

Workplace Gender Discrimination in China: Comparative Legal Insights and Policy Pathways

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Abstract. Although there are already existing laws aimed at promoting equality, gender discrimination still widely exists in the Chinese workplace. Women face obvious barriers in recruitment, career promotion, pay, and workplace culture. These barriers reflect the economic and cultural bias based on gender that still exists in society. This paper explores this problem through a comparison of legal rules and empirical policy research. The analysis examines the limits of the current Chinese legal system and compares them with the framework of Title VII of the U.S. Civil Rights Act. This study also shows how weak legal institutions and policies combine with cultural factors to make gender inequality continue. This paper then proposes practical measures and policy suggestions to address this problem. This study uses research methods including legal text analysis, case study, and statistical data review, in order to find the patterns and causes of discrimination. The research results show that gender discrimination in the Chinese workplace mainly appears as recruitment bias, motherhood penalty, cultural stereotypes, sexual harassment and objectifying language, and pay gap. Based on these findings, this study proposes several countermeasures. These measures include improving anti-discrimination legislation, strengthening supervision and enforcement mechanisms, increasing corporate responsibility, making family-friendly policies, and promoting cultural change through education and publicity. The research shows that promoting gender equality is not only about fairness and justice, but also helps to improve labor market efficiency and promote sustainable economic growth in China.

Keywords: workplace gender discrimination, gender equality policies, cultural transformation.

1. Introduction

Gender discrimination in the workplace continues to be a serious issue in many countries, and it takes on particularly clear and troubling forms in China today. The Chinese government has written its commitment to gender equality into the Constitution and related laws. However, unequal treatment between men and women still appears in recruitment, promotion, pay, and workplace culture. Women are often kept out of certain jobs during hiring, asked about their marriage or childbearing plans, and passed over when promotion opportunities arise. These practices not only violate the principles of equal employment but also perpetuate broader cycles of inequality, thereby restricting women's participation in economic and social spheres.

This article addresses several interrelated issues: How does China's legal framework compare with that of the United States in addressing workplace gender inequality? What is the current state of gender discrimination in Chinese workplaces? What are the social, cultural, and institutional factors contributing to such discriminatory practices? More critically, what practical measures can be implemented to more effectively combat gender discrimination and promote equality in China's professional environments?

To address these inquiries, this paper adopts a methodology integrating comparative and analytical approaches. It first identifies the research focus on gender discrimination in China's workplace, then outlines the current legal frameworks and policies addressing this issue in China. These are subsequently contrasted with legal approaches employed in the United States. The comparative analysis enables subsequent detailed examinations of specific aspects of gender discrimination with reference to corresponding American practices, thereby facilitating more nuanced interpretations. This article will also review the current situation of gender discrimination in the Chinese workplace, discussing it in combination with statistical data and typical cases. Then, it will analyze the root causes of the problem, including cultural attitudes, employment structure obstacles, and the limitations of the legal framework. gender discrimination in Chinese workplaces, incorporating statistical data and representative case studies for analysis. It subsequently examines the root causes of the issue, including cultural attitudes, structural barriers in employment, and limitations within the legal framework. The final and most critical section focuses on strategies to address workplace gender discrimination, covering legislative reforms, enhanced supervision and enforcement, workplace policy design, public awareness campaigns, and institutional mechanisms aimed at fostering long-term ideological and cultural change.

The research objectives of this study are twofold. First, it aims to establish a comprehensive analytical framework for examining workplace gender discrimination in China by integrating legal frameworks, sociocultural factors, and international comparisons. Second, and more importantly, this paper strives to move beyond mere diagnostic analysis to emphasize actionable solutions that can be implemented to mitigate gender-based inequalities in the workplace.

This study holds significance on both theoretical and practical dimensions. Theoretically, it enriches academic discourse on workplace gender equality by contextualizing China's experience within a comparative international framework, demonstrating how global practices can inform local realities. Practically, it offers targeted policy recommendations that may serve as a reference for legislators, employers, and social organizations in advancing gender equality in the workplace. The paper underscores that gender equality in employment is not only a matter of justice and human rights but also a prerequisite for China's sustainable economic growth and social development. A fairer workplace can improve labor productivity, increase the available talent pool, and help build a more just society.

In this paper, the issue of gender discrimination in Chinese workplaces is examined from several perspectives, including its current state, underlying causes, and legal framework. The study also incorporates comparative insights from the United States. By focusing on policy recommendations and practical solutions, this research aims to combine academic analysis with concrete reforms. It provides useful insights for promoting real gender equality in Chinese workplaces.

