









Africa Regional Compliance to normative standards for Legal Frameworks, Laws on workplace equality.

Introduction

his Africa continental Fact sheet attempts to answer the questions raised in Bending the Curve report, https://www.equalmeasures2030.org/2020-bending-the-curve-report/ specifically looking at laws/legal frameworks and regulations on work-place equality in 37 out of 55 countries.

The focus is on indicator 8d in the SDG Gender Index for Goal 8. Data coverage is from **2009 to 2020** and the data source is World Bank's Women, Business, and the Law (WBL) research.

Analysis is based on the composite indicator that captures the extent to which countries have laws

mandating gender equality in the workplace, it comprises seven laws (including anti-discrimination, equal pay for equal value of work, paid leave, treatment of pregnant workers, and laws that put restrictions on the types of jobs women can or cannot do.

The regional outlook

To be included in the EM2030 SDG Gender Index in 2019, countries' data availability had to be high, but due to data gaps, only **37 out of 55** African countries had enough data for these indicators and are therefore presented in this factsheet.

37 out of 55 countries were included in the EM2030 SDG Gender Index in 2019

Figure 1: Coverage of African countries in the EM2030 2019 SDG Gender Index



Map source: MS-Excel.

Note: : 37 countries as listed in https://www.equalmeasures2030.org/2020-bending-the-curve-report/ are highlighted





EM2030 INDEX:

The 2019 SDG Gender Index provided an important snapshot of where the world stands in terms of gender equality (as close to today as possible, based on available data).

With an average regional index score of 51.1, sub-Saharan Africa scored lowest overall in the 2019 SDG Gender Index. No country in the region comes close to meeting targets across all 14 goals and indicators. The five sub regions in Africa index scores are-based on data available for comparison across the 37 out of 55 countries.

Due to data gaps, Goal 8 score by sub region is missing scores for 05 countries in central Africa, therefore these were not included as part of the 2019 index. Representativeness is four countries covered out of 9 countries; this represents 80% of the population out of Central Africa.

Goal 8 / Indicator "8d"

Specifically, the normative standards/ composite indicator characteristic below were selected for measuring workplace gender equality.

The seven workplace equality laws included in the composite indicator are as follows:

- 1. Does the law prohibit discrimination in employment based on gender?
- 2. Does the law mandate equal remuneration for work of equal value?
- 3. Can women work the same night hours as men?
- 4. Can women work in jobs deemed dangerous in the same way as men?
- 5. Are women able to work in the same industries as men?
- 6. Is paid maternity leave of at least 14 weeks available to women?
- 7. Is dismissal of pregnant workers prohibited?

The Bending the Curve 2020 analysis report, revealed the pace and nature of change: whether countries are stagnating, moving faster or slowly towards greater gender equality or in the wrong direction. And the prospects for countries bending the curve to reach the desired gender equality promises laid out in the SDGs by 2030. The methodological approach used in the research serves to answer the two research questions:

- If global gender equality trends continue, how close will countries be to achieving gender targets for the SDGs in 2030; and,
- If global gender equality trends followed the average rate of change as for groups of top performing countries, recognizing that countries have different starting points, could they potentially achieve the gender targets in the SDGs by 2030?

Figure 2:. Average trends, between 2009 and 2019, in laws for workplace gender equality for the 129 countries in the 2019 SDG Gender Index

Indicator	Current rate of change			Number of countries by grouping			
	Slow	Medium	Fast	Slow	Medium	Fast	Negative
Laws in workplace gender equality	0.48	1.4	2.43	61	21	8	39

Source: World Bank, Women Business and the Law, calculations in Equal Measures 2030, 2020.





As illustrated in **Figure 2 above**, the composition of country groupings and average rates of change, for the period 2000 or earliest year to 2019 or latest year is as follows.

- 61 countries globally are making slow progress towards achieving gender equality at the workplace,
- 21 countries are moving at medium pace and will take more years beyond the 2030 target to achieve gender equality at the workplace, and
- 39 countries globally are moving in negative direction, these may not achieve gender equality in the workplace if they continue at the same pace.
- It will therefore require different levels of effort and strategies by different countries to

achieve the SDG gender equality target by 2030.

