

职位描述:

负责... 岗位要求:

工作职责:

负责... 岗位要求:

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HUMAN RIGHTS WATCH

行政前台实习生 智联招聘

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“ONLY MEN NEED APPLY”

Gender Discrimination in Job Advertisements in China





**“Only Men Need Apply”**  
Gender Discrimination in Job Advertisements in China

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# “Only Men Need Apply” Gender Discrimination in Job Advertising in China

**Map** ..... i

**Summary** ..... 1

**Key Recommendations** ..... 5

- To the Chinese Government .....5
- To National and Foreign Companies .....5
- To the Committee on the Elimination of Discrimination against Women and the International Labour Organization .....5

**Methodology**..... 6

**I. Background**.....8

- State Goals for Equal Employment ..... 8
- Worsening Gender Gaps in Employment..... 9

**II. China’s International and Domestic Legal Obligations** ..... 12

**III. Discrimination Based on Gender** ..... 16

- “Men Only” and “Men Preferred” Job Ads..... 17

  - Discrimination in China’s Civil Service Systems .....22

- “Women Only” Job Ads .....27
- “Married Women with Children” Ads ..... 28

**IV. Gender Discrimination Related to Appearance** ..... 30

- “Fashionable and Beautiful” Job Ads ..... 31
- “Working with Beautiful Girls” Job Ads .....33

**V. Case Study: Alibaba** ..... 37

**VI. Government Response**..... 42

- Weak Enforcement.....42
- Legal Cases Challenging Discrimination .....45
- Repression of Women’s Rights Activism ..... 49

<b>VII. Recommendations.....</b>	<b>51</b>
To the Chinese Government and the National People’s Congress.....	51
To the Ministry of Human Resources and Social Security .....	52
To the State Administration for Industry and Commerce .....	52
To the Committee on the Elimination of Discrimination against Women and the International Labour Organization .....	52
To National and Foreign Companies .....	53
<b>Acknowledgments.....</b>	<b>54</b>
<b>Appendix I: Human Rights Watch Letter to Ministry of Human Resources and Social Security .....</b>	<b>55</b>
<b>Appendix II: Human Rights Watch Letter to State Administration for Industry and Commerce .....</b>	<b>57</b>
<b>Appendix III: Human Rights Watch Letter to Ministry of Public Security .....</b>	<b>59</b>
<b>Appendix IV: Letters Between Human Rights Watch and Zhilian Zhaopin .....</b>	<b>61</b>
Letter 1: Human Rights Watch Letter to Zhilian Zhaopin .....	61
Letter 2: Zhilian Zhaopin Response Letter (translation by Human Rights Watch, followed by original letter in Chinese).....	64
Letter 3: Human Rights Watch Response Letter to Zhilian Zhaopin .....	79
<b>Appendix V: Human Rights Watch Letter to 58.com.....</b>	<b>82</b>
<b>Appendix VI: Human Rights Watch Letter to Alibaba .....</b>	<b>85</b>
<b>Appendix VII: Human Rights Watch Letter to Tencent.....</b>	<b>88</b>
<b>Appendix VIII: Human Rights Watch Letter to Baidu .....</b>	<b>91</b>
<b>Appendix IX: Human Rights Watch Letter to Huawei.....</b>	<b>94</b>
<b>Appendix X: Human Rights Watch Letter to Meituan .....</b>	<b>97</b>

# Map





## Summary

### Job ad example 1:

A Job ad on technology company Baidu's website:

Information feed reviewer		
Department: Baidu	Work location: Beijing	Number of recruitments: several
Company: Baidu	Position type: management support	Date of publication: March 16, 2017
Job responsibilities:		
Responsible for legal department information feed review work		
Maintain, analyze, and report reviewed information regularly		
Organize, categorize, investigate, and report harmful information promptly		
Give suggestions on platform tools, processes, strategies, etc.; assist in enhancing the efficiency of the platform		
Job requirements:		
Associate's degree or above, <b>men</b> , any major, have relevant work experience		
Passionate about the internet, detail-oriented and patient, strong sense of responsibility, good communication and coordination skills		
Excellent data processing, analysis, and summarization skills		
Strong ability to work under pressure, able to work on weekends, holidays, and night shifts		

### Job ad example 2:

A message posted on Alibaba's official Weibo account on March 7, 2013. (The message is still on the company's website as of February 4, 2018.)

