

REPORT

ILO-GENDER EQUALITY

ON GENDER EQUALITY

THE FUTURE OF WORK

By

REPORT OF
ILO-UN WOMEN SEMINAR
ON GENDER EQUALITY
AND THE FUTURE OF WORK

UN WOMEN CHINA
Beijing, July 2020



TABLE OF CONTENTS

1. MEETING OBJECTIVES	5
2. SESSION I: OVERVIEW OF PROGRESS AND CHALLENGES OF GENDER EQUALITY IN CHINA	7
2.1 The progress and challenges of women in the world	8
2.2 Women’s progress and challenges in the world of work in the Asia-Pacific region	9
2.3 The development and progress of women in China in 70 years	10
3. SESSION II: EQUAL OPPORTUNITIES AND TREATMENT	11
3.1 The efforts of The Chinese government to promote equality between men and women in the world of work	12
3.2 The efforts of Chinese trade unions to promote equality between men and women in the world of work	13
3.3 China’s law experts’ efforts to promote gender equality in employment	13
4. SESSION III: EQUAL PAY FOR THE WORK OF EQUAL VALUES AND WOMEN’S EMPOWERMENT	16
4.1 Discussion on equal pay for equal work	17
4.2 The progress and challenges of the Chinese Enterprise Confederation in promoting gender equality	17
4.3 UN Women’s work to promote gender equality in enterprises	18
4.4 Empowerment of women entrepreneurs	19
5. SESSION IV: BALANCING WORK AND FAMILY RESPONSIBILITIES	20
5.1 Policy research on balancing work and family responsibilities	21
5.2 Policy and development of family services in China	22
5.3 Research on the “Impact of the Two-Child Policy on Women’s Employment”	23
5.4 Good practice of IBM in building family-friendly environments	24

TABLE OF CONTENTS

6. SESSION V: ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK	25
6.1 A brief introduction the ILO Convention No. 190 and Recommendation No. 206	26
6.2 A brief description of China's policies and legislation on workplace violence and harassment	26
6.3 A brief introduction of the Handbook on Addressing Violence and Harassment of Women in the World of work	27
6.4 Discussion the current situation, challenges and solutions to the situation of violence and harassment in China from the perspective of practitioner	28
7. FOLLOW-UP	30
7.1 The simple analysis	31
7.2 Recommendations for follow-up actions	33

Huang Qun, Senior Programme Officer of ILO Country Office for China and Mongolia, helped and revised this report. We would like to express our heartfelt thanks to Huang Qun!



社会正义
体面劳动



United Nations Entity for Gender Equality
and the Empowerment of Women

ILO-UN WOMEN CONFERENCE ON GENDER EQUALITY AND THE FUTURE OF WORK

国际劳工组织-联合国妇女署 性别平等与劳动世界的未来研讨会

23 September 2019, Beijing

9月23-24日北京



1

MEETING OBJECTIVES

The “Gender Equality and the Future of Work”, co-organized by the International Labour Organization (ILO) and UN Women, was successfully held in Beijing from September 23 to 24, 2019. More than 70 experts and representatives from international organizations, Chinese government agencies, enterprises, employers’ and trade unions organizations, academia, judicial circles and social groups attended the meeting. The seminar divided into five topics: 1) Overview of Progress and Challenges of Gender Equality in China; 2) Equal Opportunity and Treatment; 3) Equal Pay for the Work of Equal Values and Women’s Empowerment; 4) Balancing Work and Family Responsibilities; 5) Eliminating Violence and Harassment in the World of Work. The meeting achieved positive consensus and results. The main points of the meeting summarized as follows.



At the opening session of the Seminar, Mr. Nicholas Rosellini, UN Resident Coordinator, Ms. Claire Courteille-Mulder, Director of ILO Country Office for China and Mongolia, and Ms. Smriti Aryal, Head of Office of UN Women China made impressive remarks. They highlighted that the Seminar aimed to strengthen actions and cooperation to accelerate the achievement of *the 2030 Sustainable Development Agenda, the Beijing Declaration and Platform for Action, and the Decent Work Agenda* through sharing experiences and discussions.

Mr. Nicholas Rosellini pointed out that the Seminar held at a very critical stage: 1) 2019 marked the 40th anniversary of the United Nations in China; 2) 2019 marked the 100th anniversary of the ILO; 3) 2020 is the 25th anniversary of the adoption of *the Beijing Declaration and Platform for Action*. The UN agencies in China have been working closely with the Chinese governments to improve people's livelihood and promote gender equality. Looking ahead, after the abolition of the one child policy, Chinese women will gain support from the society, while face the challenges of playing roles in the world of work. Therefore, the world needs paradigms of China in achieving *the 2030 Sustainable Development Agenda*.

Ms. Claire Courteille-Mulder shared that 2019 was a special year for the ILO, it was the 100th anniversary of the ILO, and marked the beginning of the second century of ILO. The International Labour Conference, attended by 187 member states, had adopted two very important instruments: one was a Centenary Declaration for a Human-centered Approach to the Future of Work, which aimed at advancing social justice and promoting decent work in a world of work that is going through very deep transformations. Gender equality is an integral part of that agenda. The other one was a new international labor Convention on *the Elimination of Violence and Harassment in the World of Work, 2019 (No. 190)* (hereinafter referred to as the Convention No. 190). She emphasized that what we often lack when addressing gender inequality was effective actions, and the objective of this meeting was to provide a platform to look at ways of scaling up efforts and actions toward the implementation of *the Beijing Declaration and Platform for Action and the 2030 Sustainable Development Agenda*.

Ms. Smriti Aryal commended the efforts and progress made by China in improving the status of women and promoting gender equality, especially in the areas of professional and technical talents, women's leadership, and women's entrepreneurship. However, she also recognized that women and girls in China still faced challenges, especially in rural area and informal employment sectors. They were not yet able to fully participate in decent work. Unpaid care was a huge obstacle to women's decent employment. The United Nations will celebrate the 25th anniversary of the adoption of the Beijing Declaration in 2020, she encouraged more Chinese companies to sign and implement *the Women's Empowerment Principles*.



2

SESSION I:
**OVERVIEW OF
PROGRESS AND
CHALLENGES OF
GENDER EQUALITY
IN CHINA**

FAMILIES IN A CHANGING WORLD

PROGRESS OF THE WORLD'S WOMEN 2019-2020

2.1 THE PROGRESS AND CHALLENGES OF WOMEN IN THE WORLD

Ms. Sally Barber, Project Coordinator and Gender Specialist of UN Women Regional Office for Asia-Pacific introduced the UN Women's report "Families in a Changed World: Progress of The World's Women 2019-2020" (hereinafter referred to as the Report), which was released in June 2019. She introduced that the report was a regular survey of the development of women around the world, and published several times. It presented the progress and challenges of women's development from a global perspective.