Global context:

Figure 3 below shows Global Past trend and projected growth scenarios for laws on gender equality in the workplace, for the projected period 2009–2030.

Globally, countries were grouped by pace of projected rate of change in an annual increase in scores, whether countries are moving slowly, medium pace or, fast). This measure is based on a separate distribution for each of the 05 individual indicators of global standards expected to be met by laws in each country ensuring workplace gender equality:

The report used the Past Trends and projected growth scenarios for laws on work-place equality (global)-as indicated in the facts and figures Box 1 below and the following key findings emerged.

- The average rate of change needed to reach the gender equality in workplace by 2030 is 3 points per year.
- At the current rate of change, all countries will reach the gender equality target of scores 100 by 2051.
- If all countries matched the fast-moving countries, they would reach the gender equality at workplace target of 100 scores by 2025.

Box 1. Achieving global gender equality in workplace laws for 2009, 2020 and projections to 2030

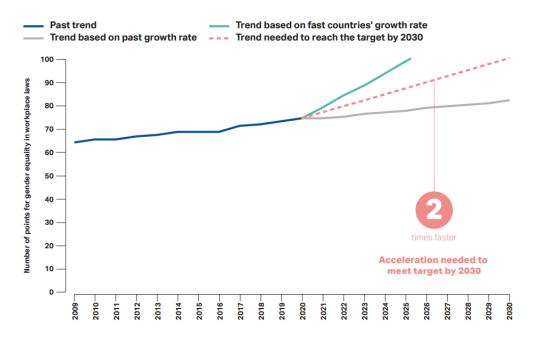
Average score for key workplace equality laws (2009)	64.5/100
Average score for key workplace equality laws (2020)	74.3/100
Average annual rate of change, 2009–2020	1.29 points per year
Rate of change needed to reach the target by 2030	3.01 points per year
Year in which the target (all countries score 100) will be reached at current rate of change	2051
Year in which the target will be reached if all countries match fast movers	203

Source: World Bank, Women Business and the Law, calculations in Equal Measures 2030, 2020.





Figure 3: Past trend and projected global growth scenarios for laws on gender equality in the workplace, 2009-2030



Source: World Bank, Women Business and the Law, calculations in Equal Measures 2030, 2020.

Based on these past trends and projections, it is clear that:

- Over the last 10 years, the pace of legal reform has picked up in the Middle East and North Africa with slow progress in Sub Saharan Africa.
- Economies are reforming laws in the right direction, alignment with the (Maputo Protocol); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, adopted by the African Union in 1975. The African Union launched a Decade for Women in 2010. This decade of action led to many reforms increasing gender equality, with economies in better standing being among the first

to ratify the protocol and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- In 2020, every region except the Middle East and North Africa has at least one country that meets the target for workplace equality laws.
- Countries therefore need to accelerate twice faster than they are doing today, if they are to achieve the gender equality in workplace laws targets by 2030.

Scores and missing laws in Africa

Scores for the Workplace equality vary from 13 to 100 in Africa.

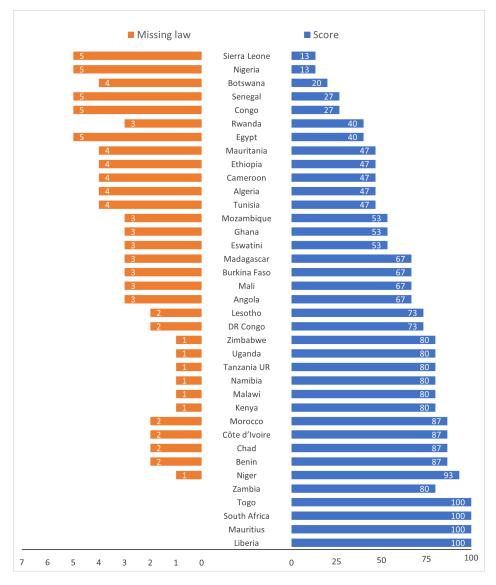
Only 7 countries (Botswana, Egypt, Congo, Nigeria, Rwanda, Senegal and Sierra Leone) have a score of 40 or less meaning they lack 3-5 of the legal protections included in the indicator.

