

# Brazil

*Women, Business and the Law 2021* 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 (São Paulo). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Brazil scores 85 out of 100**. The overall score for Brazil is higher than the regional average observed across Latin America & Caribbean (80.1). Within the Latin America & Caribbean region, the maximum score observed is 95 (Peru).

## Brazil - Scores for Women, Business and the Law 2021



## Relative Strengths

When it comes to constraints on freedom of movement, laws affecting women's decisions to work, constraints related to marriage, and gender differences in property and inheritance, Brazil gets a perfect score.

## Areas for Improvement

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

For example, one of the lowest scores for Brazil is on the indicator related to laws affecting the size of a woman's pension (the WBL2021 Pension Indicator). To improve on the Pension Indicator, Brazil may wish to consider equalizing the ages at which men and women can retire with full pension benefits, and equalizing the mandatory retirement age for men and women.

## Recent Reforms

Brazil eliminated the possibility to retire with partial pension benefits. Previously, the ages at which men and women could retire with partial pension benefits were unequal.



Further data details for Brazil are available at:  
<https://wbl.worldbank.org/en/data/exploreconomies/brazil/2021>

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	Law No. 10.406, Arts. 1.569
	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	Decree No. 5.978/2006 Regulation of Travel Documents, Arts. 10 and 20; 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	Law No. 10.406, Art. 1.642
	Does the law prohibit discrimination in employment based on gender?	Yes	Consolidated Labor Laws, Art. 373A(II)
	Is there legislation on sexual harassment in employment?	Yes	Criminal Code, Art. 216-A
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> Criminal Code, Art. 216-A <i>Civil:</i> Consolidated Labor Laws, Arts. 223-A-223-G; Criminal Procedure Code, Art. 387(IV)
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Yes	Civil Code, Art. 1511
	Can a woman be head of household in the same way as a man?	Yes	Law No. 10.406, Arts. 1.567 and 1.570
	Is there legislation specifically addressing domestic violence?	Yes	Law No. 11.340; Criminal Code, Arts. 61(II)(f), 129(9) and 226(II)
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
Parenthood	Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
	Is paid leave of at least 14 weeks available to mothers?	Yes	Consolidation of Brazilian Labor Laws, Art. 392; Constitution of the Federal Republic of Brazil, Art. 7 (XVIII)
	Does the government pay 100% of maternity leave benefits?	Yes	Decree No. 3048/1999, Arts. 93 and 97; Law No. 8213/1991, Art. 71
	Is paid leave available to fathers?	Yes	Constitution of the Federal Republic of Brazil, Art. 7(XIX); Temporary Constitutional Provisions Act, Art. 10(II)(b)(1)
	Is there paid parental leave?	No	No applicable provisions could be located
Entrepreneurship	Is dismissal of pregnant workers prohibited?	Yes	Temporary Constitutional Provisions Act, Art. 10(II)(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	Law No. 10.406, Arts. 1.642
	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	No restrictions could be located
	Do men and women have equal ownership rights to immovable property?	Yes	Law 10.406 Arts. 1642 and 1662
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Civil Code, Arts. 1.829 and 1.845
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Civil Code, Arts. 1.829 and 1.845
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Civil Code, Arts. 1.647 and 1.663
Pension	Does the law provide for the valuation of nonmonetary contributions?	Yes	Civil Code, Art. 1.640
	Is the age at which men and women can retire with full pension benefits the same?	No	Women: Decree No. 3048/1999, Arts. 51(a) and 53 Men: Decree No. 3048/1999, Arts. 51(a) and 53
	Is the age at which men and women can retire with partial pension benefits the same?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Is the mandatory retirement age for men and women the same?	No	Women: Law No. 8213/1991, Art. 51 Men: Law No. 8213/1991, Art. 51
	Are periods of absence due to child care accounted for in pension benefits?	Yes	Decree No. 3048/1999, Art. 19-C, II