[March 8, recruitment notice season 1: the call from goddesses] They are the goddesses in Alibaba employees' heart—smart and competent at work and charming and alluring in life. They are independent but not proud, sensitive but not melodramatic. They want to be your coworkers. Do you want to be theirs? ... (More job positions: [a link to Alibaba's hiring website here])



Four decades of rapid economic growth in China have created unprecedented economic opportunities for women, but gender discrimination in employment remains widespread.

By some key measures, the problem is getting worse: a smaller proportion of women are working. Only 63 percent of the female labor force worked in 2017, down from 65.5 percent ten years earlier. The gender gap in labor force participation has also grown. While the women's labor force participation rate was 83 percent in 2007, it had dropped to 81 percent of the male rate by 2017. The pay gap in urban areas has also increased. And according to a report by the World Economic Forum, China's gender parity ranking in 2017 fell for the ninth consecutive year, leaving China in 100th place out of the 144 countries surveyed (in 2008 China had ranked 57th).

Discrimination in hiring is one important reason for the gender gap, a phenomenon on clear public display in employment recruiting advertisements, as detailed in this report. Government and private sector job ads often specify a requirement or preference for men, which affects both who applies and ultimately who gets hired. While such discriminatory practices are rife in common low-paying jobs such as security guard, there are also widespread in ads for high-paying and prestigious positions.

In recent national civil service job lists, 13 percent (2017) and 19 percent (2018) of the job postings specified "men only," "men preferred," or "suitable for men." (Significantly, none specified "women only," "women preferred," or "suitable for women" in the 2017 list and one specified a preference for woman in the 2018 list.) Fifty-five percent of the jobs the Ministry of Public Security advertised in 2017 specified "men only." For instance, a posting for a job at the ministry's news department read, "need to work overtime frequently, high intensity work, only men need apply." When women are not categorically excluded, many job ads require female applicants to be married with children. In May 2017, a recruiter posted a job ad on her social media account and noted, "[Applicants must be] women married with children or men."

These job ads reflect traditional and deeply discriminatory views: that women are less physically, intellectually, and psychologically capable than men; that women are their families' primary sources of child care and thus unable to be fully committed to their jobs or will eventually leave full-time paid employment to have a family; and that accommodating maternity leave is unacceptably inconvenient or costly for the company or agency.

In a few cases, the preference or requirement for men is a result of concerns that in certain fields, such as the civil service and primary school teaching, there are not enough male employees. Some local governments have published discriminatory ads to recruit more male kindergarten teachers because, as one kindergarten principle said, “The lack of males makes children prone to look at and solve problems according to the way women think and behave.”

Sexual objectification of women—treating women as a mere object of sexual desire—is prevalent in Chinese job advertising. Some job postings require women to have certain physical attributes—with respect to height, weight, voice, or facial appearance—that are completely irrelevant to the execution of job duties. For example, a job ad for train conductors in Hebei province required female applicants to be between “162 centimeters to 173 centimeters” tall, have a bodyweight “below 65 kilograms,” and have “normal facial features, no tattoos, no obvious scars on face, neck or arms, good skin tone, no incurable skin conditions.”

Some job postings use the physical attributes of women—often with photos of the company’s current employees—to attract male applicants. In recent years China’s biggest technology companies, such as Tencent, Baidu, and Alibaba, have repeatedly published recruitment ads boasting that there are “beautiful girls” (美女) or “goddesses” (女神) working for the companies. A Tencent male employee is featured stating this is the primary reason he joined Tencent and a Baidu male employee saying it is one reason why he is “so happy every day” at work. Alibaba’s recruitment social media account posted at midnight a series of photos of several young female employees and described them as “late night benefits.”

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), China is obligated to eliminate all forms of discrimination in political, economic, social, and cultural spheres. International human rights law not only protects individuals from violations by state officials, but also from the government’s failure to protect individuals from abuses by private individuals.