Important Implications of the Report for China:

I. Highlighting the role of the family

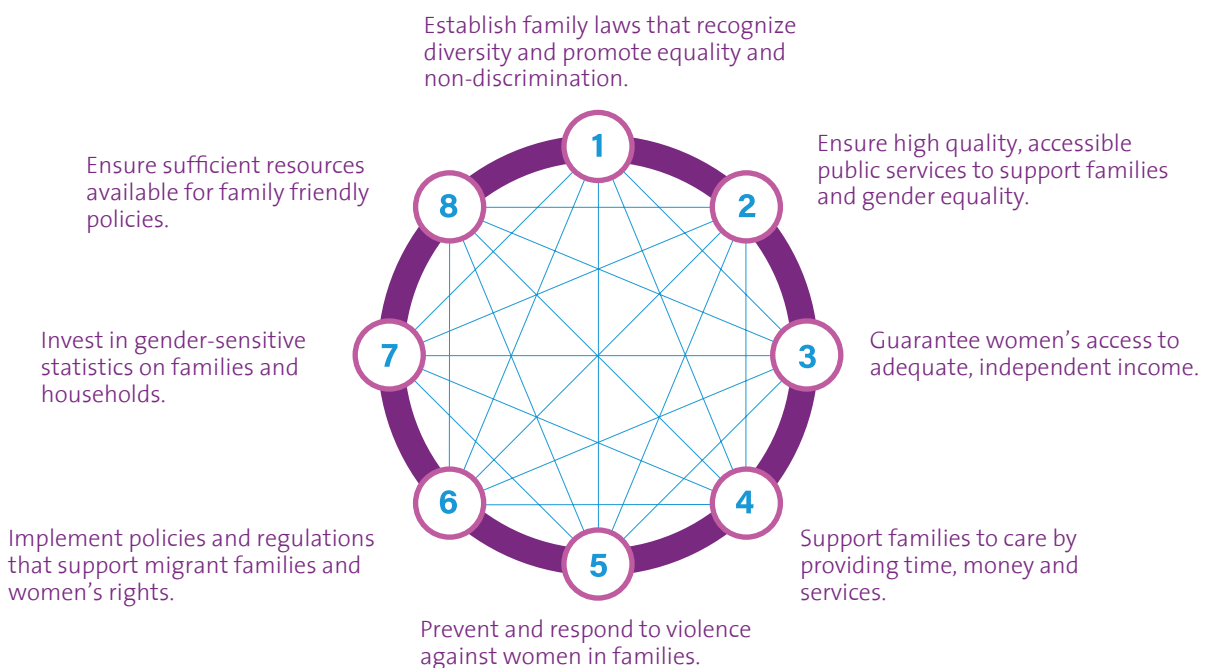
The Report is calling for a comprehensive family-friendly policy agenda to advance gender equality in diversified families, so that women and girls can make choices and voice in their lives, and ensure their economic security and physical safety.


II. Presenting data related to women's economic empowerment and family empowerment

The Report released a series of innovative data on women's economic empowerment and family empowerment including: demographic trends, changes in marital status, household composition and living arrangements, etc. These data directly reflect equality and justice in the family, and the relationship between the family and economic empowerment and gender equality.

III. Sharing policy recommendations related to women's economic empowerment and family empowerment

Based on the analysis of a large scale of relevant data, combined with the Article 11 of CEDAW – *Convention on the Elimination of All Forms of Discrimination against Women* on the right to employment and social security of women, the Report clearly put forward eight policy recommendations:





改变游戏规则的因素： 亚太地区女性与 劳动世界的未来

2.2 WOMEN'S PROGRESS AND CHALLENGES IN THE WORLD OF WORK IN THE ASIA-PACIFIC REGION

Ms. Joni Simpson, ILO Senior Specialist on Gender Equality and Non-Discrimination for Asia and the Pacific, presented the ILO report *“Game Changers: Women and the Future of Work World in Asia and the Pacific”* (hereinafter referred to as the Asia-Pacific Report), which was specially prepared to commemorate the 100th anniversary of ILO. She stressed that the reason for emphasizing the importance of promoting gender equality in the future of work was because the gender gaps deeply rooted and the old rule of game remain unchanged in the rapid transformative world of work. If responsive actions were not in place to address these challenges, countries across the region will be facing significant opportunity costs associated with gender inequality. Closing gender gaps in labour force participation rate by 25% could add as much as \$3.2 trillion to the overall Asia-Pacific GDP.

The Asia-Pacific Report recognized that major progress had been made in poverty reduction, educational achievement, industrialization, household incomes and economic growth—much of which had been driven by the greater economic engagement of women. Even though the labor force participation rate of women was relatively high, social norms and attitudes related to women's roles and responsibilities, and the view of lower value segments of the labour market, were still prevalent. The four main obstacles to gender equality in the Asia-Pacific labour market defined:

1. direct or indirect discrimination, including gender, age, identity, etc.;
2. restrictions on women's employment in unpaid care work;
3. the gender gap in pay; and
4. gender-based violence and sexual harassment in the world of work everywhere.

In response to the above-mentioned major obstacles, the Asia-Pacific Report proposed five ways to change the “traditional rules of the game”:

1. transforming adverse gender norms and attitudes;
2. amplifying women's voice, representation, and leadership;
3. valuing and redistributing unpaid care work;
4. ensuring equal opportunities and treatment of women in future jobs and sectors; and
5. reinforcing accountability for the progress on gender equality.

The report also provided recommendations for the future development of women in the Asia-Pacific region in the working world from the seven aspects of norms of minimum wage, green employment, paid care work, technological change, STEM (science, technology, engineering and mathematics) work, business and management, and women's entrepreneurship development.

2.3 THE DEVELOPMENT AND PROGRESS OF WOMEN IN CHINA IN 70 YEARS

Ms. Zhang Li, Deputy Director-General, General Office of National Working Committee on Children and Women of the State Council shared her own experience passionately, and introduced the white paper entitled “Equality, Development and Sharing: Progress of Women’s Cause in 70 Years Since New China’s Founding” newly released by the Chinese government to mark the 70th anniversary of the People’s Republic of China.

The white paper highlighted the progress and achievements of Chinese women and China’s experience from nine aspects:

1. Women’s development remains as high priority, and has actively been promoted in China.
2. The legal system for protection of women rights constantly has improved.
3. Women’s role in economic and social development has become increasingly prominent.
4. Women’s political status has enhanced significantly.
5. Women’s education level has increased significantly.
6. Women’s health condition has improved dramatically.
7. Social security for women has continued to improve.
8. Women has played unique role in family civilization.
9. Women have participated extensively in international exchanges and cooperation activities.



3

SESSION II:
EQUAL
OPPORTUNITIES
AND TREATMENT

3.1 THE EFFORTS OF THE CHINESE GOVERNMENT TO PROMOTE EQUALITY BETWEEN MEN AND WOMEN IN THE WORLD OF WORK

Mr. Xue Xin, Deputy Director of the Employment Promotion Department of the Ministry of Human Resources and Social Security of China, gave a brief introduction of the Chinese legal policy measures to promote equality in employment for women.

China's legal policies to promote women's employment fall into two broad categories. **The first major category was the policy of promoting women's employment and entrepreneurship**, including:

- 1) Implement and improve employment and entrepreneurship policies and actively expand women's employment channels.
- 2) Strengthen the construction of a comprehensive employment service system and provide women with targeted services such as policy advice, career guidance and job placement.
- 3) Promote mass entrepreneurship, innovation, provide one-stop services such as business incubation, start-up guidance and financial support for women's entrepreneurship, promote good examples of women's entrepreneurship to encourage and inspire more women to start their own businesses.

The second category is laws and regulations to eliminate gender discrimination in employment and guarantee women's equal employment rights. The efforts made from national and international perspectives. China ratified the United Nations *Convention on the Elimination of All Forms of Discrimination against Women* in 1980 and the ILO *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)* in 2006. From national legal perspective, the *Constitution of the People's Republic of China* protects women's rights and establishes women's equal right to work in the form of the Basic Law. *The Law of the People's Republic of China on the Protection of Rights and Interests of Women* (enacted in 1992 and revised in 2005) reaffirms that equality between men and women is the basic state policy, to ensure women's equal rights to work and social security as men. *The Labour Law of the People's Republic of China* (1993) and *the Employment Promotion Law of the People's Republic of China* (2007) clearly stipulate that the

state guarantee women enjoying equal labour rights as men. In particular, *the Employment Promotion Law* has a chapter entitled "fair employment", which further specifies the protection of equal labour rights of women. The Chinese governments also have issued a series of administrative regulations and departmental circulars for the same purposes, such as the *"Regulations on Labour Protection for Women Workers"* (1988) and the *"Special Regulations on Labour Protection for Women Workers"* (2012) which were issued by the State Council. The *"Provisions on Health Care for Women Workers"* (1993), the *"Interim Provisions on Maternity Insurance for Enterprise Workers"* (1994), and the *"Provisions on Employment Services and Management"* (2008) issued by the former Ministry of Labour.