2. Legal frameworks on workplace gender discrimination

2.1. The framework of title VII in the United States

Title VII of the U.S. Civil Rights Act explicitly prohibits employment discrimination based on "race, color, religion, sex (including sexual orientation and gender identity), or national origin", and is enforced and supervised by the U.S. Equal Employment Opportunity Commission (EEOC). In addition, it explicitly prohibits behaviors such as sexual harassment and recruitment decisions based on gender stereotypes. The EEOC has the authority to investigate, mediate or sue employers.

2.2. The current status of the legal system in China

Although China has established gender equality provisions in laws and regulations such as the Labor Law, the Law on the Protection of the Rights and Interests of Women, the Employment Promotion Law, and the Special Provisions on the Protection of Female Employees in Labor, it has also implemented employment support policies for women, such as providing training and entrepreneurial support. It still lacks a comprehensive anti-discrimination law specifically covering "gender discrimination" in employment. The existing laws lack clear definitions, preventive mechanisms, and enforcement strength. Human Rights Watch pointed out that although the law prohibits gender discrimination, there is a lack of substantive penalties for gender preferences in recruitment advertisements, and enforcement is weak [1]. In comparison, the United States has a more complete protection system in law enforcement.

3. Main manifestations of gender discrimination in the Chinese workplace

3.1. Direct and obvious recruitment discrimination

Human Rights Watch reported that in China's recruitment advertisements, there still exist phenomena such as male preference, restrictions on women's height, weight and appearance. Even in the recruitment information for national civil servants released in 2018, 19% of the positions indicated "men only" or "men preferred" [1]. Some employers would give reasons such as the job requires physical strength or fieldwork, which are not suitable for women when rejecting women, while some employers would not even give reasons and directly state that the position is "men only" or "men preferred". This is a very direct and obvious gender discrimination in the workplace.

3.2. Maternal punishment and the "mother's position" system

In the recruitment process in China, employers often inquire about marital and reproductive status. Female job seekers commonly experience being asked about their marriage and childbearing plans. Recruitment data shows that 62.5% of women are asked such questions, while only 18.5% of men are [2]. These phenomena contrast with the legal requirement that prohibits such inquiries. Although the law forbids asking these questions, in practice, there is rarely any supervision or punishment for such occurrences.

A new system called "Mom Position" has been introduced in the Chinese workplace. On the surface, this system claims to enable women who are mothers to have more freedom to adjust their working hours when they are at work. However, the lower hourly wage and shorter average working hours compared to regular employees in "Mom Positions" actually label women as potential career risks, limiting their job opportunities and promotions. This is not only institutionalized gender

discrimination but also reinforces the cultural stereotype that women's role in child-rearing is inevitable.

3.3. Gender stereotypes and educational biases

Influenced by the traditional Chinese culture that values sons over daughters, gender stereotypes in China are more severe compared to those in Western countries. For instance, in the job positions released by the Ministry of Public Security of China in 2017, 55% of the positions indicated "men only". A recruitment announcement from the Ministry's news department stated: "This position requires frequent overtime and high-intensity work, and only men can apply [1]."

Another widespread gender stereotype in society is that girls are more suitable for stable jobs such as liberal arts, accounting, and teaching, but not for science, technology, engineering, or innovative work. This gender stereotype is clearly manifested in the educational stage, where girls are discouraged from studying science, and schools and teachers instill the idea that women are not good at mathematics and logical reasoning. This further leads to occupational gender segregation. This stereotypical view infinitely magnifies the intergenerational transmission of gender inequality.

3.4. Workplace sexual harassment and objectifying language

Sexual harassment is widespread in the daily workplace culture. It is not only limited to physical sexual harassment, but also includes verbal harassment such as making lewd remarks, objectifying women, hinting at sexual relations or suggesting that promotion depends on appearance. Such verbal harassment is often "normalized". For instance, when women hold the position of "secretary", they often suffer from the stereotype of having an improper sexual relationship with their male superiors and verbal sexual harassment. Although the law covers this issue, most victims lack effective relief mechanisms.

3.5. Difficulties in promotion and salary disparity

According to McKinsey, there are similar percentages of women at entry-level jobs in China compared with men, but their representation shrinks to 22% at the middle-management level. Financial Times reported that female university graduates have a harder time finding jobs than their male counterparts. For instance, a female student majoring in accounting at Sichuan University said that among her classmates, the 17% male students found jobs more easily than the remaining 83% female students - even those with poor academic records. She stated, "Although female students generally study harder and achieve higher grades, they are at a disadvantage when it comes to job hunting." The report also indicates that average monthly pay for women is Rmb8,958 (\$1,265), 13% lower than for men, according to data from recruitment platform Zhaopin [3]. This reflects a significant gender gap.

