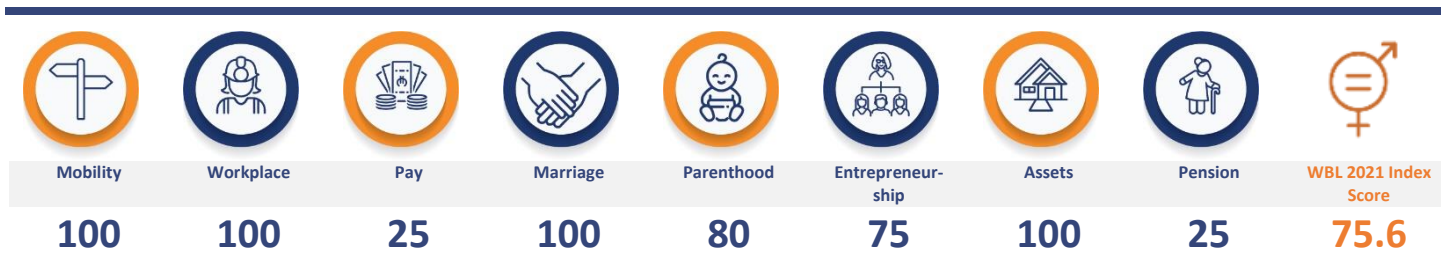


China

Women, Business and the Law 2021 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Shanghai). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **China scores 75.6 out of 100**. The overall score for China is higher than the regional average observed across East Asia & Pacific (71.9). Within the East Asia & Pacific region, the maximum score observed is 91.3 (Taiwan, China).

China - Scores for Women, Business and the Law 2021



Relative Strengths

When it comes to constraints on freedom of movement, laws affecting women's decisions to work, constraints related to marriage, and gender differences in property and inheritance, China gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting women's pay, laws affecting women's work after having children, constraints on women's starting and running a business, and laws affecting the size of a woman's pension, China could consider reforms to improve legal equality for women.

For example, one of the lowest scores for China is on the indicator related to laws affecting women's pay (the WBL2021 Pay Indicator). To improve on the Pay Indicator, China may wish to consider mandating equal remuneration for work of equal value, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in an industrial job in the same way as men.

Recent Reforms

No reforms were observed during the past year.



Further data details for China are available at:
<https://wbl.worldbank.org/en/data/exploreeconomies/china/2021>



| | QUESTION | ANSWER | LEGAL BASIS |
|------------|--|--------|---|
| Mobility | Can a woman choose where to live in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman travel outside her home in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman apply for a passport in the same way as a man? | Yes | Passport Law, Arts. 6 and 7; Passport application form |
| | Can a woman travel outside the country in the same way as a man? | Yes | No restrictions could be located |
| Workplace | Can a woman get a job in the same way as a man? | Yes | Civil Code, Art. 1057 |
| | Does the law prohibit discrimination in employment based on gender? | Yes | Employment Promotion Act, Art. 27; Labor Law, Art. 13 |
| | Is there legislation on sexual harassment in employment? | Yes | Special Rules on the Labor Protection of Female Employees, Art. 11 |
| | Are there criminal penalties or civil remedies for sexual harassment in employment? | Yes | <i>Criminal:</i> Law on the Protection of Women's Rights and Interests, Art. 56; <i>Special Rules on the Labor Protection of Female Employees</i> , Art. 15 <i>Civil:</i> Law on the Protection of Women's Rights and Interests, Art. 56; <i>Special Rules on the Labor Protection of Female Employees</i> , Art. 15 |
| Pay | Does the law mandate equal remuneration for work of equal value? | No | No applicable provisions could be located |
| | Can a woman work at night in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman work in a job deemed dangerous in the same way as a man? | No | Special Provisions on Labor Protection of Female Workers, Art. 4 and Annex |
| | Can a woman work in an industrial job in the same way as a man? | No | Labor Law, Art. 59, 60; Special Provisions on Labor Protection for Female Employees, Art. 4 and Annex |
| Marriage | Is there no legal provision that requires a married woman to obey her husband? | Yes | Civil Code, Art. 1055 |
| | Can a woman be head of household in the same way as a man? | Yes | Civil Code, Art. 1055 |
| | Is there legislation specifically addressing domestic violence? | Yes | Law on the Protection of Women's Rights and Interests, Art. 46; Anti-Domestic Violence Law |
| | Can a woman obtain a judgment of divorce in the same way as a man? | Yes | No restrictions could be located |
| Parenthood | Does a woman have the same rights to remarry as a man? | Yes | No restrictions could be located |
| | Is paid leave of at least 14 weeks available to mothers? | Yes | Special Provisions on Labor Protection of Female Workers, Art. 7; Regulations of Shanghai Municipality on Population and Family Planning, Art. 31 |
| | Does the government pay 100% of maternity leave benefits? | Yes | Social Security Law of the People's Republic of China, Arts. 53 and 54; Shanghai Urban Childbirth Insurance Measures, Art. 10 |
| | Is paid leave available to fathers? | Yes | Regulations of Shanghai Municipality on Population and Family Planning, Art. 31 |
| | Is there paid parental leave? | No | No applicable provisions could be located |
| | Is dismissal of pregnant workers prohibited? | Yes | Labor Contract Law of the People's Republic of China, Art. 42(4); Special Provisions on Labor Protection of Female Workers, Art. 5 |
| Entrepre. | Does the law prohibit discrimination in access to credit based on gender? | No | No applicable provisions could be located |
| | Can a woman sign a contract in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman register a business in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman open a bank account in the same way as man? | Yes | No restrictions could be located |
| Assets | Do men and women have equal ownership rights to immovable property? | Yes | Civil Code, Arts. 1062 and 1055 |
| | Do sons and daughters have equal rights to inherit assets from their parents? | Yes | Civil Code, Arts. 1126-1127 |
| | Do female and male surviving spouses have equal rights to inherit assets? | Yes | Civil Code, Arts. 1126-1127 |
| | Does the law grant spouses equal administrative authority over assets during marriage? | Yes | Civil Code, Art. 1062 |
| | Does the law provide for the valuation of nonmonetary contributions? | Yes | Civil Code, Arts. 1062-1063, 1087 and 1088 |
| Pension | Is the age at which men and women can retire with full pension benefits the same? | No | Women: Interim Measures of the State Council on Workers' Retirement and Resignation of 24 May 1978, Arts. 1.1 and 2.1 Men: Interim Measures of the State Council on Workers' Retirement and Resignation of 24 May 1978, Arts. 1.1 and 2.1 |
| | Is the age at which men and women can retire with partial pension benefits the same? | Yes | Women: No applicable provisions could be located Men: No applicable provisions could be located |
| | Is the mandatory retirement age for men and women the same? | No | Women: Labor Contract Law of 29 June 2007, Art. 44(2) Men: Labor Contract Law of 29 June 2007, Art. 44(2) |
| | Are periods of absence due to child care accounted for in pension benefits? | No | No applicable provisions could be located |