In response to the persistent gender discrimination in employment due to the implementation of the "Comprehensive Two-Child" policy, the Ministry of Human Resources and Social Security together with other eight departments including the All-China Federation of Trade Unions and All-China Women's Federation, issued in February 2019 a new *Circular on Further Regulating Recruitment Practices and Promoting Women's Employment* (hereinafter referred to as the "Circular"), this document could be regarded as the first special document on addressing gender discrimination in employment at national level. The new Circular focused on addressing discrimination in recruitment, and defined six discriminatory practices to be prohibited. The Circular also clearly indicated three channels to address discrimination practices by the government.¹

¹ **Six discriminatory practices** are clearly prohibited for employers and human resources services: 1) limit the gender (except for the taboo labour situation of female employees stipulated by the state) or the gender priority; 2) restrict women's employment or refuse to hire women on the basis of gender; 3) ask about women's marriage; 4) ask for pregnancy test in an entry physical examination; 5) birth restriction as an employment condition; 6) increase recruitment criteria for women. **"Three channels"** refers to human resource market supervision, inter-agency joint warning for correction and judicial remedy to address discrimination practices of employers.

3.2 THE EFFORTS OF CHINESE TRADE UNIONS TO PROMOTE EQUALITY BETWEEN MEN AND WOMEN IN THE WORLD OF WORK

Ms. Tang Xiaoqing, Deputy Director-General, Women Workers Department of the All-China Federation of Trade Union, introduced ACFTU's initiatives to promote gender equality.

The main actions to promote gender equality in the workplace included:

- 1) strengthening women's participation in policy making;
- 2) enhancing workers' awareness on national laws to advance gender equality;
- 3) negotiating with employers to establish and improve systems and mechanisms for gender equality in the workplace;
- 4) coordinating and handling gender discrimination in the workplace; and
- 5) facilitating the establishment of family-friendly workplaces.

In terms of participation in policy making, research and investigations were carried out in the areas of the implementation of *the Special Regulations on Labour Protection for Women Workers*, the implementation of the maternity protection system under the "Comprehensive Two-Child" policy, and study on gender equality in enterprises for establishing effective gender equality mechanisms in the workplace. For awareness-raising on relevant laws, efforts made to enhance knowledge and understanding of employers, workers and trade unionists. *The Guidelines on Promoting Gender Equality in the Workplace*, published by the ACFTU in 2018, aimed to improve gender equality from six aspects of employment: employment opportunities, career development, remuneration, maternity protection, balancing work and family responsibilities, and preventing sexual harassment in the workplace. Regarding the efforts on establishing family-friendly workplace, the ACFTU continues to promote the establishment of breastfeeding rooms, support female workers returning to the workplace after the post-natal period to continue breastfeeding, carry out multi-faceted child care services, explore ways to introduce flexible working arrangement, flexible working hours, tele-working

from home, and support female workers to balance work and family responsibilities.

Tang Xiaoqing also introduced the next step of the ACFTU's plan:

- 1) carry out study on employment cost gaps of hiring men and women, and develop recommendations for sharing of the cost of maternity protection by society;
- 2) develop *the Handbook on Eliminating Sexual Harassment in the Workplace*, for establishing mechanisms to prevent and address sexual harassment in the workplace, and promote ILO Convention No.190 in China;
- 3) promote the implementation of gender equality principles enshrined in *the Guidelines on Promoting Gender Equality in the Workplace*.

3.3 CHINA'S LAW EXPERTS' EFFORTS TO PROMOTE GENDER EQUALITY IN EMPLOYMENT

Ms. Liu Xiaonan, Professor of China University of Political Science and Law, a representative of the Chinese legal research community, first affirmed China's progress in gender equality in the world of work.

She served as consultant to participate in the formulation of the Circular issued by the nine ministries and agencies. She commended that the Chinese government attached great importance to gender equality in the workplace, and explained the new Circular with five highlights:

1. it further clarified the criteria for the judgment of gender discrimination in employment given that there is no legal definition of employment discrimination in China;
2. the system safeguarding equal employment rights of workers improved through establishing the inter-agency joint warning for correction mechanism,

strengthening the supervision and punishment, and judicial assistance;

3. it emphasized to strengthen the employment service, and helped workers with family responsibilities;
4. it stressed to enhance advocacy and public awareness, and strengthen public role in supervision; and
5. it emphasized on increasing the role of leadership of the organization to address gender discrimination, clarifying the responsibilities of all stakeholders, and enhancing cooperation and joint management.

After the “Circular” issued, it facilitated the actions on gender equality in recruitment process at the provincial and municipal levels.

She also shared progress made in judicial system. For example, in recent years, some victims of gender discrimination in employment appealed to court and won the cases. At the end of 2018, the Supreme Court also added two causes of action: 1) “Equal Employment Rights Dispute”, and 2) “Sexual Harassment Damage Liability Dispute”, which demonstrated a very positive response to safeguarding gender equality in employment.

Liu Xiaonan also believed that although progress achieved in employment equality, problems remained prominent. In view of the problems at the institutional and practical levels, there has been a long-term advocacy to promote the introduction of a *special Law on Equality or Anti-Employment Discrimination in China*. As early as 2008, experts had been organized for drafting the “*Recommendations on Anti-Employment Discrimination Law*”. They hoped to work on the definition, type and scope of discrimination in employment, clarify the principle of equal pay for work of equal value, and maternity protection. They urged that government, employers, male and female workers jointly share the cost of maternity. They also promoted flexible working hours support for breastfeeding women, and men and women with family responsibilities. They suggested to establish a management mechanism to address gender discrimination, violence and sexual harassment; increase

penalties for gender discrimination; include the prohibition of gender discrimination in the scope of labour inspection; revise the policy of different retirement ages for men and women; revisit the scope of labour prohibited areas for female workers; address the root causes of gender discrimination in employment; and ensure male and female workers equally access to employment opportunities and career development.

The discussion of this session:

I. The cost of hiring women and men

Participants were very interested in the ACFTU’s study on the costs of hiring women and men, which focused on: What should the hiring costs consist of? How to share the hiring costs?

For the composition of the labour costs. Tang Xiaoqing found in the research that the hiring cost is one of the important factors affecting gender equality in the workplace, especially women’s career choice and career development. Economic cost is one aspect, maternity protection is the main component, including cash and benefits during maternity leave, medical costs, the cost of care for female workers and their families, and some alternative labour costs. In addition to economic costs, time costs should also be taken into account, new recruits cannot work immediately, require time for training and practicing.