Although Chinese laws ban gender discrimination in hiring and gender discriminatory content in advertising, the laws lack a clear definition of what constitutes gender

discrimination, and provide few effective enforcement mechanisms. As a result, the level of enforcement is low and Chinese authorities rarely proactively investigate companies that repeatedly violate relevant laws.

Victims of discrimination or ordinary citizens can make complaints to local Bureaus of Human Resources and Social Security for discrimination in hiring and to bureaus of industry and commerce for discrimination in advertising, but the bureaus' responses to complaints are irregular, inconsistent and, when they do take action, largely inconsequential. Authorities rarely penalize companies for discriminatory job ads, often only requiring them to change the ads. Women's rights activists estimate that only a tiny percentage of the companies who have been investigated by the government for publishing discriminatory job ads have been fined.

Some women in recent years have brought successful court challenges to gender discrimination in job ads, but the compensation the companies were ordered to pay was low: in three separate court cases, the victims were each awarded 2,000 yuan (US\$300). For many firms, such modest fines are unlikely to serve as a deterrent.

The Chinese government's stringent media censorship and hostility toward grassroots activism pose a significant obstacle to Chinese women's rights activists and civil society groups seeking to raise public awareness about the issue. Activists have pledged that they will continue to fight discriminatory job ads, but in China's current climate they face increasing risks of reprisals for their activism.

# Key Recommendations

## To the Chinese Government

- End the use of gender-specific job advertisements for civil servants in accordance with Chinese law.
- Abolish or substantially revise laws and regulations that discriminate against women in hiring.
- Enact a comprehensive employment anti-discrimination law that contains a definition of gender discrimination that encompasses the full range of ways in which employers discriminate against women, protecting against both direct and indirect discrimination.
- Strengthen the investigation of complaints of discriminatory job ads submitted to government agencies.
- Proactively supervise and regularly inspect employers to ensure they comply with anti-discrimination provisions in the Advertising Law and in employment laws and regulations.

## To National and Foreign Companies

- Adopt and enforce company policies prohibiting all forms of gender-based discriminatory job ads.

## To the Committee on the Elimination of Discrimination against Women and the International Labour Organization

- Call on the Chinese government to ensure that domestic laws fully comply with China's international legal obligations with regard to nondiscrimination and equal treatment in employment.

## Methodology

The Chinese government is hostile to research by international human rights organizations, closely monitors and strictly limits the activities of domestic civil society organizations, and censors the internet. Over the past several years, it has increasingly suppressed discussions and activism pertaining to women's rights, a topic that had been relatively tolerated before. These limitations affected the design and implementation of the research conducted for this report, leading us to rely more on publicly available job ads than on interviews with affected individuals and activists, though the report draws on both types of sources.

Between March 2017 and January 2018, Human Rights Watch analyzed over 36,000 job advertisements posted mostly since 2013 on websites of Chinese companies, websites of the Chinese government at different levels and in different parts of the country, job search websites, and Chinese social media platforms, primarily WeChat and Weibo. We downloaded 2017 and 2018 civil service job position listings for the central government and 2017 civil service job listings for Zhejiang province from civil service exam preparation websites, searching the position requirements for terms related to gender preferences including "men only," "men preferred," "suitable for men," "women only," "women preferred," and "suitable for women."

Where job ads are mentioned in the report without a citation, it is because the URLs are no longer active. Human Rights Watch has a copy of each such ad on file.

Human Rights Watch also interviewed six women's rights activists, a lawyer who had pursued gender discrimination lawsuits, and four employees at two private companies and two public universities regarding their experiences related to gender discriminatory job ads. All interviews were conducted online. The names and identifying details of those with whom we spoke have been withheld to protect them from government reprisal. All of those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. All interviewees provided oral consent to be interviewed. All were informed that they could decline to answer questions or could end

the interview at any time. No financial or other incentives were provided to individuals in exchange for their interviews.

Human Rights Watch has sent letters to the Ministry of Human Resources and Social Security, the State Administration for Industry and Commerce and the Ministry of Public Security and to companies including Alibaba, Tencent, Baidu, Huawei, Meituan, Zhilian Zhaopin, and 58.com. At the time of writing, Human Rights Watch only received a response from Zhilian Zhaopin, which is included in Appendix IV.

Human Rights Watch makes no statistical claims regarding the prevalence of discriminatory job ads in China.

