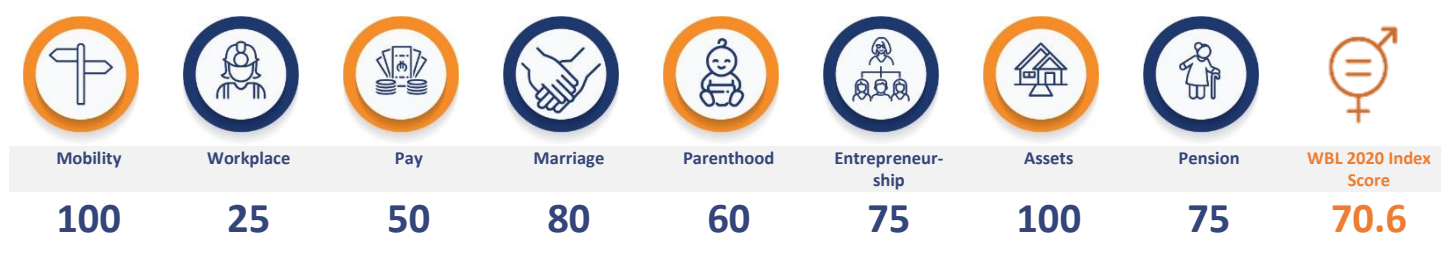


Guatemala

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Guatemala City). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Guatemala scores 70.6 out of 100**. The overall score for Guatemala is lower than the regional average observed across Latin America & Caribbean (79.2).

Guatemala - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to constraints on freedom of movement, and gender differences in property and inheritance, Guatemala gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, and laws affecting the size of a women's pension, Guatemala could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Guatemala is on the indicator related to laws affecting women's decisions to work (the WBL2020 Workplace Indicator). To improve on the Workplace Indicator, Guatemala may wish to consider prohibiting discrimination in employment based on gender, enacting legislation protecting women from sexual harassment in employment, and adopting criminal or civil penalties for sexual harassment in employment.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	No restrictions could be located
	Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
	Can a woman apply for a passport in the same way as a man?	Yes	Decreto No. 44/2016 Código de Migración, Arts. 91-94; Passport application procedures
	Can a woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Workplace	Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
	Does the law prohibit discrimination in employment based on gender?	No	No applicable provisions could be located
	Is there legislation on sexual harassment in employment?	No	No applicable provisions could be located
	Are there criminal penalties or civil remedies for sexual harassment in employment?	No	<i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> No applicable provisions could be located
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can women work the same night hours as men?	Yes	No restrictions could be located
	Can women work in jobs dangerous in the same way as men?	No	Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: Código de Trabajo, Art. 147
	Are women able to work in the same industries as men?	Yes	Mining: No restrictions could be located Construction: No restrictions could be located Factories: No restrictions could be located Agriculture: No restrictions could be located Energy: No restrictions could be located Water: No restrictions could be located Transportation: No restrictions could be located Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Yes	No applicable provisions could be located
	Can a woman be head of household in the same way as a man?	Yes	No restrictions could be located
	Is there legislation specifically addressing domestic violence?	Yes	Ley para prevenir, sancionar y erradicar la violencia intrafamiliar; Ley contra el Femicidio y otras Formas de Violencia contra la Mujer, Arts. 1 y 3(b)
	Can a woman obtain a judgment of divorce in the same way as a man?	No	Código Civil, Art. 155
	Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
Parenthood	Is paid leave of at least 14 weeks available to mothers?	No	Código del Trabajo, Art. 152
	Does the government pay 100% of maternity leave benefits?	Yes	Código del Trabajo, Art. 152(b); Reglamento sobre Protección Relativa a Enfermedad y Maternidad, Arts. 25-26
	Is there paid paternity leave?	Yes	Código de Trabajo, Art. 61(ñ)(3)
	Is there paid parental leave?	No	No applicable provisions could be located
	Is dismissal of pregnant workers prohibited?	Yes	Código de Trabajo, Art. 151(c)
Entrepren.	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	No restrictions could be located
	Can a woman register a business in the same way as a man?	Yes	No restrictions could be located
	Can a woman open a bank account in the same way as man?	Yes	No restrictions could be located
Assets	Do men and women have equal ownership rights to immovable property?	Yes	Código Civil, Art. 131
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Código Civil, Art. 1078
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Código Civil, Arts. 1078 y 1079
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Código Civil, Art. 131
	Does the law provide for the valuation of nonmonetary contributions?	Yes	Código Civil, Art. 140
Pension	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Acuerdo 1257 de Junta Directiva del Instituto Guatemalteco de Seguridad Social, Art. 5 Men: Acuerdo 1257 de Junta Directiva del Instituto Guatemalteco de Seguridad Social, Art. 5
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	No	No applicable provisions could be located