

Research on the Importance of Female Employment Equality from an Equality Law Perspective

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Abstract: Equality between men and women is one of the social problems that modern society has been striving to solve, which is most obviously reflected in the equality of female workers in employment. With the advancement of society, the improvement of productivity has also put forward higher requirements for workers, and realized that the production capacity of female workers plays an important role in the development of social construction and the development of the rule of law. In the writing of this article, the main research method used is literature research. This paper first lists the unequal phenomena that women have encountered in the workplace, including the difficulty in finding jobs, promotion and occupational gender segregation. This paper analyzes the causes of this phenomenon from the aspects of social environment, social concepts and women themselves, discusses the significance of promoting employment equality, and puts forward suggestions for promoting employment equality from the perspectives of the formulation, implementation and supervision of laws.

Keywords: equality law, gender equality, employment equality, gender discrimination, government responsibility

1. Introduction

The denial of the value of women's work and the stereotype of women's role in society are persistent perceptions in the job market that prevent women from realizing their professional potential, which reduces productivity and inadvertently affects the development of the entire social economy. The legal system is an important factor in promoting economic development and has the role of allocating scarce resources. A comprehensive role for the law in regulating employment inequality can effectively mitigate social conflicts, improve productivity and create a harmonious social atmosphere, as well as increase women's willingness to have children and ease the demographic pressure brought by aging in recent years, so that society can move forward in a smooth and orderly manner. This paper analyzes the current situation of female employment and the causes of employment inequality, and puts forward relevant suggestions. The research questions in this paper are the causes of women's employment dilemmas and how the law can play a role in women's employment equality.

2. Difficulties Faced by Women in Employment

2.1. Difficulties for Women Seeking Employment

In terms of job search, according to a study conducted by Mcsike in 2011 on college students, the percentage of female graduates in low employment status after graduation was 15.9% for undergraduates and 19.4% for senior college graduates, which is higher than the percentage of male graduates, 9.6% for male undergraduates and 9.4% for senior college graduates [1]. According to the Survey Report on the Employment and Entrepreneurship Situation of Female College Students, when female college students find a job, they may submit about 9 resumes before they can get a chance to enter the company for an interview or written test [2]. It can be seen that it is more difficult for women to find their first job than men when they first enter the workplace.

2.2. Limited Promotion Space for Women

According to a survey report on the status of Chinese Women in the workplace released by Zhaopin.com, there was a 23 percent gap in the average salary of male and female employees in 2019. Among senior managers, women accounted for only 18.7 percent, and the number of women who "passively" lost promotions was about 4.6 times that of men [3]. It can be seen that although the proportion of Chinese women in employment has increased, the space for promotion is narrow and there are few opportunities for promotion. Women are mostly in the lower middle of the employment ladder.

2.3. Women's Employment Industry Is Limited

"Occupational gender segregation" refers to the situation where workers are employed in different types of occupations and positions because of their gender, which leads to a significant difference in the number of men and women in some industries. Most industries have measures such as giving preference to male applicants, limiting female applications or restricting female promotions, and giving preference to men even for jobs that are considered more suitable for women to perform. As a result, many women are confined to simple, basic jobs and feminized occupations, thus limiting their potential to create social value. Without economic status, it is difficult to have social status, and this is one of the reasons why it is difficult for women to improve their social status.

3. Causes of Gender Inequality in Employment

3.1. Traditional Ideas and Stereotypes

The traditional gender division of labor model believes that men are more suitable to go out to work and women should stay at home to do housework and take care of children, this concept believes that women's working ability is far inferior to that of men, and also denies the value of housework and childcare done by women. These stereotypes are also used by companies when considering hiring and promotion, and are an obstacle to the career development of female employees. However, so far, there is no research that there is a big gap between men and women in intelligence and abilities. In fact, individual differences are far greater than gender differences.

3.2. The Physiological Weakness of Women

Women are born physically weaker than men, and women's menstruation, pregnancy and breastfeeding will affect women's work to a certain extent, some of the high-intensity physical labor

can not be engaged by women. However, with the development of society, more intellectual work can be created to reduce the physiological disadvantage of women.

3.3. The Inadequacy of Women's Rights Relief Mechanism

Many laws and regulations in China reflect the protection of women's rights, and in reality, because the provisions of these laws are so broad, it is difficult for women to find a specific basis for defending their rights after being treated unfairly and the penalties under China's Labor Law are also minimal. Women can only rely on women's rights protection organizations and other organizations to defend their rights, and there is a lack of supervision by the judiciary. Women also worry that they will have difficulty being employed by the next company after defending their rights, so they choose to endure the unequal treatment in silence.

3.4. Higher Cost of Hiring Women

Female employees in pregnancy, childbirth, lactation period need to undergo pregnancy examination, sick leave, maternity leave, and can not carry out intensive work, at the same time, during the maternity leave, the enterprise also needs to recruit and train new employees, all these will increase the additional labor costs for the enterprise. Therefore, many enterprises would rather choose male employees with lower education and ability when recruiting, rather than bear more costs because of recruiting a more outstanding female employee.

3.5. Dual Responsibilities of Work and Family

The rising period of women's careers and their fertility age coincide, this is a choice that every woman who is willing to have fertility will face. Once women choose to "return to the family", it is difficult to divert more energy to work, so companies do not give priority to women in recruitment and promotion. But with the development of society, more and more women tend to give priority to their careers, which is one of the reasons why the fertility rate has declined in recent years. Otherwise, many women have taken the initiative to choose easy and stable jobs in order to free up more time to take care of their children, but such jobs often have low social status, no space for advancement, and low income. Promoting employment equality can increase women's willingness to have children, which is beneficial to social development in the long run.

