El Salvador

*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 (San Salvador). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **El Salvador scores 88.8 out of 100.** The overall score for El Salvador 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).

**El Salvador - Scores for Women, Business and the Law 2021**

<table>
<thead>
<tr>
<th>Mobility</th>
<th>Workplace</th>
<th>Pay</th>
<th>Marriage</th>
<th>Parenthood</th>
<th>Entrepreneurship</th>
<th>Assets</th>
<th>Pension</th>
<th>WBL 2021 Index Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>100</td>
<td>75</td>
<td>80</td>
<td>80</td>
<td>100</td>
<td>100</td>
<td>75</td>
<td>88.8</td>
</tr>
</tbody>
</table>

**Relative Strengths**

When it comes to constraints on freedom of movement, laws affecting women’s decisions to work, constraints on women’s starting and running a business, and gender differences in property and inheritance, El Salvador gets a perfect score.

**Areas for Improvement**

However, when it comes to laws affecting women’s pay, constraints related to marriage, laws affecting women’s work after having children, and laws affecting the size of a woman’s pension, El Salvador could consider reforms to improve legal equality for women.

For example, one of the lowest scores for El Salvador is on the indicator related to laws affecting women’s pay (the WBL2021 Pay Indicator). To improve on the Pay Indicator, El Salvador may wish to consider mandating equal remuneration for work of equal value.

**Recent Reforms**

No reforms were observed during the past year.

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
<th>LEGAL BASIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can a woman choose where to live in the same way as a man?</td>
<td>Yes</td>
<td>Código de Familia, Art. 37</td>
</tr>
<tr>
<td>Can a woman travel outside her home in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman apply for a passport in the same way as a man?</td>
<td>Yes</td>
<td>Ley de Expedición y Revalidación de Pasaportes, Arts. 20, 21 y 24; Passport application procedures</td>
</tr>
<tr>
<td>Can a woman travel outside the country in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman get a job in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Does the law prohibit discrimination in employment based on gender?</td>
<td>Yes</td>
<td>Código del Trabajo, Art. 30(12); Código Penal, Art. 246</td>
</tr>
<tr>
<td>Is there legislation on sexual harassment in employment?</td>
<td>Yes</td>
<td>Código Penal, Art. 165; Ley General de Prevención de Riesgos en Lugares de Trabajo, Art. 7</td>
</tr>
<tr>
<td>Are there criminal penalties or civil remedies for sexual harassment in employment?</td>
<td>Yes</td>
<td>Criminal: Código Penal, Art. 165; Civil: No applicable provisions could be located</td>
</tr>
<tr>
<td>Does the law mandate equal remuneration for work of equal value?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Can a woman work at night in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman work in a job deemed dangerous in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman work in an industrial job in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Is there no legal provision that requires a married woman to obey her husband?</td>
<td>Yes</td>
<td>Código de Familia, Art. 36(1)</td>
</tr>
<tr>
<td>Can a woman be head of household in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Is there legislation specifically addressing domestic violence?</td>
<td>Yes</td>
<td>Ley Contra la Violencia Intrahamiliar; Ley Especial Integral para una Vida Libre de Violencia para las Mujeres, Art. 8(k)</td>
</tr>
<tr>
<td>Can a woman obtain a judgment of divorce in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman have the same rights to remarry as a man?</td>
<td>No</td>
<td>Código de Familia, Arts. 17, 23(5) y 115(1)</td>
</tr>
<tr>
<td>Is paid leave of at least 14 weeks available to mothers?</td>
<td>Yes</td>
<td>Código del Trabajo, Art. 309</td>
</tr>
<tr>
<td>Does the government pay 100% of maternity leave benefits?</td>
<td>Yes</td>
<td>Ley del Seguro Social, Arts. 1 y 12</td>
</tr>
<tr>
<td>Is paid leave available to fathers?</td>
<td>Yes</td>
<td>Código del Trabajo, Art. 29(6)(d)</td>
</tr>
<tr>
<td>Is there paid parental leave?</td>
<td>No</td>
<td>No applicable provisions could be located</td>
</tr>
<tr>
<td>Is dismissal of pregnant workers prohibited?</td>
<td>Yes</td>
<td>Código del Trabajo, Art. 113</td>
</tr>
<tr>
<td>Does the law prohibit discrimination in access to credit based on gender?</td>
<td>Yes</td>
<td>Ley de Protección al Consumidor, Arts. 3, 18(e) y 19-21</td>
</tr>
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<td>Can a woman sign a contract in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman register a business in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Can a woman open a bank account in the same way as a man?</td>
<td>Yes</td>
<td>No restrictions could be located</td>
</tr>
<tr>
<td>Do men and women have equal ownership rights to immovable property?</td>
<td>Yes</td>
<td>Código de Familia, Art. 70</td>
</tr>
<tr>
<td>Do sons and daughters have equal rights to inherit assets from their parents?</td>
<td>Yes</td>
<td>Código Civil, Arts. 983 y 988(1)</td>
</tr>
<tr>
<td>Do female and male surviving spouses have equal rights to inherit assets?</td>
<td>Yes</td>
<td>Código Civil, Arts. 983 y 988(1)</td>
</tr>
<tr>
<td>Does the law grant spouses equal administrative authority over assets during marriage?</td>
<td>Yes</td>
<td>Código de Familia, Art. 70</td>
</tr>
<tr>
<td>Does the law provide for the valuation of nonmonetary contributions?</td>
<td>Yes</td>
<td>Código de Familia, Arts. 38 y 42</td>
</tr>
<tr>
<td>Is the age at which men and women can retire with full pension benefits the same?</td>
<td>No</td>
<td>Women: Ley del Sistema de Ahorro para Pensiones, Art. 147; Men: Ley del Sistema de Ahorro para Pensiones, Art. 147</td>
</tr>
<tr>
<td>Is the age at which men and women can retire with partial pension benefits the same?</td>
<td>Yes</td>
<td>Women: No applicable provisions could be located; Men: No applicable provisions could be located</td>
</tr>
<tr>
<td>Is the mandatory retirement age for men and women the same?</td>
<td>Yes</td>
<td>Women: No applicable provisions could be located; Men: No applicable provisions could be located</td>
</tr>
<tr>
<td>Are periods of absence due to child care accounted for in pension benefits?</td>
<td>Yes</td>
<td>Ley del Sistema de Ahorro para Pensiones, Art. 14</td>
</tr>
</tbody>
</table>