

China Association of Women Entrepreneurs Submission to the Committee on the Elimination of Discrimination against Women in Relation to the Performance of the Chinese Government in Promoting Women's Employment in New Business Forms

China Association of Women Entrepreneurs

1. We are very concerned about the UN "*Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*", especially the first paragraph of Part III, Article 11 (Employment), "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights." We note that, via new technologies such as internet platforms and the sharing economy, new forms of employment like e-commerce platform employment and Internet celebrity economy have broadened the employment channels for women and lowered the threshold for women's entrepreneurship. We are pleased to find that in recent years, the Chinese government has made great efforts to protect the rights and interests of women working in new business forms and has made certain achievements.

2. We have noted that the number of women in new forms of employment in China is increasing. It is heartening to see that many women are engaged in a variety of occupations through new forms of employment, which have diversified their employment options and increased their income, laying the foundation for women's all-round development. According to the *2022 Research Report on the Digital Economy and Chinese Women's Employment and Entrepreneurship*, 57 million women have found jobs in digital trade, e-commerce and online live broadcasting. Women account for 55 percent of entrepreneurs in the Internet sector. New forms of employment in China show a booming

trend.

3. We appreciate the efforts made by the Chinese government to introduce laws and policies to protect the labor and social security rights and interests of women in new forms of employment. *The Constitution, the Law on the Protection of Women's Rights and Interests, the Labor Law, the Employment Promotion Law, the Special Provisions on the Labor Protection for Female Employees* and other laws and regulations clearly stipulate that men and women are guaranteed equal employment rights, laying the institutional foundation for women's equal rights in new forms of employment. *The Outline Program for Development of Chinese Women (2021-2030)* clearly states measures like "protecting the labor rights and interests of employees in new business forms, and creating favorable conditions for women's full participation in high-quality economic development" "giving full play to the role of modern service industries and new business forms in absorbing women's employment, and supporting women's participation in vocational skills training in new forms of business" "promoting trials of occupational injury insurance for people in new forms of employment, and having female employees covered in this regard". In July 2021, eight central departments, including the Ministry of Human Resources and Social Security, and the National Development and Reform Commission, issued *the Guideline on Protecting the Labor and Social Security Rights and Interests of Workers in New Employment Forms*. The guideline put forward 19 specific measures to protect the labor and social security rights and interests of workers in this field, and clearly stipulated that enterprises should not discriminate against women when recruiting workers. In August 2022, 17 central departments, including the National Health Commission and the National Development and Reform Commission, issued *the Guideline on Completion and Implementation of Policy Facilitating Fertility*, addressing increased safety-net for flexible female employees by introducing maternity insurance in addition to basic medical insurance they have already enjoyed.

4. We are glad to see that the Chinese government attaches great

importance to the establishment of institutions and mechanisms to protect the rights and interests of women in new forms of employment. Relevant government departments have worked closely to establish a coordination mechanism, and jointly promote the implementation of relevant laws and regulations. Human resources bureaus, trade unions and women's federations have established mechanisms to have regulatory talks altogether with employers suspected of gender discrimination in employment, and urge them to correct their acts of gender discrimination within a stipulated time frame. In 2016, the Supreme People's Court included cases of gender discrimination in employment into typical judicial cases, and made those employers who practiced gender discrimination bear civil liability.

5. We appreciate the concerted efforts of government branches and people's organizations to take positive measures to enhance women's employability in new business forms. In October 2015, the Ministry of Commerce, together with 19 departments, issued *the Guideline on Accelerating the Development of Rural E-commerce*, encouraging rural e-commerce outlets to employ rural women and provide them with low-cost offices, Internet communication and other public services. In May 2017, the All-China Women's Federation issued *the Guideline on Promoting Entrepreneurship and Innovation by Women*, requiring women's federations in all localities to make every effort in providing network and practical training for women in entering e-commerce. The government has paid special attention to eliminate women's poverty through new forms of business such as e-commerce. In 2020, the Office of the Central Cyberspace Affairs Commission provided support for the All-China Women's Federation to train 15 million outstanding female e-commerce workers in poor areas, and guided local women's federations to hold more than 10,000 e-commerce training sessions on poverty alleviation. In August 2020, the Ministry of Agriculture and Rural Affairs and the All-China Women's Federation, cooperated with CCTV and short video platform enterprises to carry out training courses for online sales. By 2020, more than 500,000 impoverished women had increased their

incomes through e-commerce.

6. However, we have noted that women in new forms of employment still face challenges in terms of social security. As many of the women entered this informal section through service relations or labor dispatching, this is the area in short of comprehensive social insurance and protection, so as to make it rather difficult for them to be covered by institutional social insurance and full-fledged labor protection. Some female workers face long working hours, potential occupational risk, and so on, which calls for further improvements of relevant legal systems and the application of specific measures.

7. We suggest that the Chinese government further improve the completion of relevant legal and policy systems, by introducing the criteria and stipulation concerning temporary labor service and labor dispatching, improving the social security and safety-net for women, such as pension insurance, medical insurance, maternity insurance, childbirth subsidy, etc., in order to ensure their labor security rights and interests be fully protected.

8. We hope that the Chinese government will further strengthen supervision of employment, promptly correcting the employers' behaviors of infringing on the rights and interests of women working in new business forms, encouraging employers to care about the female workers' physical and mental health, and actively providing them with necessary labor protection.