05 countries out of 37 reviewed in Africa – namely Mauritius, Liberia, South Africa, Togo, and Zambia – have all 7 workplace equality laws in place and thus score 100 on this indicator. It is notable that the remaining 32 countries are missing between 1 to 5 of the 7 workplace laws.





Figure 4: Number of missing gender equal labor laws in Africa by country, 2019



Source: Equal Measures 2030, 2019.

Note: The seven laws are not weighted equally - some are given a higher weight than others, explaining that countries can have different scores while having a similar number of missing laws

- Liberia, Mauritius, South Africa, and Togo are the only 4 countries on the continent with all the 7 laws for workplace equality.
- Zimbabwe, Uganda, Tanzania, Namibia, Malawi, and Kenya are missing only 1 law
- Morocco, Cote d'Ivoire, Chad, Benin, and Niger are missing 2 laws
- Angola, Mali, Burkina Faso, Madagascar,

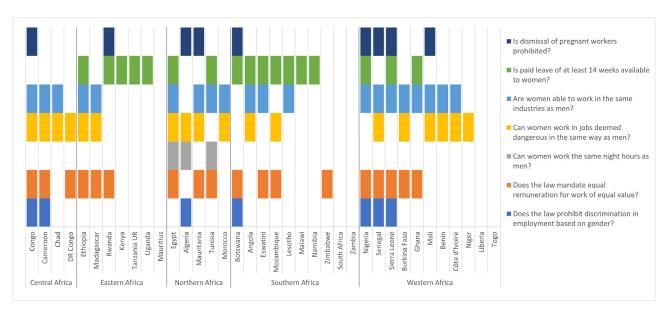
Eswatini, Ghana, Mozambique, Rwanda are missing 3 laws.

- Tunisia, Algeria, Cameroon, Ethiopia, Mauritania, Botswana is missing 4 laws
- Egypt, Congo, Senegal, Nigeria, Sierra Leone are missing 5 laws





Figure 5: Types of missing gender equal labor laws in Africa by country, 2019



Source: World Bank, Women Business and the Law.

- The aspect of workplace equality that is most frequently absent in Africa is: "Are women able to work in the same industries as men (20 countries don't have laws to ensure this)".
- Similarly lacking is equal renumeration for work of equal value: 18 countries don't have a law which mandates this.
- The aspect of workplace equality that is most protected across the continent is 'allowing women to work the same night hours as men', which is only unprotected in three countries in Northern Africa.
- As of 2020, up to 7 countries namely, Congo, Cameroon, Algeria, Botswana, Nigeria, Sen-

egal, Sierra Leone still lack a law prohibiting discrimination in employment based on gender.

Note: More detailed analyses are available in the next sections where each element of the law and score is presented.





Deep dive into normative standards of workplace equality in Africa

1. Does the law prohibit discrimination in employment based on gender?

Economies in Sub-Saharan Africa have an average regional score of 71 out of 100, while North Africa have the lowest average score, 51.5 (based on data collected by the World Bank, that measure legal protections for women in the workplace every year) Source: Women, Business and the Law 2021 updates. Despite progress made by some countries, legal frameworks, laws and regulations and systems do not protect women against discrimination in the workplace, and still restrict women's economic opportunities and security.

Reforms to remove obstacles to women's economic inclusion have been slow in many regions and uneven within them, according to Women, Business and the Law 2021 report.

- On average, women have just three-quarters of the workplace legal rights afforded to men.
- Just 17 out of the 37 African countries studied had laws prohibiting

discrimination in employment based on gender.

 Overall, North Africa is the bestperforming region on average, and Mauritius and Tunisia the top-ranking countries.

Figure 6 below shows countries missing specific laws prohibiting discrimination in employment based on gender in each sub region of the continent.

03 out of 11 countries in Western Africa, namely Nigeria, Senegal, Sierra Leone don't have the laws prohibiting discrimination in employment based on gender.

