

# Research on How to Strengthen Women's Right to Employment in MNEs

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Women's equal employment encounters challenges such as gender-blindness in legal protection, a cultural environment where traditional conservative views are at odds with women's equal employment, the absence of international and domestic gender discrimination intervention links, and invisible gender discrimination. Unequal or inequitable treatment can marginalize women and make it impossible for them to contribute to social and economic development as active members of society. Invisible gender bias in the employment process is increasingly prominent. This paper examines the current situation of women's equal employment and the inadequacy of relevant laws and regulations from both international and Chinese perspectives. The problem of the composition of social structures and the cultural environment which is contrary to the equality of employment of women is the main reason for the current situation and the inadequacy of laws. The solution to the above problems can be found in three perspectives which are legislative improvements, legal and regulatory level improvement, and perfection of multinational enterprise responsibility. Research from the perspective of legal interpretation tends to focus on formal equality in women's employment. "MNEs" means multinational enterprise. This makes it difficult to achieve the transition to substantive equality. Research from a public policy perspective often invites criticism of government overreach and the injustice of proposing policies that favor women's interests. In order to better guarantee an equal employment environment for women, this paper proposes creating a gender-disaggregated employment statistics and monitoring system based on firm type and size, thereby improving the intervention mechanism of gender discrimination in employment linked by the government, social organizations, and the media.

*Keywords:* gender discrimination in employment, market competition, realization mechanism

## Introduction

Equal employment for women is the basic interest of women. However, with the gradual escalation of economic and social transformation, women have to face the double dilemma of severe employment situations and employment discrimination. The employment rate and employment quality have a large gap compared with men. While the gender pay gap is measured by different methods and indicators, the evidence clearly shows that, overall, women earn even less than men. According to the 2018-2019 World Wage Report of the International Labour Organization (ILO), women earn on average 20% less than men (International Labour Organization, 2019). Meanwhile, women's occupational levels and employment quality are generally lower, they face more serious occupational gender segregation. The income gap between them and men is widening. Against this

backdrop, women's employment rates continue to be low, bringing back the sense of women returning to their traditional family roles.

Based on this realistic context, the researchers carried out extensive research on women's equal employment, which can be classified into two categories. They have interpreted women's equal employment from the perspective of jurisprudence and interpretation, explored the lack of laws and regulations, and suggested amendments (Becker, 1957). They have investigated the mechanism of women's equal employment from the standpoint of public policy, primarily by referring to the regulations and policies of other developed countries, expanding maternity insurance coverage, and expanding female workers' employment. The second goal is to investigate the mechanism for achieving women's equal employment from the standpoint of public policy. This mechanism includes references to other developed countries' regulations and policies, the expansion of maternity insurance coverage, the subsidization or social coordination of workforce protection costs for women workers, and the construction of a social service system (Pan, 2015). This paper draws on the perspective and strategic framework of gender mainstreaming. It also draws on the views of scholars Jianhua Liu, Shengbin Li Lei, Shisong Qing, Yuesen Xiong, Wenni Lei, and Shan Zhang to analyze the current situation of women's employment inequality and the imperfection of relevant legislation on women's employment rights. This paper also analyzes and proposes the establishment of gender-disaggregated employment statistics and an employment monitoring system based on company category and size, considering cultural background, social employment environment, and imperfect regulatory mechanisms for equal employment. It strengthens employment gender discrimination through the collaboration of government, social organizations, and the media.

### **Current Situation and Deficiencies in the Legal Protection Mechanism**

The status quo exists in terms of different pay for the same work, invisible gender discrimination, not recruiting women because of the need for maternity leave and the need to give paid leave, etc. Labor force allocation in enterprises is not frequently optimal in real society due to a variety of factors such as monopoly power, factor mobility restrictions, market segmentation, and discrimination. Similarly, in most businesses, the labor force of different genders is not optimally allocated. If men and women have equal labor productivity, there should be no difference in employment between the genders (Becker, 1957). However, many multinational companies tend to prefer male employees. At the same time, the existing laws do not further guarantee equality of employment for women on this basis.