# I. Background

## State Goals for Equal Employment

On paper, the Chinese government and the Chinese Communist Party appear deeply committed to women's rights and equal employment. The Communist Party identifies "women's emancipation" as a key ideological objective. The late paramount leader Mao Zedong famously said that "women hold up half the sky," believing that women had been a wasted reservoir of labor and should be integrated into the "productive forces."<sup>1</sup> For decades, the government has claimed it is giving priority to women's participation in the labor force and combatting gender discrimination in employment.

China's Constitution guarantees equal rights between men and women. The Law on the Protection of Women's Rights and Interests (妇女权益保障法) and several other laws and regulations on women's rights have been enacted to ensure women's participation and equal treatment in the labor force.

Since 1995, the State Council, the highest administrative body of the Chinese government, has periodically issued Chinese Women's Development Guidelines (the "Guidelines," 中国妇女发展纲要), a policy document setting out benchmarks, strategies, and evaluation mechanisms for women's economic and social development. Every iteration of the Guidelines includes among its goals eliminating gender-based discrimination in employment, enhancing the percentage of women in the labor force, and expanding fields of employment for women. For example, one objective of the 2011-2020 Guidelines is that women should account for at least 35 percent of highly skilled workers in China by 2020.<sup>2</sup>

The All-China Women's Federation (ACWF, 中华全国妇女联合会), a government-controlled and funded organization, is the government's primary mechanism for the protection of women's rights and is responsible for promoting government policies on women. One of

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<sup>1</sup> Shelah Gilbert Leader, "The Emancipation of Chinese Women," *World Politics*, vol. 26, no. 1 (1973), pp. 55-79.

<sup>2</sup> The State Council (中央人民政府), "Chinese Women's Development Guidelines 2011-2020" (中国妇女发展纲要 2011-2020年), issued July 13, 2011; [http://www.gov.cn/gongbao/content/2011/content\\_1927200.htm](http://www.gov.cn/gongbao/content/2011/content_1927200.htm) (accessed October 18, 2017).

ACWF's main responsibilities is to “advance broader equal employment opportunity.”<sup>3</sup> It investigates complaints of gender discrimination filed by women around the country, provides legal aid and social services to victims of employment discrimination, and participates in the drafting and revision of laws relating to women.<sup>4</sup>

## Worsening Gender Gaps in Employment

Despite rhetorical commitment to gender equality, relatively strong legislative and institutional foundations for the protection of women's rights in employment, and unprecedented economic growth, gender gaps in China's labor market are actually increasing in key areas including labor force participation and pay equality.

In 2016, women accounted for 44 percent of the workforce in China.<sup>5</sup> While this is a relatively high number compared to that of many other countries, the gender gap in labor force participation has widened over the last two decades. According to the decennial study on women's status by the ACWF and China's Bureau of Statistics (NBS), in 1990, the employment rate of women in urban areas was 76 percent, 14 percentage points lower than men, while in 2010, women's employment rate was 61 percent, 20 percentage points lower than men.<sup>6</sup>

The gender pay gap is wide and has also increased.

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<sup>3</sup> General Office, All-China Women's Federation, “Office function,” undated, <http://www.women.org.cn/col/col14/index.html> (accessed October 18, 2017).

<sup>4</sup> Ibid.

<sup>5</sup> World Bank, “Labor force, female (% of total labor force),” undated, <http://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=CN> (accessed October 18, 2017).

<sup>6</sup> National Bureau of Statistics (国家统计局), “Main Data Report on the Second Survey on Social Status of Chinese Women” (第二期中国妇女社会地位抽样调查主要数据报告), September 4, 2001, [http://www.stats.gov.cn/tjsj/tjgb/qgttjgb/qgqttjgb/200203/t20020331\\_30606.html](http://www.stats.gov.cn/tjsj/tjgb/qgttjgb/qgqttjgb/200203/t20020331_30606.html) (accessed October 19, 2017).

ACWF and NBS, “Main Data Report on the Third Survey on Social Status of Chinese Women” (第三期中国妇女地位调查主要数据报告), undated, <http://www.wsic.ac.cn/staticdata/84760.htm> (accessed October 19, 2017).