02 out of four countries in Central Africa, namely Cameroon, Congo don't have the laws prohibiting discrimination in employment based on gender.
01 out of 05 countries in Northern Africa, namely Algeria doesn't have the laws prohibiting discrimination in employment based on gender.

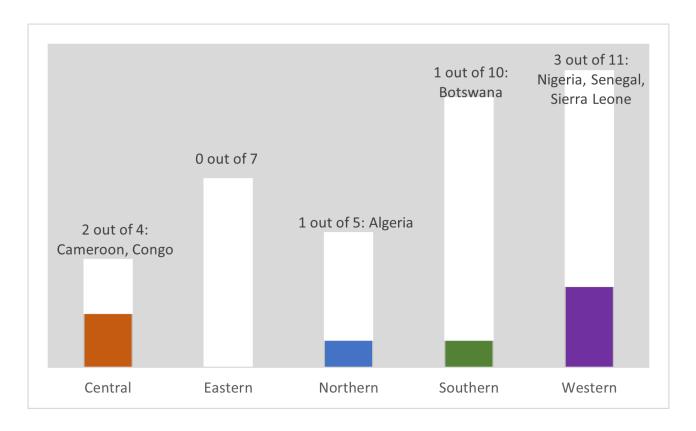
01 out of 10 countries in Southern Africa, namely Botswana doesn't have the laws prohibiting discrimination in employment based on gender





Which countries dont have law that prohibits discrimination in employment based on gender

Figure 6: African countries that do not have a law that prohibits discrimination in employment based on gender by subregion, 2019



Source: World Bank, Women Business and the Law.

Country Profiles: Case study: Does the law prohibit discrimination in employment based on gender?

Mauritius has a score of 91.9 out of 100 on this indicator, the highest in the Sub- Saharan Africa region.

As of 2020, Mauritius scores 100

in 7 of Women, Business and the Law indicators: discrimination, Mobility, Workplace, equal Pay, Marriage, Entrepreneurship, and Assets. The remaining gaps to close are in the Parenthood and Pension indicators. Under Parenthood, Mauritius is still lacking paid parental leave, and maternity leave benefits are not 100% administered by the government.

Under Pension, Mauritius has not accounted for periods of absence due to childcare in pension benefits.

Senegal enacted new legislation directly prohibiting genderbased discrimination in employment. And Sierra Leone adopted legislation on sexual harassment





in employment. The new law introduces comprehensive definitions and penalties for sexual harassment offenses in the area of employment and other settings,

whereas the previous law contained no specific references to employment. Addressing sexual harassment in the workplace is key to achieving fundamental la-

bor market goals, including closing the gender pay gap. These examples can inspire other governments in the region looking to reform.

2. Does the law mandate equal remuneration for work of equal value?

Women, Business and the Law 2020 (worldbank.org)

Under the Pay indicator, the data reveal that more than half of the good practice legislation achieved on the African continent is related to laws that affect women's pay. Yet 18 economies still don't have laws that mandate

equal pay for work of equal value done by women and men.

Legislative approaches to tackling the gender pay gap included, legally mandating employers to provide men and women who perform work of equal value with the same remuneration, is critical. Even though workplace equality laws are changing in many countries, levels of pay inequality remain high. Sub Saharan Africa's share of women (15–49 years) with legal right to paid maternity leave increased from 28% in 2009 to 41% in 2020.

North Africa's share of women (15–49 years) with legal right to paid maternity leave increased from 48% in 2009 to 64% in 2020. In 2019, 18 African countries did not have laws that mandate equal renumeration for work of equal value.

Which countries dont have a law that mandates equal renumeration for work of equal value

value by subregion, 2019 5 out of 11: Burkina Faso, 4 out of 10: Ghana, Nigeria, 3 out of 7: Botswana, Senegal, Sierra Ethiopia, Eswatini, Leone Madagascar, Mozambique, Rwanda Zimbabwe 3 out of 5: Egypt, Mauritania, 3 out of 4: Tunisia Cameroon. Congo, DR Congo

Northern

Southern

Western

Figure 7: African countries that do not have a law that mandates equal remuneration for work of equal

Source: World Bank, Women Business and the Law.