3.6. Cultural biases and traditional taboos

In China, there are some unique cultural biases and traditional taboos, which are collectively referred to as "feng shui superstitions" in Chinese society. In some ritual activities, such as ribbon-cutting ceremonies and groundbreaking events, some industries, based on these feng shui superstitions, believe that women will "bring bad luck" and thus exclude them, prohibiting their participation. This cultural bias embodies the marginalization of gender.

4. Analysis of the main causes of gender discrimination in the Chinese workplace

4.1. Deficiencies in the legal system

Firstly, China currently lacks specialized anti-discrimination legislation, resulting in a vacuum in enforcement authority. Secondly, the existing relevant legal systems have weak penalties stipulated, and law enforcement officers often ignore and underestimate gender discrimination behaviors in the workplace during enforcement, making it difficult to form an effective deterrence mechanism. Finally, the current Chinese law has overly high requirements for the determination of "sexual harassment" and "gender discrimination", making it difficult for victims to obtain sufficient evidence as required by law to prove that they are being harassed and discriminated against, thus making it hard for them to be protected by the legal system.

4.2. Absence of social oversight and channels for rights protection

Firstly, the supervision of women's rights organizations and the media is limited, information dissemination is restricted, and the influence of public opinion is weak. As a result, the voices of female victims are hard to spread, making it difficult for related cases to receive due attention from society. Secondly, the complaint mechanism at the grassroots level is not well established, and the cost of safeguarding rights is high. Some women do not have sufficient funds or social connections to protect their rights.

4.3. Economic efficiency-driven and cost considerations

Employers generally worry that women's work efficiency will decline due to maternity leave and that they still have to pay wages when women take legal maternity leave. These economic considerations make employers tend to prefer men. Meanwhile, Human Rights Watch also pointed out that even if enterprises commit illegal acts due to gender discrimination, the penalties are light and the cost of breaking the law is low, which also makes enterprises easily ignore relevant legal responsibilities [1].

4.4. Cultural inheritance and gender role identification

The long-standing fixed expectations of women's roles in society, such as "men work outside and women take care of the home" and "good wife and virtuous mother", have rationalized gender bias in traditional culture. Various aspects of society, including education, family and media, all reinforce this simplistic role division, allowing gender discrimination to persist.

5. Policy recommendations and practical countermeasures

To effectively address gender discrimination in China's labor market, a multidimensional and integrated approach is required, combining legal reforms, institutional mechanisms, workplace practices, and cultural transformation.

5.1. Legislative reform: towards a comprehensive anti-discrimination law

Currently, China primarily relies on fragmented provisions scattered across various regulations such as the Labor Law, Employment Promotion Law, and Law on the Protection of Women's Rights and

Interests. These provisions lack the clarity, enforceability, and deterrent effect comparable to those established under Title VII in the United States.

First, should formulate a unified anti-discrimination law: Explicitly prohibit gender-based employment discrimination, including gender-biased recruitment practices, wage disparities, barriers to promotion, and punitive treatment related to pregnancy.

Second, it is necessary to establish a robust enforcement mechanism, such as an independent agency analogous to the U.S. Equal Employment Opportunity Commission (EEOC), vested with investigatory and punitive authority.

Third, it is necessary to establish a system for shifting the burden of proof. Placing the primary evidentiary obligation on employers rather than employees reduces procedural barriers for women in rights assertion processes.

As Wang indicates, the absence of unified provisions and explicit penalties in China's current legal framework has resulted in inadequate handling of workplace gender discrimination cases [4].

5.2. Strengthening institutional mechanisms and corporate accountability

Legislation alone is insufficient to resolve the issue, legal reforms must be accompanied by robust oversight mechanisms and corporate accountability systems. In this regard, three complementary measures are particularly important.

First, a mandatory gender pay gap disclosure system should be implemented. Bennedsen et al. systematically review empirical evidence and conclude that transparent corporate compensation and promotion structures significantly enhance career advancement opportunities for female employees [5]. Hence, mid-to-large enterprises are required to publicly disclose annual gender pay gap metrics to ameliorate workplace conditions for women.

Second, it is imperative to establish corporate accountability mechanisms. Requiring enterprises to establish anti-gender discrimination policies, conduct regular gender audits, and set up dedicated grievance offices to address complaints. Melón-Izco & Bañuelos Campo emphasize that corporate accountability and regulatory mechanisms can effectively reduce gender pay gaps and improve promotion rates for women [6].

Finally, informer protection and anonymous reporting mechanisms are necessary to mitigate retaliation risks for employees reporting discriminatory practices. Such protections would encourage more individuals to come forward, thereby improving the detection and resolution of discriminatory behaviors within organizations.

5.3. Work–life balance: promoting shared responsibility policies

The motherhood penalty constitutes a primary barrier to Chinese women's career advancement, and addressing this issue necessitates reforms in work-family balance policies.