Xue Xin believed that the low-end positions and high-end jobs should be taken into consideration when studying the cost of employment and its impact. The cost in low-end jobs was mainly related to economic cost. High-end jobs are divided into two pieces, one is the work within the system², its main problem is not the economic cost, but the operation cost affected by vacant post due to maternity leave. For high-end positions outside the system³, generally senior technical and management positions, the skills for these positions changed rapidly, women return to these posts,

- 2 **Within the system**, it refers to the units that play a leading role in the organizational system of state organs, enterprises, institutions, etc., and also refers to the groups that represent state power or rely on state-owned assets to obtain benefits, such as civil servants, employees in the establishment of state-owned enterprises, or personnel in the public sector. Its advantages are the stability of work, the superiority of welfare, and the dominance of society.
- 3 **Outside the system** generally refers to the units and groups outside the above-mentioned system, which show more flexibility, followed by risk, low welfare, and less influence on the society or the unit.

they face challenges between their competency and job requirements. Therefore, cost of hiring women is not only the simple question of economic cost.

In terms of cost sharing, participants all agreed that employers and women could not bear the economic costs. Some of the better-profit state-owned enterprises can bear the cost of women workers' allowance, subsidies and bonuses through internal human resources replacement.

II. Legislation and legal liability

Participants suggested that the *Anti-Employment Discrimination Law (Expert Advice Draft)* had been discussed by the whole society since 2008. In addition, China adopted the ILO Convention No.111 (*Convention against Discrimination in Employment and Occupation*) for more than a decade. There should be corresponding domestic legislation. During this period, each year's "two sessions" have proposals for this purpose. What was the latest attitude on the national level's enactment of *the Anti-Employment Discrimination Law*? Is there a timetable?

Xue Xin briefly responded that governments were making efforts to improve legal system following the several steps:

1. before adoption of a new law, relevant policies shall be issued for testing. Upon the enabling environment created, the policies would gradually upgrade to the laws.
2. Legislation required a high degree of consensus in the whole society, and the current views of Chinese society had different opinions on the fight against gender discrimination in employment.

Xue Xin mentioned that the Circular has clearly defined the legal liability if the recruitment information published by enterprises contained gender discrimination content, there were strict legal procedures and legal consequences. The recruiter can be prosecuted to the courts. This is the rigid part made by the Circular. The Circular also provided an inter-agency joint warning for correction mechanism as a soft approach to address malpractices of recruitment. The joint warning for correction could be carried out by labour department, trade union and women's federation to talk with recruiters, or one of the above-mentioned three can be conducted separately.

Liu Xiaonan believed that the current anti-discrimination laws and regulations and normative documents in China have a common problem, which were more pro-principles and pro-slogan, and lacking of legal liability and accountability mechanisms. The Circular of the nine government agencies stipulated an administrative fine of 50,000 Yuan, which is far from enough.



4

SESSION III:

**EQUAL PAY FOR THE
WORK OF EQUAL
VALUES AND WOMEN'S
EMPOWERMENT**

4.1 DISCUSSION ON EQUAL PAY FOR EQUAL WORK

Ms. Lisa Wong, ILO Senior Technical Officer on Non-Discrimination, introduced the Equal Pay International Coalition (EPIC). This was an initiative co-sponsored by the ILO, UN Women and the Organization for Economic Cooperation and Development (OECD), aiming to work with stakeholders to take concrete measures reducing gender pay gap, achieving pay equity and promoting *the Goal 8 of the 2030 Sustainable Development Agenda* - “Decent work and economic growth”, in particular Target 8.5 - “achieve equal pay for equal work”.

Lisa Wong shared that on average, women are paid about 20% less than men worldwide, and no country has achieved gender pay equality so far. Gender stereotypes is one of the main obstacles to gender inequality in pay. All international Conventions on equal pay emphasize two basic principles. One is equal pay for equal work, men and women of equal qualifications, who perform the same or similar work under the same conditions, and receive equal pay. The other is equal pay for work of equal value. Women and men are given different job content, but objective criteria (qualifications, efforts, responsibilities and working conditions) are of equal value and equal pay.

For the first category of “equal pay for equal work”, the majority of participants believed there were no issues of unequal pay for equal work in China from either legal or practice perspectives. All type of work including, general managers and executives, doctors and nurses, manual workers and mental workers were not paid according to gender, but according to the type of work and their title or position. If there is a difference in pay for the same work, there are problems between formal workers and dispatched workers, and workers in the systems and outside of the system. They did not regard such difference as gender discrimination.

Ms. Wong responded that many national laws only provided for equal pay for equal work, and did not reflect the principle of equal pay for work of equal value, this is not only in China. Many countries have ratified the *Convention No. 100 on Equal Pay*, but the principle of equal value of work was not fully understood by States. People need to be paid based on job value, not gender.

Some argued that China’s gender pay gap was mainly due to the concentration of women in low-income industries. It was difficult to evaluate the value of work performed by men or women, such as police and nurses. Countries lack such an evaluation system.

How do I evaluate the value of my work? According to Lisa Wong, the value of the work should be assessed on the basis of four principles of gender neutrality:

1. qualifications and abilities of the job;
2. the specific efforts required to implement the work requirements;
3. liability;
4. work environment. When we analyze equal value equal pay, we must ensure these four principles to be applied.

The ILO’s gender-neutral value assessment was based on analytical tools, and the Guide was based on a summary of Canada’s practical experience, and the four gender-neutral policy principles mentioned above have proven to be effective at the Canadian national level. In addition, last year Iceland established a pay equity standard, and the Swiss government provided an online self-assessment tool for pay.

4.2 THE PROGRESS AND CHALLENGES OF THE CHINESE ENTERPRISE CONFEDERATION IN PROMOTING GENDER EQUALITY

Mr. Niu Zhiqiang, Division Director of the Chinese Enterprise Confederation, introduced the agency’s work to promote gender equality. In collaboration with the ILO Beijing, they prepared a “*Gender Equality and Enterprise*” as Employer’s Handbook which proposed a code of conduct for gender equality in the workplace from a corporate social responsibility perspective. The Chinese Enterprise Confederation has conducted corporate training in Qingdao, Chongqing, Nanjing, Changzhou and other cities, and invited experts from

the ILO to introduce international labour standards, especially Convention No. 111.

The Survey of Gender Equality in Chinese Enterprises found that, first, executives played an important role in promoting gender equality, especially small and medium-sized enterprises, which could not be promoted without the support of senior executives; second, gender equality should be included in the strategic planning of enterprises, from the recruitment of personnel, training, to the promotion of employees, and remuneration, etc.; third, special protection for female workers should be incorporated into enterprise policies, especially human resources policies; fourth, there should be guidance on violence and harassment, though investigations were “difficult at the time, and there were still great challenges in this regard”; fifth, women spent three times for unpaid housework than men.

Niu Zhiqiang believed that some large state-owned enterprises or government agencies did a better job; small and medium-sized enterprises had certain difficulties. When they talked to a group of small businesses, they found that if female employees were to leave their jobs because of childbirth, they really needed to find replacements, which meant that a job had to pay twice as much as wages, and the cost was one of the biggest challenges for small and medium-sized enterprises. That was the reason for requesting government to share the burden of maternity, not just the enterprise to bear all the costs.

Another challenge, according to Niu Zhiqiang, was data collection. Lack of complete or comprehensive gender-sensitive data made it difficult to design targeted policies and make them available to relevant government departments so that they can take measures and develop laws.

4.3 UN WOMEN'S WORK TO PROMOTE GENDER EQUALITY IN ENTERPRISES

Ms. Lin Jialei, Program Manager of UN Women's China Office, introduced the work of UN women in promoting gender equality in enterprises, especially the

“*Women's Empowerment Principle*”. This was a set of business-oriented gender equality standards jointly developed by UN women and the United Nations Global Compact Office in 2010, including seven principles (hereinafter referred to as the “Seven Principles”:

1. Establish high-level corporate leadership for gender equality.
2. Treat all women and men fairly at work-respect and support human rights and non-discrimination.
3. Ensure the health, safety and well-being of all women and men workers.
4. Promote education, training and professional development for women.
5. Implement enterprise development, supply chain and marketing practices that empower women.
6. Promote equality through community initiative and advocacy.
7. Measure and publicize report on progress to achieve gender equality.

