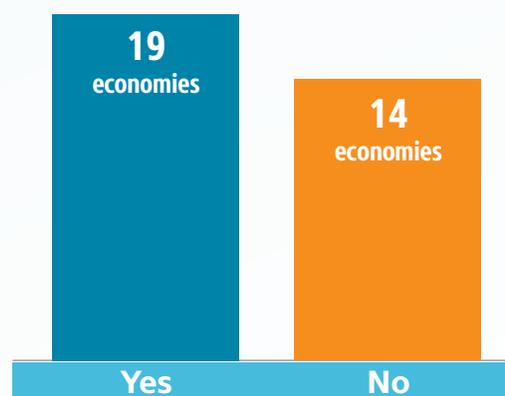
Eleven LAC economies have no legislation that specifically addresses sexual harassment or sexual harassment in employment. In addition, 19 economies lack legislation on sexual harassment in education. Just 4 economies have laws on sexual harassment in public places: Argentina, Brazil, Ecuador and Peru. Without such protections in place, sexual harassment at work can undermine careers, the ability to work and the employment climate.

INCREASING WOMEN'S LEADERSHIP

Increased representation of women in both public and private institutions could translate into more equitable representation of their interests in decision making. For instance, the use of quotas to boost women's political representation is widespread. Globally, over 40% of economies have quotas for women members of parliament and local government. Nineteen LAC economies have quotas for women representatives in national parliament, and 16 have a quota for local government. No economy in the region has a quota for women's representation on corporate boards.

In the judiciary, women's representation may matter for access to justice. Decisions by courts with more women judges could differ qualitatively from those with fewer women involved. In LAC, the average percentage of female justices on constitutional courts is 37%, significantly higher than the global average of 24%. The Chief Justice is a woman in 10 economies: 9 Caribbean islands and Brazil.

Are there quotas for women in national parliament?



FACILITATING WOMEN'S EMPLOYMENT

Differences in how the law treats women and men can affect a woman's ability to get the job of her choice. For example, a woman may face legal restrictions on the types of jobs she can do or a business environment that fails to support her work. This can result in occupational segregation along gender lines, with women concentrated in low-paying sectors and activities.

Women face legal job restrictions in 18 of the 33 LAC economies across several industries. In Argentina, for instance, women cannot polish glass. In Belize, women cannot work in mines at night. And in Jamaica, women cannot clean certain machinery while the machine is in motion. *Women, Business and the Law 2018* highlights the effect of such differences in labor legislation: it finds that gender inequality in labor law is associated with fewer women working and earning less relative to men.

Workplace protections can also facilitate women's ability to secure and sustain employment. For example, legal provisions such as nondiscrimination based on gender in employment can encourage the entry of women into the workforce. Similarly, guaranteeing equal remuneration for work of equal value can ensure that women are not discriminated against when receiving wages and benefits. In LAC, 24 economies mandate nondiscrimination based on gender in employment. However, just 8 economies (Argentina, Bolivia, Ecuador, Grenada, Guyana, Paraguay, Peru and St. Lucia) mandate equal remuneration for work of equal value.

Job Restriction	Economies	Number of economies
Lifting weights above a certain threshold	Argentina, Brazil, Chile, Colombia, Ecuador, Guyana, Nicaragua	7
Factories	Argentina, Belize, Dominica, Jamaica, St. Vincent and the Grenadines	5
Jobs deemed hazardous	Argentina, Bolivia, Costa Rica, Panama	4
Mining	Argentina, Belize, Dominica, St. Vincent and the Grenadines	4
Jobs deemed arduous	Argentina, Bolivia, Costa Rica	3
Night hours	Bolivia, Costa Rica	2
Metalworking	Argentina, Barbados	2
Agriculture	Belize	1



The ability to access, manage and control property is also important for a woman's financial security and her family's wellbeing. However, in some economies, women may have limited access to property due to the legal environment. This includes laws giving unequal access to property within marriage, laws that do not provide for the valuation of

women's unpaid work in the household (non-monetary contributions) or unequal inheritance rights.

Because banks often require immovable property as collateral for loans, women may be prevented from accessing finance. As an alternative to asset-based collateral, credit agencies can collect loan

repayment information from retailers, utility companies and microfinance institutions (MFIs). This allows women to build reputation collateral and graduate to larger loans.

In LAC, retailers provide information in 17 economies, utility companies in 19 economies, and MFIs in 14 economies.

LEGAL REFORM IMPROVES WOMEN'S ECONOMIC OPPORTUNITIES

Economies in LAC carried out 10 legal reforms in the past two years to improve women's economic inclusion.

- ▶ **Bolivia** enhanced access to credit information by reporting data from utility companies.
- ▶ **Colombia** increased paid maternity leave from 98 to 126 days. Colombia also removed restrictions on women's employment in mining and jobs deemed hazardous and arduous.
- ▶ **The Dominican Republic** increased the length of paid maternity leave from 84 to 98 days.
- ▶ **Ecuador** equalized men's and women's property rights by repealing the provision favoring husbands' decisions in cases of disagreement between spouses when administering assets during marriage.
- ▶ **El Salvador** increased the length of paid maternity leave from 84 to 112 days.
- ▶ **Guyana** improved access to credit information by expanding the credit bureau's coverage to more than 5% of the population. The bureau reports data from utility companies and retailers.
- ▶ **Panama** introduced 3 days of paid paternity leave.
- ▶ **Paraguay** increased the length of paid maternity leave from 63 to 98 days and the percentage of wages received from 50% to 75%. Paraguay also increased the length of paid paternity leave from 2 to 10 days.
- ▶ **Peru** increased the length of paid maternity leave from 90 to 98 days.
- ▶ **St. Vincent and the Grenadines** increased the percentage of wages received during maternity leave from 75% to 87%.

ABOUT WOMEN, BUSINESS AND THE LAW

Women Business and the Law measures gender equality in the law across 189 economies. The biennial report identifies legal barriers to women's economic participation, encourages the reform of discriminatory laws and tracks global progress toward achieving equality.

#WomenBizLaw
#Get2Equal

This analysis includes 33 economies, with 32 economies classified by Women, Business and the Law as Latin America & the Caribbean: 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 (U.S.); St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela, RB; and one economy classified as OECD high income: Chile.



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