

South Africa

WBL 2.0 legal frameworks score	WBL 2.0 supportive frameworks score	WBL 2.0 expert opinions score
77.5	40.0	N/A

Women, Business and the Law 2024 (WBL 2024) identifies barriers for women's economic empowerment in three areas: women's legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for South Africa due to an insufficient number of responses received from this economy during data collection.

For South Africa, data refer to the legal frameworks and supportive frameworks that are applicable to the main business city (Johannesburg). The scores for South Africa are shown in the table below.

Women, Business and the Law 2024 2.0 indicator scores

										
WBL 2.0	Safety	Mobility	Workplace	Pay	Marriage	Parenthood	Childcare	Entrepreneurship	Assets	Pension
Legal frameworks score	50.0	100.0	75.0	100.0	100.0	100.0	50.0	75.0	100.0	25.0
Supportive frameworks score	25.0	33.3	33.3	50.0	66.7	33.3	25.0	66.7	66.7	0.0
Expert opinions score	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

In summary, the **WBL 2.0 legal frameworks score** for South Africa (77.5 out of 100.0) is higher than the global average (64.2) and higher than the Sub-Saharan Africa regional average (57.4). When it comes to constraints on freedom of movement, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children and laws affecting women's property and inheritance, South Africa obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for South Africa is on the indicator measuring laws affecting the size of a woman's pension. 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.

The **WBL 2.0 supportive frameworks score** for South Africa (40.0 out of 100.0) is higher than the global average (39.5) and higher than the Sub-Saharan Africa regional average (24.5). South Africa does not attain a perfect score on any of the WBL 2.0 supportive frameworks indicators. There is room for improvement across all ten indicators. As an example, one of the lowest scores for South Africa is on the indicator measuring supportive frameworks affecting the size of a woman's pension. To improve on the Pension indicator, South Africa may wish to consider putting incentives in place to increase

women's retirement benefits and putting a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits.

WBL 2.0 legal frameworks data

QUESTION	ANSWER	LEGAL BASIS
Safety		
Does the law address child marriage?	No	No applicable provisions could be located
Does the law address sexual harassment?	Yes	Protection from Harassment Act, 2011, Secs. 1, 3(2) and 4; Employment Equity Act, 1998; Employment Equity Act, 1998, Secs. 6(1) and 10(aA)(i), as amended by the Employment Equity Amendment Act, No. 47 of 2013, Secs. 3(a) and 5(a); Employment Equity Amendment Act, No. 47 of 2013, Secs. 5 and 18; Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace in terms of Sec. 54(1)(b) of the Employment Equity Act
Does the law address domestic violence?	Yes	Domestic Violence Act of 1998, Secs. 1, 3, 4, and 7; Domestic Violence Amendment Act of 2021, Secs. 2, 5, and 7; Criminal Procedure Act 51 of 1977, Sec. 40(q); Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2000, Arts. 3, 4 and 56(1)
Does the law address femicide?	No	No applicable provisions could be located
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 Act of 1993, Art. 29
Can a woman travel internationally in the same way as a man?	Yes	South African Passports and Travel Documents Act, Art. 3
Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
Do a woman and a man have equal rights to confer citizenship on their spouses and their children?	Yes	Citizenship Act 88 of 1995, Secs. 3 and 5(5); Regulations on the South African Citizenship Act, Secs. 2, 5 and 14
Workplace		
Can a woman get a job in the same way as a man?	Yes	General Law Fourth Amendment Act, Sec. 29
Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age?	Yes	Employment Equity Act, Secs. 1, 5 and 6
Does the law prohibit discrimination in employment based on gender?	Yes	Employment Equity Act, Sec. 6(1)
Does the law allow employees to request flexible work?	No	No applicable provisions could be located
Pay		
Does the law mandate equal remuneration for work of equal value?	Yes	Employment Equity Act, Sec. 6(4)
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 the law free of legal provisions that require a married woman to obey her husband?	Yes	No applicable provisions could be located
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	General Law Fourth Amendment Act, Sec. 29
Can a woman obtain a judgment of divorce in the same way as a man?	Yes	Divorce Act of 1979, Sec. 2
Does a woman have the same rights to remarry as a man?	Yes	Divorce Act of 1979, Sec. 5A
Parenthood		
Is paid leave of at least 14 weeks available to mothers?	Yes	Basic Conditions of Employment Act, Sec. 25
Are leave benefits for mothers paid solely by the government?	Yes	Amended Basic Conditions of Employment Act, Sec. 25(7); Unemployment Insurance Act, Sec. 12(1)(c)