The “Seven Principles” include equality and non-discrimination: for calculation of equal pay, it covers not only hourly or monthly earnings but also other benefits, such as insurance or bonuses. For empowering women in enterprise supply chains, it encourages enterprises to pay more attention to female enterprises and give them equal opportunities when choosing suppliers, it also encourages enterprises to join hand with suppliers develop gender equality policies, and mobilize more enterprises to support gender equality. Enterprises are requested to eliminate gender stereotypes in advertisements and jointly advocate the concept of gender equality. In short, *the Women's Empowerment Principles* are not only gender equality in the workplace but also in markets and communities. Based on these principles, UN women and other partners have developed a self-assessment tool for gender equality, which allows companies to self-evaluate and score, and for improvements.

4.4 EMPOWERMENT OF WOMEN ENTREPRENEURS

Ms. Jiang Qiurong, Secretary-General of the Mulanhui Foundation for Public Welfare, shared her experiences in the empowerment of women entrepreneurs. The Mulanhui Foundation was established to focus on the development of female leadership in 2016.

The increasing power of women in the economic field has been shown:

1. Since 2009, the proportion of female entrepreneurs in China has increased from 25% to more than 30%, and more and more women were willing to take the challenge of starting a business.
2. The increase of women's awareness was improved. Many women took up more responsibility with ambitions and actions.
3. Women had more and more skills and methods in dealing with various relationships, solving difficulties and breaking through difficulties.

They liked to share and help each other. But there were still much room for improvement in these positive changes. The 2017 survey found that only 10% of senior executives in China were women, and the figure was likely to go on rising. Women also wanted to work with male entrepreneurs to increase their participation in the Women's Empowerment Principles of UN women.

According to Jiang, most of the challenges women entrepreneurs face were the same as all entrepreneurs, but having three different features:

1. they did not have enough confidence;
2. they lacked social networks and resources to solve their difficulties in expanding new markets;
3. the traditional gender norms still affected them.



5

SESSION IV:

**BALANCING
WORK AND FAMILY
RESPONSIBILITIES**

5.1 POLICY RESEARCH ON BALANCING WORK AND FAMILY RESPONSIBILITIES

Ms. Liu Bohong, National Gender Expert, a professor at the China Women's University, shared her work on *“Work-Family Balance: China's Problems and Policy Studies”* with the support of the ILO.

First, she analyzed the development trend of Chinese population and family in the past 40 years:

1. Family size miniaturization. The average number of Chinese families was from 5.3 in the early 1950s to 3.0 in 2012.
2. Aging population. The average life expectancy of China's population had risen from 35 in the early days of liberation to 76.34 in 2015. Son and daughter were the main caregivers of the disabled.
3. The total fertility rate decreased. 40 years ago, women who wanted to have children, but the government did not allow them. Now it was the government encouraging them to have “two children”, but women were reluctant to have children, and the total fertility rate of women reached the “replacement level” (about 2.2).
4. The decrease of family dependency ratio. In 1982, the total dependency ratio of Chinese families was 62.6%. In 2008, it was 37.4%. Among them, the child dependency ratio decreased, but the elderly dependency ratio increased.

The smaller family size, fewer children born and lower family support ratio should lead to a reduction in family care. However, issues of the aging, people's expectations for a happy life and for their single child, and the increasing pressure on men to earn money for their families have translated into deeper expectations for women's family roles, which extended to the expectations for the older generation of women.

Liu Bohong also reviewed the transformation of public service policy from the planned economy to the market economy in the past 40 years.

1. The reform of China's enterprise system transferred the functions of corporate care services to society, the market and the family. The enterprise became an economic entity responsible for its own profits and losses; its social service function was weakened day by day and sold out or transferred existing public service facilities to the society.
2. The government's limited public service investment did not cover women's maternity and family care, exacerbating the imbalance in the allocation of public services resources and the burden of enterprises.
3. A number of market-oriented welfare policy reforms implemented by the government increased the burden of workers with family responsibilities.
4. Enterprise policies and cultures adapted to the market economy were not conducive to reducing the burden on workers with family responsibilities. The transition to market economy made enterprises pursue economic benefits, while the family responsibility of workers regarded as a private matter unrelated to enterprises. Under the disordered competition, the phenomenon of overtime work such as “996”, were widespread, and the paid leave system remained nominal only.

The impact of these institutional policy changes, aggravated the contradiction between balance of work and family, caused the decline of female labour participation rate, and affected the development of the national economy. The decline in women's economic status would lead to a decline in social status and family status, as well as women's marginalization and poverty. More importantly, it would make the gender stereotype of “men work outside home as bread earner while women remain at home taking care of the family” deeply rooted and passed to next generation. It would raise questions about whether China's gender equality development growing hand-in-hand with its rapid economic and social development.

Finally, she proposed that:

1. the government should take a leading role in addressing work and family conflicts for male and female workers with family responsibilities;
2. public services should cover childcare, old-age care and family services as soon as possible;
3. policy measures should aim to expand social protection, and reduce the burden of unpaid care for workers with family responsibilities such as social insurance, cash subsidies, care subsidies, employment project guarantees, pensions and holidays;
4. effort should be made to strengthen the urban and rural planning and “people-centered” infrastructure construction to reduce the living burden and care pressure of workers;
5. enterprises should be encouraged (including employers) to fulfill their social responsibilities and provide supportive measures for employees with family responsibilities to work and take care of their families;
6. traditional cultural of “men working outside home as bread earner and women taking care of the family at home” should be changed. Everyone should be encouraged to share family responsibilities, in particular, leaders at all levels;
7. gender statistics and research should be strengthened.

5.2 POLICY AND DEVELOPMENT OF FAMILY SERVICES IN CHINA

Ms. Zhang Yiming, Director of the Policy Simulation Lab of the Chinese Academy of Labour and Social Security, made a presentation on “Care economy and Domestic Services Policy”. She provided an overview of domestic services in China. Driven by the implementation of China’s “Comprehensive Two-Child” policy and the aging population, the demand for domestic services such as maternity care, childcare

and nursing increased dramatically. According to *the Report on the Development of China’s Domestic Service Industry* (2018), the scale of China’s domestic service industry continued to expand, with an annual growth rate of more than 20%. In 2018, the operation scale of China’s domestic service industry reached 576.2 billion Yuan, up 27.9% annually, with more than 30 million employees.

At present, domestic service in China has formed an industrial chain from employees to enterprises/platforms to family consumers. With the development of “Internet Plus” era, “Internet + Domestic Service Industry” has also ushered in new development opportunities.

Zhang shared the problems faced by the domestic service industry. For example, the quality of domestic service cannot catch up with the rapid industrial development, and the service quality cannot meet the needs of families. Domestic service industry is small, fragmented, unregulated, and weak without forming brand. The competition of domestic service was in disorder and lack of industry integrity.

Based on these circumstances, she proposed 12 actions to implement the “*Opinions on Promoting the Quality and Quantity of the Domestic Service Industry*” of the State Council, including:

1. to support universities and colleges to establish a number of majors related to domestic services;
2. to support a number of domestic service enterprises to organize vocational training;
3. to increase the balance of unemployment insurance fund to support domestic service training;
4. to strengthen pre-job training and on-job training efforts;
5. participate in social insurance for employees of domestic service enterprises;
6. arrange flexible working hours for employee of domestic service enterprises;
7. to encourage domestic service enterprises to stabilize jobs by returning unemployment insurance contribution and providing free training for employees;

8. strengthen social security support such as social security subsidies;
9. broaden the career development path of domestic workers;
10. reward and provide incentive to outstanding domestic workers;
11. establish a stable cooperation mechanism of domestic service between receiving cities and poor counties;
12. promote the application of domestic service contract samples for the joint efforts by relevant stakeholder for the healthy development of domestic service industry and meet the growing demand of families.

