



China

Women, Business and the Law 2022 (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across 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 and the Pacific (71.9). Within the East Asia and the Pacific region, the maximum score observed is 91.9 (Hong Kong SAR, China).

China - Scores for *Women, Business and the Law 2022*



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 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 measuring laws affecting women's pay (the WBL2022 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 (October 2nd, 2020 – October 1st, 2021).



Further data details for China are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/china/2022>





	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
	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; Labour Law, Art. 13; Law on the Protection of Rights and Interests of Women of People's Republic of China, Art. 23
	Is there legislation on sexual harassment in employment?	Yes	Civil Code, Art. 1010; Law on the Protection of Women's Rights and Interests, Arts. 40 and 56
	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, Arts. 40 and 56; Special Rules on the Labor Protection of Female Employees, Art. 15 <i>Civil:</i> Law on the Protection of Women's Rights and Interests, Arts. 40 and 56; Special Rules on the Labor Protection of Female Employees, 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	Labour Law, Arts. 59-60; Special Provisions on Labour Protection for Female Employees, Art. 4 and Appendix
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	Civil Code, Arts. 1076 and 1082
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 Insurance Law of the People's Republic of China (2018 Amendment), 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
Entrepreneurship	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; Law on the Protection of Rights and Interests of Women of People's Republic of China, Art. 27
	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
Assets	Can a woman register a business in the same way as a man?	Yes	Civil Code, Art. 14; Company Law, Art. 6
	Can a woman open a bank account in the same way as man?	Yes	No restrictions could be located
	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 and 1127
Pension	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Civil Code, Arts. 1061 and 1126-1127
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Civil Code, Art. 1062; Law on the Protection of Rights and Interests of Women, Art. 30
	Does the law provide for the valuation of nonmonetary contributions?	Yes	Civil Code, Arts. 1062-1063, 1087, and 1088
	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. Men: Interim Measures of the State Council on Workers' Retirement and Resignation of 24 May 1978, Arts. 1(1) and 2
	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, Art. 44(2); Interim Measures of State Council on Retirement and Resignation of Workers, Art. 1(1). Men: Labor Contract Law, Art. 44(2); Interim Measures of State Council on Retirement and Resignation of Workers, Art. 1(1)
	Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located

