

Haiti

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 (Port au Prince). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Haiti scores 61.3 out of 100**. The overall score for Haiti is lower than the regional average observed across Latin America & Caribbean (79.2).

Haiti - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to laws affecting women's pay, Haiti gets a perfect score.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women's decisions to work, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, gender differences in property and inheritance, and laws affecting the size of a women's pension, Haiti could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Haiti is on the indicator related to laws affecting women's work after having children (the WBL2020 Parenthood Indicator). To improve on the Parenthood Indicator, Haiti may wish to consider making paid leave of at least 14 weeks available to mothers, making the government administer 100% of maternity leave benefits, making paid leave available to fathers, and making paid parental leave available.

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? | No | Décret du 8 Octobre 1982 Fixant un Nouveau Statut à la Femme Mariée, Art. 5 |
| | 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? | No | 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? | Yes | Code du Travail, Art. 3 |
| | 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? | Yes | Code du Travail, Arts. 135 et 317 |
| | 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? | Yes | Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: No restrictions could be located |
| | 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 | Décret du 8 octobre 1982 fixant un nouveau statut à la femme mariée, Art. 1 |
| | 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? | No | No applicable provisions could be located |
| | Can a woman obtain a judgment of divorce in the same way as a man? | No | Code Civil, Arts. 216 et 265 |
| Parenthood | Does a woman have the same rights to remarry as a man? | No | Code Civil, Art. 213 |
| | Is paid leave of at least 14 weeks available to mothers? | No | Code du Travail, Art. 321 |
| | Does the government pay 100% of maternity leave benefits? | No | Code du Travail, Art. 321 |
| | Is there paid paternity leave? | No | No applicable provisions could be located |
| | Is there paid parental leave? | No | No applicable provisions could be located |
| Entrepren. | Is dismissal of pregnant workers prohibited? | Yes | Code du Travail, Art. 330(b) |
| | 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 | Décret du 8 Octobre 1982 Fixant un Nouveau Statut à la Femme Mariée, Art. 2 |
| | Can a woman register a business in the same way as a man? | Yes | No restrictions could be located |
| Assets | Can a woman open a bank account in the same way as a man? | Yes | Décret du 8 Octobre 1982 Fixant un Nouveau Statut à la Femme Mariée, Art. 2 |
| | Do men and women have equal ownership rights to immovable property? | No | Décret du 8 octobre 1982 Fixant un Nouveau Statut à la Femme Mariée, Art. 8 |
| | Do sons and daughters have equal rights to inherit assets from their parents? | Yes | Code Civil, Art. 605 |
| | Do female and male surviving spouses have equal rights to inherit assets? | Yes | Code Civil, Art. 627 |
| | Does the law grant spouses equal administrative authority over assets during marriage? | Yes | Décret du 8 octobre 1982 Fixant un Nouveau Statut à la Femme Mariée, Art. 8 |
| Pension | Does the law provide for the valuation of nonmonetary contributions? | Yes | Code Civil, Arts. 1179 et 1186-1193 |
| | Are the ages at which men and women can retire with full pension benefits equal? | Yes | Women: Loi du 28 août 1967, Art. 183 Men: Loi du 28 août 1967, Art. 183 |
| | Are the ages at which men and women can retire with partial pension benefits equal? | Yes | Women: Loi du 28 août 1967, Arts. 184 to 186 Men: Loi du 28 août 1967, Arts. 184 et 186 |
| | 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 |