Women's earning comparing with that of men (in percentage) <sup>7</sup>			
Area/year	1990	2000	2010
Urban	78	70	67
Rural	79	60	56

Women are grossly underrepresented in leadership positions in the government and the private sector. According to the same ACWF and NBS study, in 2010, only 20 percent of the heads of government agencies and companies in China were women. More than 20 percent of these agencies and companies had no women in top leadership positions at all.<sup>8</sup>

Studies by the International Labour Organization (ILO) and academics show that deepening market liberalization in China has contributed to the widening gender gap.<sup>9</sup> The transition from a planned economy to a more market-oriented economy, in which individuals and businesses have more power in economic decisions, has given freer rein to discriminatory views on gender differences and gender roles.

Many women say they have faced discrimination in employment recruitment. A 2014 study by ACWF said that 87 percent of female college graduates reported that they had been subjected to one or more forms of gender discrimination while looking for their jobs, such as “advertisements stating men only or men preferred,” “rejecting or refusing to review female applicants’ resumes,” “rejecting female applicants for second-round interview opportunities,” and “having higher requirements for educational attainment from female applicants.” Sixty-four percent of the surveyed female graduates said they had been

<sup>7</sup> NBS, “Main Data Report on the Second Survey on Social Status of Chinese Women” (第二期中国妇女社会地位抽样调查主要数据报告). ACWF and NBS, “Main Data Report on the Third Survey on Social Status of Chinese Women” (第三期中国妇女地位调查主要数据报告). Social Sciences Academic Press (China) (社会科学文献出版社), “Report Summary, Population and Labor Green Book: Chinese Population and Labor Issues Report No.17” (报告精读 | 人口与劳动绿皮书: 中国人口与劳动问题报告 No.17), December 1, 2016, <http://www.ssap.com.cn/c/2016-12-01/1044731.shtml> (accessed October 19, 2017).

<sup>8</sup> ACWF and NBS, “Main Data Report on the Third Survey on Social Status of Chinese Women” (第三期中国妇女地位调查主要数据报告).

<sup>9</sup> Sukti Dasgupta, Makiko Matsumoto and Cuntao Xia, *Women in the Labor Market in China*, (Bangkok: ILO Reginal Office for Asia and the Pacific, 2015), [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_371375.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_371375.pdf) (accessed October 19, 2017).

Philip N. Kohen and Wang Feng, “Market and Gender Pay Equity: Have Chinese Reforms Narrowed the Gap?” in *Creating Wealth and Poverty in Postsocialist China*, ed. Deborah S. Davis, Wang Feng and Paula England (Stanford: Stanford University Press, 2009), pp. 37-53.

subjected to five or more such forms of gender discrimination.<sup>10</sup> In a 2015 study by Renmin University, researchers sent out fake resumes that were identical except for the gender. It turned out male candidates were 1.42 times more likely to be selected for interviews than female candidates.<sup>11</sup>

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<sup>10</sup> Xi Dongqi (奚冬琪), “Continuous Effort is Needed to Eliminate Gender Discrimination in Employment” (消除就业性别歧视还需继续加力), *People’s Political Consultative Daily* (人民政协报), March 3, 2015, [http://news.xinhuanet.com/politics/2015-03/03/c\\_127535710.htm](http://news.xinhuanet.com/politics/2015-03/03/c_127535710.htm) (accessed October 19, 2017).

<sup>11</sup> “Experiencing Gender Discrimination while Looking for jobs, How to dismantle the ‘Invisible Huddle’ When Seek Employment?” (求职遭遇性别歧视，女性就业“暗门槛”怎么拆?), *People’s Daily* (人民日报), August 8, 2016, [http://news.xinhuanet.com/politics/2016-08/08/c\\_129212276.htm](http://news.xinhuanet.com/politics/2016-08/08/c_129212276.htm) (accessed October 19, 2017).

## II. China's International and Domestic Legal Obligations

China has clear obligations under international human rights law to prevent discrimination against women in the workforce. China's domestic legal framework is uneven in the extent to which it incorporates these international obligations. Some laws and policies prohibit gender discrimination, though often in language that is vague, and such provisions are not effectively enforced. Other laws and policies are themselves discriminatory and reinforce damaging stereotypes that facilitate workplace discrimination.