5.3 RESEARCH ON THE “IMPACT OF THE TWO-CHILD POLICY ON WOMEN’S EMPLOYMENT”

Professor He Zhichun, Deputy Director of the Law Teaching and Legal Research of Gansu Party School, gave a presentation on the study of “The Two-Child Policy’s Impact on Women’s Employment”. This was a project undertaken by the party school of Gansu Province under the support of the 2017-2019 “China Gender Research and Advocacy Fund” of UN Women. The main work had three components:

1. a large sample of questionnaires, interviews and professional data statistics conducted to find out the impact of implementation the “Comprehensive Two-Child” policy;
2. series of staff training and policy campaign to raise the awareness of gender equality;
3. a number of outputs from the research achievements. The project facilitated seven provincial government departments including the Gansu Province Human Resources and Social Security Department jointly issued “The Opinion on Promoting Women’s Fair Employment in Gansu Province” (hereinafter referred to as “The Gansu Provincial Opinion”), to further promote the implementation of the “Comprehensive Two-Child” policy and women’s career development.

He Zhichun highlighted the problems found in the survey:

first, the willingness of women on the second child was significantly lower, only 22.6% wanted to have a second child, more than 48% did not want to have a second child, and 29% did not decided yet;

second, there was a clear conflict between “to have two children” and “to work” through the answers of the single choice to the question on “in order to have a second child, are you willing to give up your job”, 60% of women at childbearing age chosen “No”, and the more children they had, the higher the proportion of persons to choose “No”;

third, having two children posed a direct threat to women’s work, and in the multiple choices of “what do you think of the objective impact of having two children on women’s career development”, 25% of women of childbearing age chose “forced to give up their jobs”, as many as 72% of women of childbearing age chose “limited energy and cannot invest too much in their work”, 21% chose “promotion restrictions”, 18% chose “reduced treatment” and 13% chose “change of position”;

fourth, from the perspective of women’s needs for policy support, in response to the question “how long do you need the parental leave for your husband?”, women of childbearing age chose “3-6 months” and “more than 6 months”, representing a total of more than 85%, reflecting their strong and common demand for men and women to share family responsibilities;

and fifth, existing laws, regulations and policies to guarantee women’s equal employment rights had not yet been fully implemented. Less than half of the organizations interviewed implemented the maternity leave and less than one third participated in the maternity insurance for female employee at child-bearing age. These two results made people deeply concerned.

Less than half of the organizations interviewed implemented the maternity leave and less than one third participated in the maternity insurance for female employee at child-bearing age. These two results made people deeply concerned.

In response to the above survey results, Professor He proposed the following policy recommendations. First, Gansu Province suggested:

First, to developing and improving the gender statistics, so that the contribution of men and women in social and economic development could be measured.

Second, it was suggested to strengthen and improve the basic state policy of equality between men and women as well as the “Comprehensive Two-Child” policy, implement the international conventions to promote equality in employment for women, strengthen the public education and training of relevant laws and policies, especially for private enterprises, social organizations and low- and middle-income people.

Third, it recommended to learning from international experience and improving laws, policies and regulations that guarantee women’s equal employment rights, such as implementing the parental leave system and the flexible maternity leave system, so as to encourage men and women to share the responsibility of children rearing.

Fourth, policy support provided to enterprise with large proportion of women workers through reducing or exempting certain proportion of taxes and fees.

Fifth, government should gradually increase the share of maternity costs through incentives, compensation and apportionment, to effectively reduce the labour costs of hiring women.

Sixth, economic support provided for people who aged between 25 to 34 years old with children, and for people who have children with low and middle income, so as to ease the pressure on families to have children.

5.4 GOOD PRACTICE OF IBM IN BUILDING FAMILY-FRIENDLY ENVIRONMENTS

Ms. Chen Huiquan, IBM Greater China Group Citizenship Manager shared IBM’s good practice of implementing family-friendly policies. IBM’s inclusive culture dated back to the early 20th century and continued to date. On September 21, 1953, the President of IBM officially issued an “Equal Opportunity Policy” letter, emphasizing the company employing people regardless of race, color, or religion. In 1899, IBM hired three women for the first time, 20 years before American women gained the right to vote. In 1935, IBM made equal pay for equal work; in 1943, IBM appointed the first female vice President; since the 1980s, IBM introduced various policies, including paid maternity leave, the right to work of women at childbearing age, and the protection of employees with different gender preferences. Thus, IBM has been honored as the most popular company for employees and the most suitable company for women.

Sharing her own experience, she introduced in details how IBM developed policies and practices conducive to employees’ healthy, work-life balance, and meeting their needs, including the support for social groups of employees, women’s health care, flexible working arrangement, discussions on women’s multiple roles, and employee welfare programmes, to benefit not only women, but also men and their families.

IBM deeply committed to corporate social responsibility, providing the same opportunities and services for women and men living in the same community. Company launched many programmes to empower women in the community through providing higher vocational education, digital skills, and incorporating in the global volunteer services to mitigate the gender gap of digitalization.

Finally, Chen concluded with the words of Ginni Rometty, Chief Executive of IBM: values, culture and the environment are indispensable to the company and its employees, like sunlight, air and water. It “makes IBM the most important company in the world to our customers, which is a noble goal and our legacy”. “This is definitely not what IBM can do alone,” Ms. Chen said, “We want to work with more companies and more volunteers to create a better world.”



strong
hands
stop
violence
against women
and girls

6

SESSION V:

ELIMINATION OF
VIOLENCE AND
HARASSMENT IN THE
WORLD OF WORK

6.1 A BRIEF INTRODUCTION THE ILO CONVENTION NO. 190 AND RECOMMENDATION NO. 206

Ms. Joni Simpson, ILO Senior Specialist on Gender Equality and Non-Discrimination for Asia and the Pacific, introduced the new Convention No.190 “Concerning the Elimination of Violence and Harassment in the World of Work” (hereinafter referred as the Convention) and the Recommendation No.206 “Concerning the Elimination of Violence and Harassment in the World of Work” (hereinafter referred as Recommendation).

The Convention and the Recommendation intended to recognize the right of workers free from violence and harassment, including a world of work free of gender-based violence and harassment, as women in the world of work were disproportionately and more vulnerable to violence and harassment.

The Convention was innovative, and the first international standard on violence and harassment in the world of work. It was forward-looking and groundbreaking nature, taking into account the changing nature of work and the fundamental elements of violence and harassment, and marked the beginning of the next century of the International Labour Organization.

The core principle of the Convention:

First, the core principle was respecting, promoting and realizing the right of everyone to a world of work free from violence and harassment;

second, it adopted an inclusive, integrated and gender-sensitive approach;

third, it recognized the different and complementary roles and functions of governments, employers’ and workers’ organizations, taking into account the different nature and extending their respective responsibilities;

fourth, it respected, promoted and implemented the fundamental principles and rights at work and decent work agenda;

fifth, guaranteed the right to equality and non-discrimination, including female workers and vulnerable groups.

These core elements included the protection of workers in all sectors, whether in the formal or informal economy, urban or rural areas.

The Convention has three major strategies for addressing violence and harassment in the world of work: prevention and protection; law enforcement and remedies; guidance and training.

