

## New Protection on Female Employees by Law

On January 1, 2023, the revised Law on the Protection of the Rights and Interests of Women (“**Women Protection Law**”) promulgated by the National People's Congress of the People's Republic of China, came into effect. Compared to the previous version, the revised version increases the pressure on the company to take measures to protect its female employees from the following perspective:

### **Employer's obligation on the recruitment of female employees**

The Women Protection Law prohibits the employment discrimination, which has been included into the scope of labor protection and supervision by the authority. The company is prohibited from:

- Only hiring males or specifying that males are preferred;
- In addition to the basic personal information, further inquiry about the marriage and childbirth status of the females;
- Include the pregnancy test into the employment physical examination;
- Make restriction on marriage or childbirth status as a condition for employment;
- Refuse to employ females on the consideration of gender, or raise the employment standards for females in other manners.

Where the company violates the aforesaid provisions, it shall be ordered to rectify by the human resource and social security department. If it refuses to make corrections, a penalty ranging from RMB10,000 to RMB 50,000 shall be imposed.

### **Employer's obligation on gender-equality during the employment with female employees**

The company shall not restrict the promotion, evaluation and recognition the professional titles, the provision of training on its female employees, lower their salary and benefit treatments due to the reasons of marriage, pregnancy, taking maternity leave and nursing of baby. Otherwise, it

shall be ordered to rectify by the human resource and social security department. If it refuses to make corrections, a penalty ranging from RMB10,000 to RMB 50,000 shall be imposed.

### **Employer's obligation on the prevention of sexual harassment**

The Women Protection Law has specified the measures to be taken by the company, in order to prevent the sexual harassment on women:

- Formulate rules and regulations to prohibit the sexual harassment;
- Specify the responsible department or personnel;
- Carry out the education and training activities on prevention and stop sexual harassment;
- Take necessary security and safeguard measures;
- Set up complaint hotline, mailbox, etc. and unlock compliant channels;
- Establish and improve the investigation procedures, and handle the disputes in a timely manner;
- Protect the privacy and personal information of the parties concerned;
- Support and assist the female victims in safeguarding their rights;
- Provide psychological counseling to female victims when necessary.

Where the company, in violation of this Women Protection Law, fails to take necessary measures to prevent and stop sexual harassment, which results in the infringement upon the rights and interests of a woman or significant social influence, it will be ordered by the competent authority to make corrections. If it refuses to make corrections or the circumstances are serious, the directly responsible person and other directly liable persons shall be imposed sanctions according to law.

In addition, the Women Protection Law also requires the company to:

- include a special clause on the protection of female employees in the labor contract;
- arrange the specific health examinations (e.g. Gynecological diseases, breast disease examination) for its female employees on a regular basis;

### **DS Suggestions:**

- Advocate the company's culture on gender-equality; provide the necessary trainings to the employees.

- Perfect the HR rules and regulations as well as the recruitment procedure;
- Review current labor contracts and internal rules to ensure that the rights and interests of the female employees have been safeguarded;
- Take necessary measures to prevent and stop sexual harassment, formulate the process on handling the harassment cases as well as the corresponding consequences.

CONTACT:

DING Yu

[dingyu@dsavocats.com](mailto:dingyu@dsavocats.com)

DS AVOCATS Shanghai Office

---

**LES BRÈVES**

---

**[www.ds-savoirfaire.com](http://www.ds-savoirfaire.com)**

---

**DS** | **SAVOIR  
FAIRE**

This alert is provided for general informational purposes only. Any information contained in this should not be construed as legal advice and is not intended to be a substitute for legal counsel on any subject matter.