### **Current Situation of Female Employment in Society and MNEs**

MNEs have been widely used in corporate development strategies since their introduction. This concept of responsibility has been recognized by society in areas such as environmental protection, social welfare, education, and charity. However, due to the lack of gender consciousness and inertia thinking of maximizing corporate profits, many businesses often view women as a burden on businesses and overlook the inequity between women and men in businesses. There are gender blind spots in the enterprise system. As a result, enterprises rarely link the survival and development of women and the protection of rights with the social responsibility of enterprises, which seriously impedes the survival and development of women in enterprises. In fact, it also negatively impacts talent balance, image shaping, organizational systems innovation, and even improved financial performance.

The phenomenon of unequal pay for equal work still exists. Even though the gender pay gap is measured using various methods and indicators, the data clearly show that women worldwide continue to earn less than

men. According to the International Labor Organization's (2019) Global Wage Report 2018-2019, women earn 20% less than men globally on average. Women's labor-force participation is declining. 63 percent of the workforce was employed by women in 2017, which was down from 65.5 percent a decade earlier. The gender gap in labor force participation rates is growing. There is also a growing gender gap in labor market participation rates. The participation rate for women reached 83 percent in 2007, but it fell to 81 percent of the participation rate for women in 2017. According to the World Economic Forum, China's gender equality ranking declined for the ninth consecutive year in 2017, this makes it the 100th highest of the 144 countries surveyed. Hiring discrimination is one of the main contributors to gender inequality. Such a phenomenon is evident in job vacancies. Government and private sector job postings are often reserved for men or preferred by men, which impacts both candidates and the outcome. Such discriminatory practices are not only common in low-paying positions such as security guards, but they are also widespread in higher-paying and more prominent positions (Stauffer, 2018).

Among multinational corporations, the entertainment industry is particularly prominent in the issue of inequality in women's employment. According to entrepreneurs, Walt Disney Productions rejected a woman's application for employment, not because she was unqualified, but because she was a woman. Besides, according to the most recent celluloid ceiling survey from San Diego State University's Center for the Study of Women in Film and Television, women made up only 16% of all directors, executive producers, producers, writers, cinematographers, and editors working at Hollywood's top studios in 2014. Women have to do 50 percent of the production work, and women should end up doing 50 percent of the directing work. It is increasingly difficult to find women directors mainly in documentaries and festival films, and even fewer in mainstream Hollywood. This is why multinational corporations are needed to develop policies that further guarantee women's equal rights to work.

### **Deficiencies in the Legal Protection Mechanism**

The shortcomings of the legislation are discussed mainly from both international and domestic aspects. International conventions on equal employment for women are not binding enough. The domestic has no specific legislation in place to combat employment discrimination, need to improve more on this.

**International conventions on equal employment for women are not binding enough.** In general, women are paid approximately 20% less than men and so far, no country has achieved gender pay equality. Stereotypes are the main obstacle to gender pay. Gender inequality is a major obstacle. The international treaties on equal pay emphasize two key principles: equal pay for equal work, in which men and women of equal competence perform the same or similar job under the same conditions, and equal remuneration for equal effort.

The main international law and regulation related to women's employment security is *C100-Equal Remuneration Convention*. The concept of equal pay for equal work contained in the *Equal Remuneration Convention* is different from the concept of equal pay for equal work. Although it was objectively different, these jobs can be considered as having the same value. However, until today, less than half of the countries in the world provide equal pay for equal work.<sup>1</sup> Many countries have ratified the 100 Equal Pay Convention, but the value of work is not fully understood by all countries. The society really needs to pay people based on the value of their work, not their gender. The real meaning of equal pay is not yet understood and recognized by many tripartite mechanisms, research academia in developing countries, and women's organizations in certain countries.

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<sup>1</sup> C100-Equal Remuneration Convention, 1951.