Discrimination on the grounds of gender is prohibited under core international human rights treaties to which China is a party. Under the International Covenant on Economic, Social and Cultural Rights (ICESCR), China is obligated to “ensure the equal right of men and women” to enjoy all covenant rights, including the right to work.<sup>12</sup> The ICESCR prohibits both direct and indirect discrimination; the latter occurs when a law, policy or program that does not appear to be discriminatory has a discriminatory effect when implemented.<sup>13</sup> Governments also are obligated to take “measures to combat discrimination and to promote equal access and opportunities.”<sup>14</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the key international instrument ensuring equal rights protections for women.<sup>15</sup> Under CEDAW, China is obligated to “take all appropriate measures to eliminate discrimination

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<sup>12</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 3, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-3&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-3&chapter=4&clang=_en) (accessed October 18, 2017). China ratified the ICESCR in 2001.

<sup>13</sup> UN Committee on Economic, Cultural and Social Rights (CESCR), General Comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, Thirty-fourth session (April 25-May 13, 2005) 12/2005/4, August 11, 2005, para. 12 and 13, <http://www2.ohchr.org/english/bodies/cescr/docs/CESCR-GC16-2005.pdf> (accessed November 2, 2017).

<sup>14</sup> CESCR, General Comment No. 18, The Right to Work, U.N. Doc. E/C.12/GC/186 February 2006, para. 23, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW1aoSzabooXTdlmnsJZZVQfUKxXVi sd7Dae%2FCu%2B13j25Nha7l9NlwYZ%2FTmK57O%2FSr7TB2hbCAidyVu5x7XcqjNXn44LZ52C%2BIKX8AGQrVylc> (accessed October 19, 2017).

<sup>15</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by China on November 4, 1980, art. 1. CEDAW defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

against women in the field of employment,”<sup>16</sup> and to “refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.”<sup>17</sup>

Similarly, the ILO’s Discrimination (Employment and Occupation) Convention obligates governments to enact legislation that prohibits all forms of gender-based discrimination.<sup>18</sup>

The UN Committee on Economic, Cultural and Social Rights, the independent expert committee that interprets the ICESCR, in its General Comment No. 24 on state obligations in the context of business activities, states that the government’s obligation to guarantee the right to nondiscrimination includes a duty to prohibit discrimination by companies as well as the state.<sup>19</sup> It is insufficient that there be formal equality under state laws and policy—there must also be de facto or substantive equality.<sup>20</sup>

The committee noted that in addition to creating and enforcing appropriate regulatory and policy frameworks, the government should put in place and enforce effective monitoring, investigation, and accountability mechanisms to ensure accountability and access to judicial and other remedies for those whose rights have been violated in the context of business activities. In addition, governments should inform individuals and groups of their rights and the remedies accessible to them pertaining to rights violations.<sup>21</sup>

The committee also stated that remedies to address rights violations must be “available, effective and expeditious.” This means that victims must have “prompt access to an independent public authority” that should be empowered to determine “whether a

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<sup>16</sup> *Ibid.*, art. 11.

<sup>17</sup> *Ibid.*, art. 2.

<sup>18</sup> ILO Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, adopted June 25, 1958, 362 U.N.T.S. 31, entered into force June 15, 1960, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111) (accessed October 19, 2017). China ratified ILO Convention No. 111 in 2006.

<sup>19</sup> CESCR, General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, sixty-first session (May 29-June 23, 2017) E/C.12/GC/24, August 10, 2017, para. 7, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIQ6QSmIBEDzFEovLCuW1aoSzabooXTdlmnsJZZVQclMOuuG4TpS9jwlhCJcXiuZ1yrkMD%2fSj8YF%2bSXo4mYx7Y%2f3L3zVMz2SUBw6ujlnCawQrjx3hIK8Odk6DUwG3Y> (accessed November 2, 2017).

<sup>20</sup> *Ibid.* See also CESCR, General Comment No. 16, paras. 7 and 8.