4. Solutions to Employment Inequality

"Equality before the law" is the basic principle of the Constitution. The so-called "equality" includes formal equality and substantive equality. Because there are individual differences, formal equality will aggravate the disadvantaged status of the vulnerable groups. At this time, it is necessary for the government to take active measures to regulate and protect the vulnerable groups, so as to achieve substantive equality. That is to say, we should not only legally recognize the equal employment opportunities of men and women, namely formal equality, but also recognize the physiological differences between women and men, and give women special legal protection to realize substantive equality. The realization of gender substantive equality in employment is conducive to the elimination of gender discrimination because the economic basis determines the superstructure, and the positioning and prejudice of women's social roles in modern society are based on the concept left over from the division of labor between men and women in traditional society. When women get more job opportunities and greater space for career advancement, they can have a higher social status and break the traditional stereotype. The protection of women's employment rights does not infringe on men's interests. The liberation of women means the liberation of productive forces.

Law has the function of guidance, education and coercion. It can regulate people's behavior and realize a social purpose. In promoting equality in employment, the role of law cannot be ignored.

4.1. Improving Legislation to Protect Women's Employment

The Chinese Constitution and Labor Law have made provisions on the issue of women's employment equality, but the relevant laws and regulations are not perfect, mainly reflected in the fact that the relevant provisions are too abstract and broad. Women cannot find the specific basis to protect their rights after suffering unfair treatment, so we need to refine the legal provisions. Employment discrimination standards should be established, and local laws should be empowered to establish regulations based on local circumstances through a third-party organization for supervision [4].

Remedies for employment discrimination should be robust. The law should place the burden of proof on enterprises to prove that they do not have gender discrimination in employment, and women only need to provide basic clues and evidence [5].

In reality, women often choose to continue to endure gender discrimination because they are worried that they will not be hired by the next company after safeguarding their rights. The law should make clear provisions to hide women's relevant rights protection records, so as to reduce women's worries about safeguarding their rights.

The government should promote the shift from "equal pay for equal work" to "equal pay for equal value" and use artificial intelligence to set "comparable values" for all types of work, including the contribution of housewives in the family, and convert them into visible values so that women's contributions in the family can be quantified and society can see the value of women's contributions in the family.

The law should stipulate that men should also take maternity leave during their wives' pregnancy, and that men and women should have the same length of maternity leave, during which social security and provident fund should be borne by the government. This can reduce the disadvantage of pregnancy to women's work, and men's maternity leave is also conducive to women's quick recovery after giving birth to children, reduce women's pressure, so that women can return to work as soon as possible.

4.2. Increase the Law Enforcement Department to Protect Women's Employment

The existing laws need to be improved. China's laws have stipulated that women enjoy equal rights in employment, but women still face employment discrimination in the workplace. This is because the government and enterprises have not really implemented the law, the government has not enforced the law, and the enterprises have not complied with the law. In order to achieve the goal of employment equality, the government and enterprises need to work together to implement the provisions of the law.

The government will take mandatory measures to control enterprises that seriously fail to comply with the law

4.3. Women's Employment Is Protected by Judicial Institutions

Guaranteeing equality in women's employment requires the intervention of the judiciary, when women encounter employment discrimination, they usually turn to women's organizations, labor unions, etc, but such social groups have neither the power to resolve disputes nor the power to enforce them, so judicial intervention is needed to effectively solve the problem of employment inequality.

The penalties need to be increased. Companies that violate the equality law face warnings, notifications, fines and other penalties

Judicial litigation remedy mechanism needs to be improved, women's right to equality in employment should be treated as a fundamental right, and establish a constitutional review mechanism so that women can directly safeguard their rights and interests through "constitutional review litigation" when their rights and interests are infringed

4.4. Improving the Understanding of Equality Law

Employment equality cannot be achieved only through the unilateral control of laws. As long as the gender discrimination in people's minds is not eliminated, even if there is a perfect law, enterprises will find ways to exploit the loopholes in the law. Therefore, we should eliminate the prejudice in people's minds from multiple aspects [6].

Women should improve their competitiveness. The realization of rights needs to be supported by obligations; otherwise, it will be just empty talk. While asserting their rights, women should also constantly improve their abilities to prove that they can create the same value as men with their achievements.

Social perceptions need to be changed. We live in a society that has different positions on men and women, and these perceptions are maintained, reinforced and passed on during each person's upbringing (including family education, school education, work and life), but the change of perceptions cannot be achieved overnight and requires the joint efforts of all sectors of society.

Equality should not only exist in the law, but also in the basic morality and order of society, because equality is the most basic guideline to ensure the smooth operation of a society, and only formal equality can be achieved if bound by law. We should popularize and promote the concept of equality in education, social media and other fields, which can help eliminate the prejudice against women in society and provide legal protection to achieve substantive equality.

The role of public opinion monitoring should be played, government can set up some official accounts to receive submissions on the issue of employment inequality. While ensuring the truth of the information, the process and results of the issue can be published on social media, which is an efficient and transparent way to solve the problem.

5. Conclusion

Promoting employment equality and eliminating gender discrimination is the premise of promoting economic development and building a harmonious society. This paper puts forward relevant suggestions on solving the problem of employment inequality from the perspective of government responsibility, and jointly realizes the goal of equal employment by law and supplemented by other means. The shortcomings of this paper in the study are mainly reflected in the lack of theoretical research and research methods. The lack of a sufficiently solid theoretical foundation is caused by the small amount of literature related to the research topic, and the paper also adopts only the literature research method, which may affect the comprehensiveness of the research results.

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