**Domestic has no specific legislation in place to combat employment discrimination.** Women's equal employment rights are clearly defined under China's current domestic institutional framework. Relevant laws and policies ensure women's special interest needs in the labour market in accordance with their biological characteristics. For instance, both the Labour Law<sup>2</sup> and the Employment Promotion Law<sup>3</sup> stipulate that women have the same labour and employment rights as men, as well as equal income distribution. Unfortunately, despite the government enacting a slew of laws and policies to ensure women's equal employment rights, women's equal employment rights in the labour market are frequently ignored, and explicit and potential employment discrimination persists. The reason for this is that equal employment for women has faced a number of challenges including gender blindness in legal protection and a cultural environment that is not conducive to equal employment for women. Furthermore, the absence of gender discrimination intervention links, as well as gender discrimination and gender bias in the recruitment process, is becoming more common (Liu, 2015).

Among them, *the Anti-Employment Discrimination Act* has not been formally legislated as a law. It is not possible to increase the punishment and accountability for violations of the law on the basis of existing laws and regulations. The intervention mechanism for gender discrimination in employment remains absent in the face of insufficient laws, regulations, and employment protection policies. A special regulatory body to ensure gender equality in the workplace has yet to be established, and there are no smooth judicial intervention channels for gender discrimination. The relief mechanism and compensation mechanism for gender discrimination in employment have not yet been established. The main reason for the persistence of gender discrimination in the workplace is a lack of effective relief and compensation mechanisms that take into account women's actual needs. The lack of a strong and effective intervention mechanism exacerbates the plight of women facing gender discrimination in employment (Lei & Li, 2019).

Women's basic needs are not protected and there are gender blind spots. Employers have no way of knowing whether it is gender discrimination in the workplace. Workers who face gender discrimination in the workplace tend to remain silent. This makes it difficult to effectively protect women's equal employment rights. Furthermore, despite special benefit guarantees based on women's physiological characteristics, working hours for pregnant women are restricted. Layoffs are prohibited while there is still a legal gap in protecting women's rights to work during pregnancy. There is no basic legal system in place to ensure equal employment opportunities for women. It is difficult to ensure equal employment for men and women by relying solely on fragmented and principled provisions attached to other laws (World Bank, 2012).

### **Analysis of the Reasons Behind the Current Situation and Legal Deficiencies**

Based on the above list, these shortcomings can be divided into two main causes. The first cause is the problem of the composition of the social structure. The second is the cultural environment that is incompatible with women's equal employment.

#### **The Problem of Social Structure Composition**

The development of women and changes in gender inequality in contemporary China are closely related to the process of Chinese socialist modernization and the urgent development of the market. In the feudal era, women became subordinate to the patriarchal and marital power system. With the founding of New China and

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<sup>2</sup> Labour Law of the People's Republic of China, 1994.

<sup>3</sup> Employment Promotion Law of the People's Republic of China, 2015.

the Reform and Opening, there are more and more female workers, the education level of women is increasing. The social security system for men and women is gradually established, but serious gender inequality still exists in many fields. For men and women in the same position, there is a general phenomenon in which men's wages are higher than women's wages (Xiong, 2015).

In the wake of the global women's movement's strong call for "redistribution of family responsibilities and unpaid work", the family may be a violation of women's rights. The family can be a place where women's and girls' rights are violated and their voices silenced. Chinese women are being emphasized to take more responsibility for the family and to play their "special" role in the family. When the policy was liberalized to allow two children, they were more likely to insist on social inclusion and remain silent. They are more likely to refuse to have children when the policy is liberalized and to insist on their talents in the field of social development. The government has paid attention to supporting childcare only because of the low total fertility rate of women after the policy was liberalized. Promoting the sharing of government and male responsibilities for balancing work and family is another way of great challenge to encourage men and the government to share work and family responsibilities.