<sup>21</sup> *Ibid.*, para. 38.

violation has taken place and to order cessation of the violation and reparation to redress the harm done.”<sup>22</sup>

Under Chinese law, the Law on the Protection of Women’s Rights and Interests states, “women shall enjoy equal rights with men in all aspects of political, economic, cultural, social and family life”; “discriminating against ... women is prohibited.”<sup>23</sup> The Labor Law (劳动法),<sup>24</sup> the Employment Promotion Law (就业促进法),<sup>25</sup> and the Provisions on Employment Services and Employment Management (就业服务与就业管理规定)<sup>26</sup> all state that “workers should not be discriminated against because of ethnic group, race, gender, or religious belief.”

The Law on the Protection of Women’s Rights and Interests,<sup>27</sup> the Labor Law,<sup>28</sup> the Employment Promotion Law,<sup>29</sup> Provisions on Employment Services and Employment Management,<sup>30</sup> and Provisions on Talent Market Management (人才市场管理规定)<sup>31</sup> all state that except for the types of work or posts specified by the state as being unsuitable for women, employers “cannot refuse to recruit women or enhance the recruiting standards for females because of gender.” Provisions on Talent Market Management also provide that serious violators can be fined up to 10,000 yuan (US\$1,500).<sup>32</sup>

China’s Advertising Law (1994, revised 2015) (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment ads as

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<sup>22</sup> Ibid. para. 41.

<sup>23</sup> Law on the Protection of Women’s Rights and Interests, Standing Committee of National People’s Congress (NPCSC), 1992 (revised 2005), <https://www.cecc.gov/resources/legal-provisions/protection-of-womens-rights-and-interests-law-of-the-peoples-republic-of> (accessed November 2, 2017), art. 2.

<sup>24</sup> Labor Law, NPCSC, 1995, [http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content\\_1383754.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383754.htm) (accessed November 2, 2017), art. 12.

<sup>25</sup> Employment Promotion Law, NPCSC, 2007, <https://www.cecc.gov/resources/legal-provisions/employment-promotion-law-of-the-peoples-republic-of-china> (accessed November 2, 2017), art. 3.

<sup>26</sup> Provisions on Employment Services and Employment Management, Ministry of Human Resources and Social Security (MHRSS) (人力资源和社会保障部), 2007 (revised 2014), [http://www.mohrss.gov.cn/SYrlzyhshbzb/ldbk/jiuye/JYzonghe/201412/t20141229\\_147451.htm](http://www.mohrss.gov.cn/SYrlzyhshbzb/ldbk/jiuye/JYzonghe/201412/t20141229_147451.htm) (accessed November 2, 2017), art. 4.

<sup>27</sup> Law on the Protection of Women’s Rights and Interests, art. 23.

<sup>28</sup> Labor Law, art. 13.

<sup>29</sup> Employment Promotion Law, art. 27.

<sup>30</sup> Provisions on Employment Services and Employment Management, art. 16.

<sup>31</sup> Provisions on Talent Market Management, MHRSS, 2001 (revised 2005, 2015), [http://www.mohrss.gov.cn/gkml/xxgk/201505/t20150513\\_160956.htm](http://www.mohrss.gov.cn/gkml/xxgk/201505/t20150513_160956.htm) (accessed November 2, 2017), art. 24.

<sup>32</sup> Ibid., art. 37.

well as other forms of advertising. For a published advertisement that violates the law, the advertised entity, the advertising agency, and the entity that publishes the advertisement can each be fined from 200,000 yuan to one million yuan (US\$30,000 to \$150,000) and have their licenses suspended.<sup>33</sup> Provisions on Employment Services and Employment Management also prohibit “discriminatory content” in job advertising.<sup>34</sup>

Though the above laws and regulations prohibit gender discrimination, none of them contains a definition of “gender discrimination.” One of the only Chinese legal documents that specifies what constitutes gender discrimination is the Provisions on Gender Equality Promotion in the Shenzhen Special Economic Zone (2013) (深圳经济特区性别平等促进条例), a regulation promulgated by the Shenzhen municipality legislature. It states that gender discrimination is “differentiation, exclusion, or restriction that is made based on gender ... the purpose and result of which directly or indirectly influences or harms general equality.”<sup>35</sup> The regulation also specially bans gender discrimination in hiring and in advertising.<sup>36</sup>

As discussed in the “Government Response” section below, there are considerable obstacles to enforcing these laws, and even when implemented, the financial penalties incurred by those responsible are so small as to have little or no deterrent effect.