Eastern

Central





Country profiles:

- 5 countries, out of 11 in West Africa sub region; namely Burkina Faso, Ghana, Nigeria, Senegal and Sierra Leone don't have a law that mandates equal renumeration for work of equal value.
- 4 out of 10 Southern Africa sub regional countries, namely Botswana, Eswatini, Mozambique, Zimbabwe don't have a law that mandates equal renumeration for work of equal value.
- 3 out of 5 Northern Africa sub regional countries, namely Egypt, Mauritania, Tunisia, don't have a law that mandates equal renumeration for work of equal value.
- 3 out of 4 countries in Central Africa, namely Cameroon, Con-

- go, DRC don't have a law that mandates equal renumeration for work of equal value.
- 3 out of 7 countries in Eastern Africa, namely Ethiopia, Madagascar, Rwanda don't have a law that mandates equal renumeration for work of equal value.

3. Can women work the same night hours as men?

Apart from three North African Countries (Algeria, Egypt and Tunisia), most African countries (34 out of the 37 studied) allow women to work the same night hours as men.

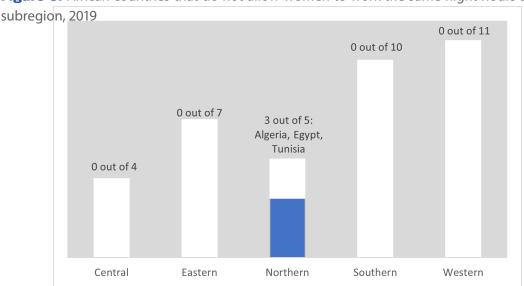
The normative framework measured if nonpregnant and nonnursing women can work at night in the same way as men.

Also, when restrictions on women's ability to work at night do not apply to the food retail sector, women's consent to work at night is required, or an employer needs to comply with safety measures (such as providing transportation). And if the law broadly prohibits women, including those with children over the age of one, from working at night or limits the hours women can work at night. Also, if the law gives the relevant authority the power to restrict or prohibit women's night work, regardless of the content of any decisions issued by that authority.

Figure 8 below shows the 03 out of 05 African countries in Northern Africa, namely Algeria, Egypt, Tunisia which don't allow women to work the same night hours as men.

Which countries dont allow women to work the same night hours as men

Figure 8: African countries that do not allow women to work the same night hours as men by







4. Can women work in jobs deemed dangerous in the same way as men?

Restrictions still exist on women's employment in jobs previously deemed dangerous for women.

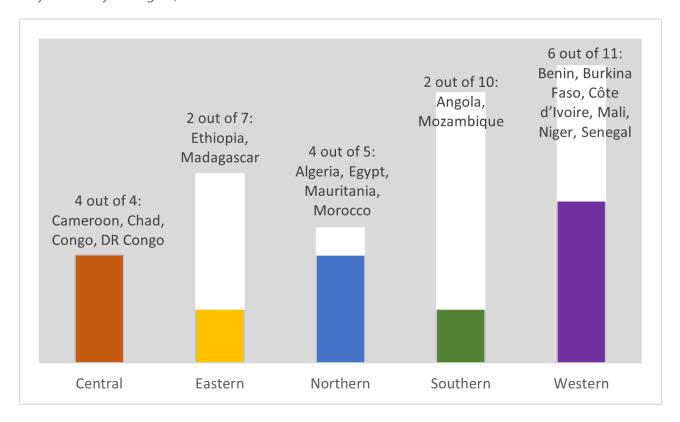
By 2019, up to 18 African economies still restricted the jobs women can hold, in 2020, only 01 country, Mauritius had made significant progress in this regard.

Trends in the last 10-20 years revealed that employment in industrial jobs such as mining, construction, manufacturing, and the water sector, is setting men and women on equal terms in choice of employment opportunities.

The normative indicators measured if no laws prohibit or restrict nonpregnant and nonnursing women from working in a broad and subjective category of jobs deemed "hazardous," "arduous," or "morally inappropriate." Also if the law prohibits or restricts women from working in jobs deemed hazardous, arduous, or morally inappropriate. If the employer or relevant authority can determine whether jobs are too hazardous, arduous, or morally inappropriate for women but not for men, regardless of the content of any decisions issued by that employer or authority.

