

South Africa

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 (Johannesburg). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **South Africa scores 88.1 out of 100**. The overall score for South Africa is higher than the regional average observed across Sub-Saharan Africa (71). Within the Sub-Saharan Africa region, the maximum score observed is 91.9 (Mauritius).

South Africa - 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, laws affecting women's pay, constraints related to marriage, constraints on women's starting and running a business, and gender differences in property and inheritance, South Africa gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting women's work after having children, and laws affecting the size of a woman's pension, South Africa could consider reforms to improve legal equality for women.

For example, one of the lowest scores for South Africa 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, South Africa may wish to consider equalizing the ages at which men and women can retire with full pension benefits, equalizing the ages at which men and women can retire with partial pension benefits, and accounting for periods of absence from work due to childcare in pension benefits.

Recent Reforms

No reforms were observed during the past year.



Further data details for South Africa are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/south-africa/2021>

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	Domicile Act of 1992, Art. 1(1); General Law Fourth Amendment of 1993, Art. 29
	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	South African Passports and Travel Documents Act, Art. 3; 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	Employment Equity Act, Sec. 6
	Is there legislation on sexual harassment in employment?	Yes	Protection from Harassment Act, 2011, Sec 1; Employment Equity Amendment Act, No. 47 of 2013, 3(Sec.6(a)) and 5(Sec.10(aA(i))); Employment Equity Act, 1998; Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace in terms of section 54(1)(b) of the Employment Equity Act.
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> Employment Equity Amendment Act, No. 47 of 2013, Secs. 5 and 18
Pay	Does the law mandate equal remuneration for work of equal value?	Yes	Employment Equity Amendment Act, Sec. 3
	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	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	Domestic Violence Act, Act 116 of 1998
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
	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?	Yes	Amended Basic Conditions of Employment Act 22, Art. 25
	Does the government pay 100% of maternity leave benefits?	Yes	Amended Basic Conditions of Employment Act, Art. 25
	Is paid leave available to fathers?	Yes	Labour Laws Amendment Act, Art. 3
	Is there paid parental leave?	No	No applicable provisions could be located
	Is dismissal of pregnant workers prohibited?	Yes	Amended Labor Relations Act, Sec. 187(1)(e)
Entrepreneur.	Does the law prohibit discrimination in access to credit based on gender?	Yes	National Credit Act of 2006, Art. 61
	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	Matrimonial Property Act, Arts. 14-15
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Intestate Succession Act, Art. 1(1)(b)
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Intestate Succession Act, Art. 1(1)(a)
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Matrimonial Property Act, Arts. 14-15
	Does the law provide for the valuation of nonmonetary contributions?	Yes	Matrimonial Property Act, Secs. 2 and 14
Pension	Is the age at which men and women can retire with full pension benefits the same?	No	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Is the age at which men and women can retire with partial pension benefits the same?	No	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?	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