To begin with, expanding and equalizing parental leave policies is essential to ensure shared childcare responsibilities between mothers and fathers. The introduction of mandatory male paternity leave can significantly reduce gender-based disparities. Duvander & Håkansson show that after Sweden implemented the "use it or lose it" parental leave policy for fathers, the proportion of men involved in child-rearing significantly increased, and women's career losses due to childbirth decreased [7].

Moreover, Fiscal and institutional incentives are needed to motivate corporate engagement. Enterprises can implement family-friendly policies for all employees through government subsidies

or tax incentives, among other measures. Pepping & Maniam demonstrate that social policy support alleviates the childcare burden on women, thereby mitigating the motherhood penalty [8].

5.4. Eliminating gender stereotypes in educational and professional domains

The education system and vocational training are pivotal in eradicating gender-based stereotypes. China's educational and employment landscapes have long been influenced by the persistent stereotype that “women are better suited for liberal arts and stable professions”, a perception that necessitates systematic transformation.

First, promoting STEM equity education from the primary and secondary school levels to encourage female participation in science, technology, engineering, mathematics, information technology, and innovation-driven industries. This early-stage intervention facilitates the creation of more equitable opportunities and improves gender parity in academic and career trajectories.

Second, higher education institutions and vocational training organizations should establish scholarship programs and mentorship systems to provide female role models in high-growth industries, thereby enhancing the visibility of women in technical roles and dispelling societal biases regarding the perceived incompatibility between women and STEM fields. O’connell & McKinnon through an analysis of U.S. higher education data, found that the proportion of women choosing STEM majors increased significantly in environments with female mentors and role models [9].

Third, enhancing teacher training to prevent the instillation of gender bias in students during the educational process. Brussino & McBrien emphasize that early educational interventions can effectively mitigate the impact of gender stereotypes on career choices [10].

5.5. Enhancing female leadership and corporate diversity policies

Women continue to face barriers when advancing to mid-level and senior management positions, resulting in their underrepresentation in these roles. Addressing this issue requires internal corporate adjustments to diversity policies.

First, Establish corporate diversity metrics and set target quotas for minimum female representation in senior leadership positions. Such measures ensure equitable opportunities for women to access decision-making roles, thereby enhancing organizational inclusivity and governance standards.

Second, training and experience-sharing initiatives should be widely promote. For instance, technology companies regularly organize executive seminars for women, enabling female employees in senior technical positions to share their insights with other female colleagues, thereby enhancing the professional expertise of women in the technology sector. Galsanjigmed & Sekiguchi posit that leadership training and experience-sharing programs for women significantly contribute to higher promotion rates and strengthened leadership confidence among female professionals [11].

5.6. Social advocacy and cultural transformation

To fundamentally address gender discrimination, sustained sociocultural transformation is imperative.

To begin with, media outlets are actively engaged in advocacy efforts, shifting public perceptions through coverage of gender equality initiatives and exposure of gender-based discrimination incidents.

Moreover, school and Community Education: Systematically promote the values of gender equality and foster awareness against stereotypes from adolescence.

Finally, social organizations and public participation are encouraged, with non-governmental organizations, public welfare groups, and enterprises jointly promoting public awareness campaigns and initiatives for gender equality.

Guthridge et al. posit that cultural attitudes toward gender equality are pivotal to the efficacy of institutional reforms [12]. Concurrently, Krook & True demonstrate that legal and policy interventions can achieve substantive impact only when underpinned by societal values supportive of gender equality [13].

6. Conclusion

This study reveals that the United States has established a relatively comprehensive and enforceable legal framework against workplace gender discrimination through Title VII of the Civil Rights Act, while China's current system still shows a fragmented and weak enforcement situation. The research shows that gender discrimination in China appears mainly in recruitment bias, penalties related to motherhood, strong cultural gender stereotypes, sexual harassment, objectifying language, and pay differences. These problems continue mainly because the law is unclear, enforcement is limited, and cultural norms are deeply rooted.

The analysis shows that tackling workplace gender discrimination in China requires progress in both legal and institutional reforms. It is important to create a unified anti-discrimination law, set up an independent enforcement agency, and introduce mechanisms for corporate accountability. At the same time, social and cultural attitudes need to change, because legal measures alone cannot remove deeply rooted gender stereotypes and discrimination. These reforms are important not only for gender equality but also for improving labor market efficiency, supporting innovation, and promoting inclusive economic growth.

Looking forward, future research should study whether mechanisms similar to Title VII of the U.S. Civil Rights Act can work within China's political and cultural context. At the same time, more empirical studies are needed to examine how corporate diversity policies are applied, how gender equality education affects outcomes, and how social advocacy can change public attitudes. By combining legal, institutional, and cultural approaches, these efforts can help create fairer and more inclusive workplaces in China and other countries.

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