Which countries dont allow women to work in jobs deemed dangerous in the same way as men

Figure 9: African countries that do not allow women to work in jobs deemed dangerous in the same way as men by subregion, 2019







Country profiles:

- 6 out of 11 Western Africa sub regional countries, namely Benin, Burkina Faso, Cote devoire, Mali, Niger and Senegal don't allow women to work in jobs deemed dangerous in the same way as men.
- 4 out of 4 Central African countries, namely Cameroon, Chad, Congo, DR Congo don't allow women to work in jobs deemed dangerous in the same way as men.
- 4 out of 5 North African countries, namely Algeria, Egypt, Mauritius, and Morocco don't allow women to work in jobs deemed dangerous in the same way as men.
- •2 out of 7 Eastern Africa sub regional countries, namely Ethiopia and Madagascar don't allow women to work in jobs deemed

dangerous in the same way as men.

• 2 out of 10 Southern Africa sub regional countries, namely Angola and Mozambique don't allow women to work in jobs deemed dangerous in the same way as men.

Removing laws that prohibit women from working in certain jobs is not the only legislative approach to tackling the gender gap, however it is imperative to understand that the enforcement of rights and women's ability to seek redress is therefore critical to translating formal laws into real outcomes.

5. Are women able to work in the same industries as men?

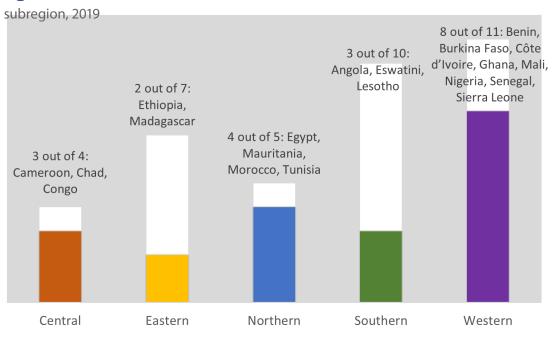
19 countries in Africa (Figure
 10 below) did not allow wom-

en to work in same industries as men.

The indicator measured if nonand pregnant non-nursing women can work in the mining, manufacturing, construction, energy, water, agriculture, and transportation industries in the same way as men. If the law prohibits women from working in these industries. And if women's employment in the relevant industries is restricted in any way, such as by prohibiting women from working at night in "industrial undertakings," or by giving the relevant authority the power to prohibit or restrict women from working in certain jobs or industries, regardless of the content of any decisions issued by that authority.

Which countries dont allow women to work same industries as men

Figure 10: African countries that do not allow women to work in the same industries as men by







Country profiles:

- 8 out of 11 countries in Western Africa, namely Benin, Burkina Faso, Core devoire, Ghana, Mali, Nigeria, Senegal, and Sierra Leone don't allow women to work in the same industries as men.
- 4 out of 5 countries in Northern Africa, namely Egypt, Mauritania, Morocco, Tunisia don't allow women to work in the same industries as men.
- 3 out of 10 Southern Africa countries, namely Angola, Eswatini and Lesotho don't allow women to work in the same industries as men.
- 3 out of 4 Countries in Central Africa, namely Cameroon, Chad

and Congo don't allow women to work in the same industries as men.

• 2 out of 7 East African Countries, namely Ethiopia and Madagascar don't allow women to work in the same industries as men.

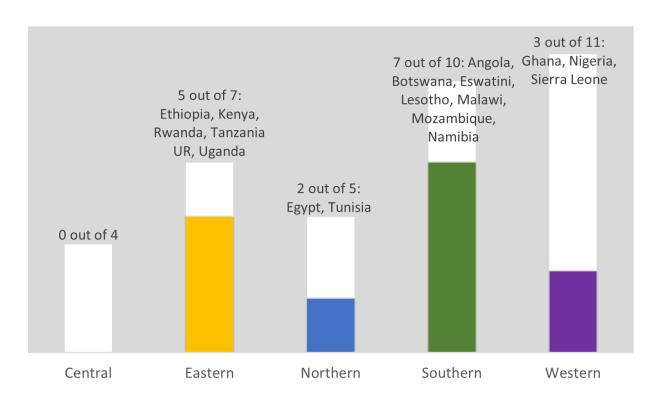
6. Is paid maternity leave of at least 14 weeks available to women?