6.2 A BRIEF DESCRIPTION OF CHINA’S POLICIES AND LEGISLATION ON WORKPLACE VIOLENCE AND HARASSMENT

Professor Liu Minghui briefed the country’s policies on workplace violence and harassment. In the context of the national framework, she outlined the provisions on the prevention of sexual harassment in the seventh objective of *The China National Program for Women’s Development* (2011-2020). In terms of local guidelines, she introduced the definition, process and penalties for dealing with sexual harassment in Article 22 of *the Regulations on the Promotion of Gender Equality in the Shenzhen Special Economic Zone* (2012). In terms of sectoral guidelines, she presented the provisions of *the Code of Conduct on Social Responsibility in China’s textile and Garment Industry on the Prevention and Treatment of Sexual Harassment and Abuse*. In terms of corporate regulations, in addition to the regulations that multinational companies have brought from abroad, she shared the mechanisms established by the liquor enterprise Hengshui Laobaiganof Hebei Province.

Liu Minghui suggested on how to address violence and harassment in the workplace, including:

1. develop prevention-oriented guidelines and include in the employees’ handbook ;

2. set up special department and define clear responsibilities of managers,
3. establish complaint mechanism for dealing with violence and harassment,
4. strengthen advocacy, education and training,
5. carry out inspection regularly to prevent and address violence and harassment;
6. incorporate into the CSR management system; and
7. be protected by labour contracts and collective agreements.

Liu reviewed legal reform to address sexual harassment in the workplace, namely:

1. amended the Law on *the Protection of Women's Rights and Interests* in 2005 to add Article 40 "Prohibition of Sexual Harassment of Women" and Article 58 "Punishment of Sexual Harassment or Domestic Violence";
2. the Special Regulations on *Labour Protection for Women Workers*, promulgated by the State Council in 2012, clearly stipulates that "in the workplace, the employing unit shall prevent and suppress sexual harassment of women workers" in Article 11;
3. in 2018, *the Notice of the Supreme People's Court on adding new cause of action of civil cases* included the cause of action of "dispute on liability for sexual harassment damage".

In this regard, she proposed the following legislative reform:

1. change the legislative model of single-sex protection;
2. clarify the definition of violence and harassment;

3. specify the obligations of employers;
4. clarify employer liability and exemption;
5. charge perpetrator with civil liability; and
6. improve Law against Domestic Violence, to add "employer" as the "obligation body", etc.

Liu Minghui also proposed to promote the ratification of Convention No. 190 by the Chinese government, which could lead to create ministerial standards by the Ministry of Human Resources and Social Security, judicial interpretations by the Supreme Court, and guidelines by trade unions and sectoral associations. While efforts should be made to organize training and public campaign to promote good practices of employers. Regarding the long-term objective, Liu Minghui hopes to enact a National Law addressing Workplace Violence and Harassment.

6.3 A BRIEF INTRODUCTION OF THE HANDBOOK ON ADDRESSING VIOLENCE AND HARASSMENT OF WOMEN IN THE WORLD OF WORK

Mr. Li Shuo, Youth Program Officer, UN Women's Beijing Office, presented *the Handbook on Addressing Violence and Harassment of Women in the Working World*, developed jointly by the International Labour Organization and UN Women. He stressed that protecting women from violence and harassment in the world of work was a fundamental human right recognized and defended by the United Nations and its member States. He recognized that countries have different resources and situation, knowledge and capacity to respond to violence and harassment, but we all have to implement them through laws, policies and specific projects.

The Handbook emphasized the responsibilities and obligations of employers to address violence and harassment against women in the world of work, such as:

1. implementing effective human resource policies against sexual harassment and domestic violence;
2. including violence and harassment in occupational safety and health management system;
3. creating effective complaints procedure;
4. providing remedies and support for victims;
5. defining perpetrator's liability;
6. raising awareness and training;
7. monitoring violence and harassment and collecting sex-disaggregated data; and
8. developing a workplace preventive strategy.

The last and the most important chapter of the Handbook is "Solving the Problem from the Source". In addition to the immediate action that governments, employers and all sectors of society need to take, long-term actions to change social culture and norms are essential, as they can change the society's views on gender relations, remove the deep-rooted gender stereotypes in the society, eliminate gender discrimination and end gender-based violence from its source. The Handbook provided specific and practical recommendations on how to address root causes, including:

1. changing social norms and power relations in the workplace;
2. recognizing the workplace is an important entry point to change social norms that are unequal, discriminatory and tolerant of harassment and violence;
3. changing power, sharing power: women in leadership positions and non-traditional jobs; and
4. increasing women's voice and initiatives.

Finally, the Handbook concluded by quoting the words of the Secretary-General of the United Nations, Mr. Guterres, "Not until the half of our population represented by women and girls can live free from fear,

violence and everyday insecurity, can we truly say we live in a fair and equal world."

6.4 DISCUSSION THE CURRENT SITUATION, CHALLENGES AND SOLUTIONS TO THE SITUATION OF VIOLENCE AND HARASSMENT IN CHINA FROM THE PERSPECTIVE OF PRACTITIONER

Ms. Yu Ning, an assistant judge in the First Division of the Xicheng District People's Court, expressed "Responding to Sexual Harassment in the Workplace, Employers should take the lead and monitor the behaviors". She informed that the Labour Dispute Division of Xicheng District Court was established and began specialized trials in 2014. Among the tens of thousands of labour dispute cases received, the proportion involving women has reached 41.68%. On the one hand, it showed that women became half of the sky in the workplace and the main force of economic and social development. On the other hand, it indicated the necessity and importance of continuing promotion of judicial protection for women's legitimate rights and interests.

An analysis of 199 labour dispute cases collected through the China Referee's Instrument Network, which contained the key words "sexual harassment in the workplace", showed that such cases were on a rise annually with 1 in 2010, 5 in 2013, 21 in 2014 and more than 40 in 2018. From location perspective, Guangdong, Shanghai, Jiangsu, Beijing are the majority, each had 30 cases, while other provinces and cities have generally less than 5 cases. From the trial perspective, there were 117 cases of the first trial, 80 cases of second trial and only two cases of retrial by the high court. Notably, among the 117 first-instance cases, only 33.3% involving substantive problems related to workplace sexual harassment. In addition, the analysis found that more than half of employers have policies specifically addressing sexual harassment, but only 30% of employers succeeded in the lawsuit of firing employees for sexual harassment.

The main reasons for the above results:

First, the serious lack of evidence. In the cases that the employing unit determined to terminate illegally, 75% cases did not have sufficient evidence to prove that sexual harassment did occur.

Second, the attitude of the victim and the perpetrator was ambiguous, and the employee's conduct did not constitute sexual harassment, or did not meet the criteria for the identification of sexual harassment, accounting for 19.4% of cases.

Third, the dismissal behavior of the employers did not conform to the agreement on termination.

In order to promote enterprises and employers to use the law to punish sexual harassment in the workplace, Yu Ning suggested:

first, employers should attach importance and necessity of preventing and addressing sexual harassment in the workplace;

second, improve the rules and regulations, formulate effective process, and timely and effectively deliver relevant provisions and relief channels to the workers;

third, employers should pay high attention to the collection and fixation of relevant evidence when conducting investigations involving reports of sexual harassment;

fourth, if the employer dismisses a worker involved in sexual harassment, the notice of termination of labour relations shall be delivered to the person, and if the enterprise has a trade union, the decision of dismissal should be approved by the trade union;

and fifth, the report of complaints against employees must be carefully screened.