Is paid leave available to fathers?	Yes	Basic Conditions of Employment Act, Sec. 25A
Is dismissal of pregnant workers prohibited?	Yes	Labor Relations Act, Sec. 187(1)(e)
Childcare		
Does the law establish the provision of center-based childcare services?	Yes	City of Johannesburg Metropolitan Municipality Public Health By-Laws, Ch. 14, Secs. 99-100; Children's Act 38 of 2005, Secs. 80 and 95
Does the law establish any form of support for families for childcare services?	No	No applicable provisions could be located
Does the law establish any form of support for nonstate childcare providers?	Yes	Official Website of the National Treasury; Official Website of the Department of Basic Education
Does the law establish quality standards for the provision of center-based childcare services?	No	No applicable provisions could be located
Entrepreneurship		
Can a woman undertake entrepreneurial activities in the same way as a man?	Yes	General Law Fourth Amendment Act, Sec. 29
Does the law prohibit discrimination in access to credit based on gender?	Yes	National Credit Act of 2006, Sec. 61; Promotion of Equality and Prevention of Unfair Discrimination Act, Secs. 1 and 29(9)
Does the law prescribe a gender quota for corporate boards?	No	No applicable provisions could be located
Does the law include gender-sensitive procurement provisions for public procurement processes?	Yes	Preferential Procurement Policy Framework Act 2000, Sec. 2 (1-d)
Assets		
Do a woman and a man have equal administrative power and ownership rights to immovable property, including land?	Yes	Matrimonial Property Act, Sec. 14 and 15; Case law Rahube v Rahube, (CCT319/17) [2018]; Upgrading of Land Tenure Rights Amendment Act 6 of 2021, Sec. 1
Do sons and daughters have equal rights to inherit assets?	Yes	Intestate Succession Act, Sec. 1(1)(b)
Do male and female surviving spouses have equal rights to inherit assets?	Yes	Intestate Succession Act, Sec. 1(1)(a)
Does the law provide for the valuation of nonmonetary contributions?	Yes	Matrimonial Property Act, Secs. 2 and 14
Pension		
Are the ages at which a woman and a man can retire with full pension benefits the same?	No	No applicable provisions could be located
Are the ages at which a woman and a man can retire with partial pension benefits the same?	No	No applicable provisions could be located
Is the mandatory retirement age for a woman and a man the same?	Yes	No applicable provisions could be located
Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located

WBL 2.0 supportive frameworks data

QUESTION	ANSWER	SOURCE
Safety		
Has the government developed comprehensive mechanisms to address violence against women?	Yes	Code of Good Practice: Handling of Sexual Harassment Cases in Workplaces; Thutuzela Care Centres; Sexual Offences and Community Affairs Unit (SOCA)
Are special procedures in place for cases of sexual harassment?	No	Insufficient evidence located
Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women?	No	Insufficient evidence located
Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?	No	Insufficient evidence located
Mobility		



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Are passport application processes the same for a woman and a man?	Yes	Passport application procedures
Are the application processes for official identity documents the same for a woman and a man?	No	ID application procedures
Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?	No	Insufficient evidence located
Workplace		
Does a specialized body receive complaints about gender discrimination in employment?	Yes	Commission for Gender Equality Act, Art. 11
Has the government published guidelines on nondiscrimination based on gender in recruitment?	No	Insufficient evidence located
Has the government published guidelines on flexible work arrangements?	No	Insufficient evidence located
Pay		
Are pay transparency measures or enforcement mechanisms in place to address the pay gap?	Yes	Employment Equity Act, Sec. 27
Have sex-disaggregated data on employment in different industries or sectors been published?	No	Insufficient evidence located
Marriage		
Is there a fast-track process or procedure for family law disputes?	No	Insufficient evidence located
Are there specialized family courts?	Yes	Directive for the Family Court in the Johannesburg High Court, Arts. 1, 2 and 3
Is legal aid available for family law disputes?	Yes	Legal Aid South Africa
Parenthood		
Is it possible to apply for maternity benefits through a single government application process?	Yes	Department of Employment and Labor: Application for Maternity Benefits in Terms of Section 25(1)
Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
Have sex-disaggregated data on unpaid care work been published?	No	Insufficient evidence located
Childcare		
Is there a publicly available registry or database of childcare providers?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers?	No	Insufficient evidence located
Has the government published any reports on the quality of childcare services?	Yes	Official Website of National Department of Basic Education, Commissioned Reports (ECD Census 2021)
Entrepreneurship		
Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?	Yes	Statistics South Africa
Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?	Yes	Government funds and initiatives for female entrepreneurs
Does a current national government plan or strategy focus on women's access to financial services?	No	Insufficient evidence located
Assets		
Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?	Yes	Matrimonial Property Act, Sec. 1 and 14; Deeds Registries Act 47 of 1937, Sec. 17(5)
Are awareness measures in place to improve women's access to information about marital and inheritance rights?	No	Insufficient evidence located
Have anonymized sex-disaggregated data on property ownership been published?	Yes	Statistics South Africa
Pension		

Are incentives in place to increase women's retirement benefits?	No	Insufficient evidence located
Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits?	No	Insufficient evidence located