Parenthood, with an average score of 54.8, remains the indicator with the most room to improve. It measures whether paid maternity leave of at least 14 weeks is available to mothers, whether maternity benefits

are 100% administered by the government, whether any paid leave is available to fathers, whether there is paid parental leave, and whether dismissal of pregnant women is prohibited. Although more than half of the economies measured mandate paid leave specifically for mothers, the regional median duration of that leave is just 90 calendar days in the economies that have it, with only 20 African economies studies have paid parental leave, thus the 17 countries figure 11 below do not pay at least 14 weeks of maternity leave.

Which countries don't pay at least 14 weeks of maternity

Figure 11: African countries that do not pay at least 14 weeks of maternity leave by subregion, 2019







aternity leave is one of the most prevalent reforms under the Parenthood indicator because of growing recognition that gender equality in the home is needed to achieve gender equality in the workplace. However, research finds that fathers tend to take paternity leave only when it is highly compensated and specifically allocated to them.31 For that reason, some economies recently changed their leave policies to promote fathers' uptake of leave.

Country Profiles

- 5 out of 7 Eastern Africa countries, namely Ethiopia, Rwanda, Tanzania, Uganda, UR don't pay at least 14 weeks of maternity leave for women.
- However, it is notable that by 2020, Ethiopia increased paid maternity leave from 90 to 120 days and guaranteed the right to three days of paid paternity leave for the first time.
- 7 out of 10 Southern Africa countries, namely Angola, Eswatini, Lesotho, Malawi, Mozambique, Namibia don't pay at least 14 weeks of maternity leave for women.
- 2 out of 5 Northern African Countries, namely Egypt and Tunisia

don't pay at least 14 weeks of maternity leave for women.

- 3 out of 11 Western African countries, namely Ghana, Nigeria, Sierra Leone, don't pay at least 14 weeks of maternity leave for women.
- There was no data for countries in central Africa for this indicator

7. Is dismissal of pregnant workers prohibited?

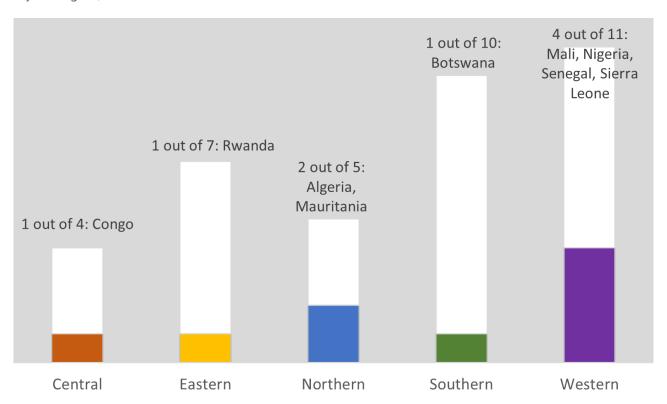
By 2019, up to 9 African Countries (figure 12 below) did not have a law that prohibits the discrimination of pregnant workers. This Workplace indicator examines legal protections in the workplace such as the right to nondiscrimination. If the law explicitly prohibits the dismissal of pregnant women, if pregnancy cannot serve as grounds for termination of a contract, or if dismissal of pregnant workers is considered a form of unlawful termination, unfair dismissal, or wrongful discharge. Also, if there are no provisions prohibiting the dismissal of pregnant workers, or if the law only prohibits the dismissal of pregnant workers during maternity leave, for a limited period of the pregnancy, or when pregnancy results in illness or disability.





Which countries don't have a law that prohibits the dismissal of pregnant workers

Figure 12: African countries that do not have a law that prohibits the dismissal of pregnant workers by subregion, 2019



Source: World Bank, Women Business and the Law.

