



## INSIGHT: GREATER CHINA

# Local governments take aim at workplace gender discrimination, but China continues to lag

### THE TAKEAWAY

A new local policy that supports gender equality legislation has sparked vigorous, nationwide debate on Chinese social media. The move by the Beijing municipal government, aimed at stamping out discrimination against women at work, has been largely welcomed, but critics say that it does not go far enough in addressing structural issues. Chinese authorities hope that stronger anti-discrimination provisions can encourage social progress, but many women have grown cynical, questioning if real change can truly be implemented from the ground up.

### IN BRIEF

On January 13, 2023, Beijing's municipal government [updated its fine regulations](#) in accordance with China's newly revised [women's protection law](#). Employers who discriminate on the basis of gender in hiring processes, benefits provisions, and pension allocations, as well as those who dismiss female employees due to marriage, pregnancy, maternity leave, or breastfeeding, can now be fined up to C\$9,870 (50,000 yuan).

The policy update received attention online after it was reported by *Beijing Youth Daily* on February 3. The women's protection law, passed in October 2022, resulted from years of advocacy by gender equality groups. China's highest legislative organ, the National People's Congress (NPC), twice solicited the public's comments on the law, and received more than 700,000 comments in total. This was the [highest number of comments](#) the NPC received for a piece of legislation in recent years.

The [finalized law](#) stipulates that employers who discriminate against female candidates and employees will be fined between C\$1,974 (10,000 yuan) and C\$9,870 (50,000 yuan). It sets an important precedent for punishing workplace discrimination, but critics argue a less-than-C\$10,000 fine is merely a slap on the wrist for major companies. Many also say that the remote chances of victory in court deter them from pursuing workplace discrimination cases. As Chinese women's [labour force participation rate](#) dropped to 62 per cent in 2021 from 73 per cent in 1990, systemic challenges are preventing women from taking full advantage of the country's economic growth.

## IMPLICATIONS

Gender discrimination is a fact of life in China's competitive education system and job market. Institutions frequently set discriminatory gender quotas, and employers routinely evaluate female candidates based on the likelihood that they will become pregnant and need to take maternity leave. In 2021, the income of women working in urban areas averaged [77.1 per cent](#) of that of their male counterparts.

Chinese law bans discriminatory hiring in most cases, but in practice some employers openly advertise male-exclusive openings. Human Rights Watch found in 2020 that [11 per cent](#) of the civil service positions advertised in China that year "[specified] a preference or requirement for men." Even when women qualify, employers often probe them about marital status and family plans to avoid having to accommodate maternity leave. In early January 2023, a Guangzhou woman was [fired from her job](#) on her first day because the company found out she was married. When questioned about unfair dismissal, the company said that they "wanted someone who can work stably and won't get pregnant." Fears of losing one's job due to pregnancy exacerbates the [population crisis](#). As employment discrimination forces women to choose between their jobs and having children, many women simply cannot afford pregnancy despite official drives to boost birthrates.

Women aren't safe once they manage to enter the workforce, either. Some of China's most prominent #MeToo cases, including cases against prominent TV host [Zhu Jun](#), celebrity idol [Kris Wu](#), and technology billionaire [Richard Liu Qiangdong](#), originated from the country's entrenched [workplace drinking culture](#). With anti-sexual assault activists facing censorship, many women have become disillusioned with legal and policy processes, as they see punishments for gender discrimination changing only on paper, but rarely getting enforced. Even when women actively pursue their cases, they come up against a hostile bureaucracy and a state apparatus that seemingly prioritizes stability above justice. With a huge

discrepancy between progressive policies and the reality on the ground, many have little faith that discriminatory employers will see consequences under the new law. Actions, not words, from central and local governments will be necessary to earn back public trust.

## WHAT'S NEXT

### 1. As population declines, mothers seek better conditions

Despite policy directives to encourage childbirth, many Chinese mothers feel excluded from public spaces. Breastfeeding in public is still frequently stigmatized, and most public facilities do not have lactation rooms. As the new law specifies that breastfeeding mothers shall receive "special protections" at work, some are calling for more companies to set up private breastfeeding rooms for employees.

### 2. Local governments navigate policy updates

With Beijing leading the way, many local governments will be formulating their own gender-equality policies in compliance with the new women's protection law. As these cases are usually handled by local bureaucracies, the implementation of the law will test the ability of local governments to win back the confidence of a cynical public.

### 3. Activists seek revitalization of feminist movements

Recurrent crackdowns and the COVID-19 pandemic have fractured feminism in China, but organizers aim to regroup as society largely returns to normal. Although the political environment that organizers face is arguably even more challenging, revitalizing face-to-face connections presents other opportunities for activism.

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