

FWF GENDER FACT SHEET - CHINA

FACTS & FIGURES

- Human Development Index: 86 of 189 countries (UNDP 2018)
- Gender Inequality Index Rank: 36 of 160 countries (UNDP 2018)
- Gender Gap Report Rank: 103 of 149 countries (WEF 2018)
- Literacy Rate: Female: 94.47%, Male: 98.16%
- Third-largest country by land area and most populous country in the world.
- GDP: USD 10.4 billion (2014)
- Per capita income: USD 7,589 (2014)
- Employed persons: 772.5 million (National Bureau of Statistic of China 2014)
- Migrant workers: 273.95 million (most internal) (2014)

COUNTRY CONTEXT

Economy:

- Considered an upper-middle income country, China ranks 28 of 144 countries in competitiveness, with only 0.31% decrease in growth despite the economic recession (2014).
- In 2010, China overtook the European Union (EU) as the **biggest textile and clothing exporter** in the world.
- In 2013 China took 39% of the market share in clothing exports and 35% of the market share in the world's textile industries.
- **The textile industry is the second largest in China**, only after electronics, with a value of USD 236 billion.

Employment:

There is no specific data for the social composition of the garment industry workforce. According to the China Labour Statistic 2014 Yearbook:

- Number of employees in urban units in the manufacturing industry: **52.58 million (2013)**.
- **Female employment in urban areas in the manufacturing industry: 39.4%**.
- Manufacturing workers that reached **senior secondary education: 23.1%**
- There is an **even distribution of age groups** across the manufacturing workforce: 28% is aged 20 to 29, 28.8% is between 30 and 39, and 28.3% is between the ages of 40 to 49.

Labour rights:

In terms of governance and human rights, China has not made great gains.

- **Freedom of association remains restricted by law**; no independent unions are allowed, and there is no right to collective bargaining or to strike.
- Other labour issues in China today include low wages, excessive overtime, lack of social insurance, and problems faced by rural migrant workers.
- **Resolving labour disputes in the workplace is rare**. Workplace grievances are commonly dealt with by workers resigning and finding employment elsewhere.
- Freedom of speech remains limited, as does the role of NGOs in China. **A 2016 law restricts the activities of foreign NGOs in China**.
- **Forced overtime is common in garment factories**, especially during peak seasons. Workers in general cannot refuse overtime work when the production schedule is tight.

Gender gap:

- Garment factories prefer to hire female workers, as they are perceived as being more obedient and easier to manage. However, a **distinct gender disparity can still be seen in the technical and non-technical or skilled positions, with a wage disparity to match**
- Male workers are more often found in cutting and ironing positions, while female workers usually perform sewing and assisting jobs.
- **Chinese women earn 22% less than men on average**. They have to spend more time taking care of their families, which has become a major **hurdle for them advancing at work**.
- Factory management in China is **generally not transparent with regards to wage and working hour records**. Given the commercial auditing industry, management often falsifies documents to meet the different standards.

Health:

- **Maternity leave is rare in garment factories**. Most pregnant workers leave their position and, if they are migrants, go back to their hometown.

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- There are worker reports of **factories forcing pregnant women to leave**. However, these cannot be confirmed due to the difficulties to collect evidence.
- **Most factories do not allow pregnant workers to work overtime**. As a result, pregnant workers are only able to earn the minimum wage and do not enjoy maternity benefits, which makes it difficult for them to support themselves and their growing families.

Gender-based violence

- According to Chinese government statistics, **one in four women has experienced domestic violence**. Violence within families has traditionally been viewed as a private issue in China — one in which outsiders have no right to interfere.
- **40% of Chinese women have experience sexual harassment in the workplace**.
- Many women began speaking up when the #MeToo movement came to China. However, **women have few legal options for redress**.
- A UN 2013 study surveyed 10,000 men in Bangladesh, Cambodia, China, Indonesia, Papua New Guinea and Sri Lanka. **A fourth of these men admitted to having committed rapes** at some time in their lives. One in 10 had raped someone who was not their romantic partner.

LEGAL CONTEXT

National legislation:

Prohibiting discrimination:

- Labour Law Article 12: '**Labourers shall not be discriminated against in employment**, regardless of their ethnic community, race, sex, or religious belief. Article 13 and 14 guarantee equality for women, the disabled, minorities, and demobilised army men.
- An additional stipulation states that **gender should not be used as a pretext to exclude women** from employment, 'except for the types of work or posts that are not suitable for females as stipulated by the State'.
- According to Article 46 of the Employment Promotion Law, there is **equal pay for equal work**.
- Chinese law on child labour is more stringent than the ILO Convention regarding age limits for work, forbidding any employing units employing teenagers under 16 years old and specify penalties for using child labour.

Women's rights and protection:

- Gender equality is also embedded in the **Regulation on the Protection of the Rights of Women**, which protects the equal employment, payment, promotion and other rights of female workers.
- China's first **Domestic Violence Law** was enacted in March 2016. This law covers both married and co-habiting heterosexual couples but does not protect gay couples.

Sexual harassment:

- Normally sexual harassment cases are handled under labour legislation. **Only 34 cases of sexual harassment** were addressed by China's courts from 2010-2017.
- Chinese law **bans sexual harassment against women in the workplace, but the laws lack a clear definition** or provisions creating a specific cause of action for sexual harassment.
- In a draft law Article 790 defines sexual harassment as 'unwelcome behaviour against another person by sexual language or actions or by sexual advances against a subordinate'. This law would give greater protection for workers at the national level as it holds employers accountable.

International legislation:

- China has ratified ILO Convention 100 (equal remuneration) but not ILO convention 111 (discrimination in employment).
- China has ratified both ILO Convention 138 (minimum working age) and 182 (worst forms of child labour).
- China has not ratified ILO Convention 155 on occupational safety and health.

SOURCES

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UNDP Human Development Report 2018: <http://hdr.undp.org/en/composite/GII>

WEF Global Gender Gap Index 2018: <http://reports.weforum.org/global-gender-gap-report-2018/results-and-analysis/>