Country Profiles

- 4 out of 11 Western Africa countries, namely Mali, Nigeria, Senegal, Sierra Leone, don't have a law that prohibits the dismissal of pregnant workers.
- 2 out of 5 Northern Africa countries, namely Algeria and Mauritania don't have a law that prohibits the dismissal of pregnant workers.
- 1 out of 4 Central Africa countries, namely Congo doesn't have a law that prohibits the dismissal of pregnant workers.
- 1 out of 7 eastern Africa countries, namely Rwanda doesn't

have a law that prohibits the dismissal of pregnant workers.

• 1 out of 10 Southern Africa countries, namely Botswana doesn't have a law that prohibits the dismissal of pregnant workers.

The Impact of COVID-19 on women's rights in the workplace

The global pandemic is a humanitarian and economic crisis with serious immediate and potentially long-term impacts, particularly on the social and economic goals. An additional

60 million Africans could be pushed into poverty and food insecurity is expected to nearly double. An estimated 110 million African children and youth are out of school, fragile health care systems are being tested, and women are at risk of being left out even more. Slow economic activity and lockdowns will increase unemployment and debt, while decreasing remittances, development assistance and domestic revenue are added risks to financing for development and SDGs.

The urgent need for reform is





even more glaring today because the COVID-19 pandemic has widened the long-existing gender pay gap. Women are more likely than men to take leave from work or resign their positions to care for children in the event of illness or the closure of schools or daycare centers. Even if they manage to hold on to their positions, women are still at higher risk of having to submit to greater earnings penalties because of the pandemic. Reforming laws to achieve greater gender equality should remain a priority as governments enact measures to recover from the shocks imposed by this crisis.

A surprising number of 13% reforms were recorded in Sub Saharan Africa even as the pandemic raged throughout much of the period measured. Since 2019, 27 economies have implemented reforms aimed at equality of opportunity across seven of the eight indicators measured.

Address challenges faced by women during the COVID-19 pandemic has only amplified two areas: childcare and women's access to justice. Women will not receive equal opportunities at work if their childcare needs are not met. Meeting such needs requires a more equitable sharing of responsibilities with men, as well as more support from both government and the private sector in the provision of care for young children. As for access to justice, laws are an important first step toward ensuring gender equality, however, without justice to enable their implementation they will not have their intended effect.

CONCLUSIONS

While legal gender equality is the first step toward generating tangible outcomes,

including: increasing women's equality of opportunity for greater economic participation for women in the labor force, more successful economies, and better development; reforms must also be fully implemented through strong justice sector institutions.

For women to thrive in the world of work, the laws must help women reach their full potential. It is the legal frameworks by which governments can identify barriers to women's success and, by removing them, boost their labor force participation.

However, the laws that guarantee women's equality of opportunity, economic justice and rights must be meaningfully implemented and enforced. This requires not only enacting the rules and regulations that put laws into effect, but also ensuring that all relevant parties comply with them.

Successful application of the law requires a comprehensive effort from all branches of government, including the judiciary. By strengthening the rule of law and narrowing inequality, access to justice can be a fundamental component of sustainable economic growth. If inclusive, it allows all people to use the legal system to advocate for their interests and ensure enforcement of the law. The success of statutory laws hinges on the ability of justice institutions to both fulfill their mandate and address any violations.

Governments must therefore ensure that women's access to economic justice and Rights is comprehensive, drawing from the lessons shared and commitments made within the Generation Equality Action Coalitions and other global and regional Frameworks for the next 5 years.

About Equal Measures

We connect data and evidence with advocacy and action on gender equality to transform the lives of women and girls. We believe that data can expose inequality and injustice, motivate, change and drive accountability.

We work towards gender equality:

By developing and disseminating data, analysis, and tools

By developing capacity in data-driven advocacy By conducting advocacy in partnership

About FEMNET

The African Women's Development and Communications Network is a Pan-African Feminist and membership-based network. We ensure that the voices of African women are amplified, and that our needs and aspirations are prioritized in key policy dialogues and outcomes.







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