Professor Zhang Min of the School of Peking Union Medical College, working in the field of occupational and health protection, shared practices in health protection and violence prevention. She started her cooperation with the ILO due to a nurse infected with HIV in 2002. On the basis of the study, the national standard for health protection was drafted, but it was very difficult to implement because the occupational health protection system for health care workers had

not been established. As a result, she began to work with the ILO to introduce new frameworks and tools, build many platforms, advocate and train on large scale, and promote the establishment of an occupational safety and health system in China's medical sector.

Li Ying, lawyer of Yuanzhong Service Center for Families and Communities, shared their long-term experience in combating violence against women in the workplace and in the family.

In terms of research, in 2018, Yuanzhong released the *Case Study Report on China's Law and Judicial Trials against Sexual Harassment in the Workplace*, which found the main problems:

1. The proportion of cases of sexual harassment in the workplace was very low in the total number of cases in China.
2. Very small number of cases of entry into the legal procedures compared to the incidences of sexual harassment happened in the workplace.
3. The success rate of sexual harassment cases in the workplace was low.

Li Ying made responsive suggestions:

1. further improve the regulations related to sexual harassment in the workplace;
2. strengthen public education campaign and training on sexual harassment issues and related laws and regulations in the workplace in order to effectively activate existing laws and mechanisms;
3. optimize the trial team and refine the standard of refereeing; and
4. improve the social support system to help victims break the "culture of silence", seek judicial remedy, and safeguard rights and interests.



7 FOLLOW-UP

7.1 THE SIMPLE ANALYSIS

Based on the international framework and basic principles for promoting gender equality and women's empowerment in the world of work, as well as the discussion of the five topics, and the actual situation of China's labour market and gender equality, the key points of this seminar summarized from the following six aspects:

1. Equality in employment opportunities

In February 2019, nine stakeholders, including the Ministry of Human Resources and Social Security, issued the Circular on *Further Regulating Recruitment Practices and Promoting Women's Employment*, which was the first special document at the national level to address gender discrimination in employment. At 2018 Central Economic Work Conference, both President Xi and Premier Li urged to address gender discrimination and identity discrimination in the labour market, which has been persistent problem since the opening-up. The "Comprehensive Two-Child" policy made gender discrimination more prominent. Nine stakeholders including the MoHRSS finally issued the Circular, but unfortunately only covering recruitment process.

The research findings of the Gansu Party School showed that *the Special Regulations on Labour Protection for Women Workers* have taken effect for 7 years, but less than half of the maternity leave applied by employing units. *The Social Insurance Law* adopted for 9 years, but less than one third of employing units paid maternity insurance for women. These data indicated that the employing units generally do not take the responsibility of labour protection for women workers, and gender discrimination and infringement behaviors do not only occur in the recruitment process.

Employment equality covers not only entering into the labour market, but entire career, including career development, remuneration, maternity protection, occupational safety, work and family responsibilities, workplace violence and harassment, retirement, social

security. Thus experts called for the enactment of the Anti-Employment Discrimination Law to increase penalties and liability for violations of the law, in particular, to enhance the responsibility and capacity of government authorities, and the training to enhance capacity of employers.

2. Equality in pay

Wage inequality in the Chinese workplace has not been recognized by many participants. Most participants in the discussion agreed that China's workplace implemented "equal pay for equal work", pay inequality existed outside the system caused by a legacy of urban and rural dual mechanism. They did not see the gender pay gap caused by the concentration of women workers in lower-income positions and occupations. Most importantly, the meaning of "Equal pay for work of equal value" has not been understood by the Chinese society including tripartite constituents, the academia, and Chinese women's organizations. This is an obvious gap in understanding of the equal pay Convention No. 100.

3. On the elimination of violence and harassment in the world of work

As the representative of the China Enterprise Confederation mentioned in the discussion, "it was difficult to investigate the violence and harassment, and most companies and enterprises were unwilling to share such information with us." The investigations by Yuanzhong Service Center for Families and Communities also showed that cases of sexual harassment in the workplace accounted for a very low proportion of cases in our country, and very few cases entered the proceedings and the successful rate was low. This information showed that sexual harassment is basically a "culture of silence" in China's workplace and justice system.

In addition, although the Supreme People's Court added the cause of action on "Sexual Harassment Damage Liability Dispute" in

December 2018, but the legal issues related to sexual harassment in the workplace remained as the most controversial debate, e.g. distribution of the burden of proof, moral damages, the differences between sexual harassment and sexual bribery, and joint liability for enterprises, and lack of regulations responsive to sexual harassment.

From participants discussion, it is recognized that implementation of Convention No. 190 face great challenge.

4. Balancing work and family responsibilities

Against the backdrop of the global women's movement calling for "redistribution of family responsibilities and unpaid work" as "the family may be a place to violate the rights of women and girls and silence their voices", Chinese women are shouldering more family responsibilities and to play a "special" role in the family. Their silent resistance is refusing to have children when the one-child policy abolished, and pursuing on their career development.

In April 2019, the General Office of the State Council issued *"Guidelines on Promoting the Development of Care Services for Infants under 3 Year-old"*, which aimed to help mothers having young children because the total fertility rate of women was too low after the family planning policy reform. Government intended to improve childcare support to address this problem. However, whether the government is aware that giving the responsibility of unpaid work to women would limit women's rights to development, employment, social security and choice, and avoiding its responsibility to eliminate all forms of discrimination against women. Promoting government and men to share work and family responsibilities is a huge challenge.

5. Change of stereotypes

Equality between men and women is a basic national policy, but the understanding of the meaning of equality between men and women is different from that of the gender equality defined by the international community today. Many people believed that "men dominate social affairs while women do the housework at home", "let men do jobs suitable for men, let women do work suitable for women, so that men and women play their own advantages" are regarded as equality between men and women. They never challenged the traditional stereotypes, they even facilitated the formulation of legal policies based on the traditional way of division of labour, and the formation of institutional discrimination against women. In advocating the Marxist concept of women development, people failed to absorb the concept of gender equality, and analyze gender inequality and discrimination exacerbated by market differentiation after the disappearance of class confrontation.

6. Gender based statistics and research

Since 2008, China's National Bureau of Statistics has officially published annual statistics on the situation of women and children in China, including some gender-specific statistics. However, compared with China's social development and international standards, the statistical methodology and data are obviously inadequate. In addition, there are fewer gender studies on policy, legislation, social development planning and the situation of women and girls, and some so-called gender studies have the bad habit of "reporting good side not the worry part" or "not solving real problems". Strengthening gender-disaggregated statistics and gender-sensitive research is much needed and expected by participants.

7.2 RECOMMENDATIONS FOR FOLLOW-UP ACTIONS

First, continue to promote the United Nations instruments, frameworks and standards on employment and gender equality. Translate the important instruments into Chinese, widely disseminate them, and organize relevant training, research and seminars to introduce main values, ideas, principles and practices to Chinese society, in particular to policy makers, researchers and practitioners.

Second, seize the momentum of developing *the new National Program for Women's Development (2021-2030)*, conduct research and seminars to facilitate the integration of indicators of gender equality used by the international community and align the new document with relevant targets and principles of *the 2030 Sustainable Development Goals and Beijing Platform for Action*, and *the Convention on the Elimination of All Forms of Discrimination against Women* for improving women's development in China.

Third, take the opportunity of Beijing +25 in 2020 to strengthen the review and assessment of progress against *the Beijing Platform for Action* and facilitate the Chinese government to accelerate the implementation of *the Beijing Platform for Action*.

Fourth, take advantage of Beijing + 25 to promote ratification of ILO Conventions No. 156, No. 183 and No. 190 by Chinese government.

Fifth, strengthen research on gender equality and women's empowerment in China, provide support for advocacy, legislation, policy-making, and train a team of gender experts, especially the young generation with potentials.