### **Cultural Environment That Is Contrary to Women's Equal Employment**

Although China, like the international community, has been advocating gender equality, the understanding of the connotation of gender equality within China is different from that defined by the international community. Gender concepts form inherent social ideologies and behaviors in the traditional cultural environment. Gender concepts accumulated in the traditional cultural environment have formed an inherent system of social ideologies and behavioral norms, and male-centered power relations have been formed and solidified. Women's voices and equal employment rights have been weakened in the field of employment development. Many people see the concept of letting men do what's right for men and women do what's right for women, and letting men and women do what they do best, as gender equality, without acknowledging the challenge to traditional role stereotypes. The government needs to recognize the challenge of traditional role stereotypes, and even base the making of laws and policies on the traditional division of roles.

The formulation of laws and policies is in accordance with the traditional division of roles, forming systematic discrimination against women. This has resulted in systematic discrimination against women. In this cultural environment, women's domestic roles are repeatedly reinforced and their employment interests are ignored. Gender perceptions that are contrary to gender equality reappear in practice, potentially and strongly influencing the perceptions and consciousness of members of society. Women's equal rights to employment and development are ignored and "marginalized". Women face barriers to social resources, rights and benefits, and social services. This disadvantage is constantly reproduced and reinforced in the labor market. The traditional cultural environment's neglect of women's equal employment rights is a direct cause of gender discrimination in the workplace and a significant cause of institutional gender discrimination in the workplace (Qin, 2019).

### **Solutions**

The problem of female employment inequality needs to be further addressed from three perspectives including legislative improvement, legal and regulatory level improvement, and multinational corporate responsibility improvement. The government needs to establish professional law enforcement and inspection agencies, as well as equal employment monitoring mechanisms according to the type and size of enterprises, to

identify and intervene in possible gender discrimination. Besides, it should offer targeted counseling and assistance services through the Women and Children's Working Committee and the Women's Federation, as well as build a network system in collaboration with social organizations and the media. It is only through the collaboration of the government, social organizations, and the media that men and women can truly achieve equal employment (United Nations, 2014).

### **Legislative Improvements**

Only by embedding the concept of the equal impact of gender mainstreaming on decision-making in employment institutional arrangements at all levels of employment policymaking can the employer achieve equal employment for women and promote sustainable gender equalization. It is imperative to improve women's employment protection legislation and increase penalties for violations of women's employment equality. It is recommended that mechanisms be established to increase fines and taxes on enterprises that violate the Labour Law, the Employment Promotion Law, and other women's protection rights to better protect women's employment equality. At the same time, the laws and regulations of countries with better equal rights for men and women, such as Iceland, can be borrowed and referred to.

The International Labour Organization's gender-neutral value assessment has a corresponding analytical tool based on Canada's practical experience and four gender-neutral policy principles. The four gender-neutral policy principles have proven to be effective at the national level in Canada. In addition, Iceland established a pay equity standard last year, and the Swiss government has made available an online pay equity standard. The Swiss government also offers an online pay self-assessment tool. This can be used as a basis for further adopting policies and regulations to our national context. It can also take advantage of the Chinese government's upcoming *China Women's Development Program (2021-2030)* to conduct research and exchanges to promote the incorporation of international gender equality indicators and the 2030 Agenda for Sustainable Development. *The Agenda, the Beijing Platform for Action, and the Elimination of All Forms* of the relevant goals or targets of *the Convention on Discrimination against Women* are incorporated to improve the level of women's development in China to further guarantee equal employment for women (W. N. Zhang & S. Zhang, 2016).

### **Legal and Regulatory Level Improvement**

Guaranteeing equal employment and development rights together between the sexes requires an integrated gender mainstreaming perspective to be embedded. It requires a shift from equal treatment to a concept of equal impact in decision-making. With the economic and social transformation, employment issues are becoming increasingly complicated, and achieving equal employment for women by relying solely on the government's governance model is difficult. Concerning the current gender discrimination in the workplace in China, in addition to the government's responsibility, it should also actively mobilize social organizations, the media, and other parties. The multi-party model will embed gender mainstreaming culture at all levels of policymaking, preventing fragmentation and strengthening the cooperative network of government, social organizations, businesses, and media. It is recommended that an employment statistics and monitoring system be established based on the category and size of enterprises, as well as gender classification. Gender statistics are a fundamental prerequisite for gender equality in employment policy. Gender-disaggregated employment statistics can strengthen the gender sensitivity of policy makers and contribute to the embedding and internalization of gender mainstreaming in the employment policy context.

To identify key indicators and core indicators for gender monitoring statistics in the employment field, gender-disaggregated employment databases and employment monitoring mechanisms are required. There is also a need to develop different classification requirements based on the type and size of enterprises. Especially for security or other special industries, it is necessary to establish a gender equality employment monitoring mechanism according to the classification. Simultaneously, government and regulatory agencies must encourage the investigation, analysis, and dissemination of gender-specific employment data. It is necessary to compare the similarities and differences between gender groups in terms of employment resources, competitiveness, job quality, and development rights. Policymakers and the community will be provided with detailed information on gender differences in employment and gender needs in employment by demonstrating the strengths and weaknesses of both genders in the employment field. As a result, raising social awareness of gender mainstreaming and promoting the gender equality protection function of employment policies are important. The study will provide detailed information on gender differences in employment and gender needs in employment to policymakers and all sectors of society, raise social awareness of gender mainstreaming, and promote gender equality in employment policies.

### **Perfection of Multinational Enterprise Responsibility**

Enterprises need to comply with laws and regulations and government policies related to gender equality in employment and adjust their internal response measures in a timely manner according to changes in policies. Meanwhile, if the government has established an employment statistics and employment monitoring system based on gender classification, enterprises need to report the true situation and not falsify relevant data and information to avoid making government investigations difficult. The internal training of enterprises' human resource departments should be strengthened to avoid internal bullying incidents that discriminate against women. Besides, it is important not to discriminate against pregnant female colleagues and to achieve equal pay for equal work (International Labour Organization, 2020).

Businesses need to follow a set of business-oriented gender equality standards developed jointly by UN Women and the UN Global Compact Office in 2010, including seven principles, which encompass the principles of equality and non-discrimination. When it comes to calculating equal pay for equal work, it not only includes earnings per hour or per month but also requires other benefits such as insurance or bonuses, empowering women in the business supply chain. While encouraging companies to give women-owned businesses more consideration and equal opportunities when selecting suppliers, they should also encourage companies to promote gender equality policies to suppliers and mobilize more companies to support gender equality. In terms of marketing, the society should also encourage businesses to remove gender stereotypes from their advertising and collaborate to convey the concept of gender equality.

### **Conclusion**

This paper discusses the challenges encountered by women's equal employment such as the gender blindness of legal protection, the lack of international and domestic gender discrimination intervention links, and the cultural environment that is hostile to women's equal employment. Drawing on the perspective and strategic framework of gender mainstreaming, it analyzes the absence of relevant international and domestic legislation and regulatory mechanisms. It clarifies how multinational companies adjust their regulations regarding the recruitment of women based on relevant laws and policies. Building on the work of other scholars, it analyzes

the imperfections of international and domestic legislation and the inadequacy of regulatory mechanisms. Besides, it refines the relevance of companies and MNEs to relevant laws and regulations, and the monitoring policy implementation. The paper also refines how MNEs can make internal adjustments and training in accordance with relevant laws and policies to protect women's employment rights. The author suggests creating a gender-disaggregated employment statistics and monitoring system based on company type and size. Moreover, it is a good way to improve the intervention mechanism for gender discrimination in employment through the collaboration of government, social organizations, and the media. Companies should be fair and just, and they should oppose workplace discrimination. To practice diversity and compatibility, they should strive for social responsibility on this basis. Attracting exceptional female talent while improving social reputation, improving their own productivity, and gaining a competitive advantage should be taken into account. Secondly, mobilizing society to create a gender-equal social environment can help boost overall social production productivity. This necessitates promoting and modeling fair employment, assisting the public in distinguishing employment discrimination, and fostering and raising citizens' awareness of their rights and equality. Promoting women's development and gender equality has never depended on slogans, but it should be on the effective implementation of specific policies and operations, which is the key to building an advanced gender culture.

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