Finally, some Chinese laws and regulations that purport to protect women are themselves discriminatory and reinforce gender stereotypes that encourage discrimination in hiring and in the workplace. The Law on the Protection of Women’s Rights and Interests states that to “protect women’s safety and health,” employers “shall not assign them any work or physical labor not suitable to women.”<sup>37</sup>

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<sup>33</sup> Advertising Law, NPCSC, 1994 (revised 2015), <http://www.lawinfochina.com/Display.aspx?lib=law&Cgid=10461> (accessed October 19, 2017), arts. 9 and 57.

<sup>34</sup> Provisions on Employment Services and Employment Management, art. 20.

<sup>35</sup> Provisions on Gender Equality Promotion in the Shenzhen Special Economic Zone, *Standing Committee of Shenzhen Municipal People’s Congress*, 2012, [http://www.fzb.sz.gov.cn/fggzsjk/201505/t20150513\\_2875695.htm](http://www.fzb.sz.gov.cn/fggzsjk/201505/t20150513_2875695.htm) (accessed October 19, 2017), art. 5.

<sup>36</sup> *Ibid.*, arts. 16 and 21.

<sup>37</sup> Law on the Protection of Women’s Rights and Interests, <https://www.cecc.gov/resources/legal-provisions/protection-of-womens-rights-and-interests-law-of-the-peoples-republic-of>, art. 26. The Labor Law and the Special Provisions on the Labor Protection of Female Employees (女职工劳动保护特别规定) (State Council, 2012) explicitly bar women from certain physically demanding jobs, such as “working in a mine well” and “carrying objects 20 kilograms or heavier for at least six times every hour.” The Special Provisions further detail the types of work menstruating, pregnant, or lactating women are prohibited from doing. For example, menstruating women are not allowed to be in contact with water of which the temperature is below 6 degrees Celsius. The Special Provisions on the Labor Protection of Female Employees, [http://en.acftu.org/28616/201408/26/140826131330762\\_3.shtml](http://en.acftu.org/28616/201408/26/140826131330762_3.shtml) (accessed October 19, 2017).

### III. Discrimination Based on Gender

Frequent business travel and field work, suitable for men.

–A 2018 job posting for a water resources manager at the Ministry of Water Sources

Strong logical reasoning ability, effective execution skills ... men and manly women [only].

–A 2016 job posting for a film program manager at technology company Baidu

With the increase in the number of female civil servants, some high-risk, high-stress work at the local level is not being successfully carried out.... In order to solve ... the gender imbalance issue.... Policies putting a restriction on gender should be implemented.

–A 2014 article by the Baoshan Municipality Bureau of Human Resources and Social Security in Yunnan province

Despite Chinese laws prohibiting gender-based discrimination in employment, government agencies, private companies, and nongovernmental organizations frequently employ phrases such as “men only,” “men preferred,” and “suitable for men” in job advertisements. Most such restrictions appear in postings for jobs for which there are no legal bases for specifying gender restrictions. According to a 2009 All-China Women’s Federation (ACWF) report, 51 percent of companies said that certain types of jobs were not suitable for women, though 90 percent of companies deny practicing gender discrimination in hiring.<sup>38</sup>

A female former university lecturer told Human Rights Watch:

When I was looking for jobs, I encountered several employers who engaged in gender discrimination. I came back from the job fair, so angry. I talked to

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<sup>38</sup> Lin Lu (林露), “Survey Shows: 90 Percent Female Students Experienced Gender Discrimination in Employment” (调查显示: 9成女大学生遭遇就业性别歧视), May 10, 2013, <http://edu.people.com.cn/n/2013/0510/c1053-21442553.html> (accessed October 19, 2017); ACWF Department for Women’s Development (全国妇联妇女发展部), “Survey on Employment of Female College Graduates” (女大学生就业状况调查报告), July 2010, [http://www.pishu.com.cn/skwx\\_ps/initDatabaseDetail?siteId=14&contentId=2483968&contentType=literature&type=%25E6%258A%25A5%25E5%2591%258A](http://www.pishu.com.cn/skwx_ps/initDatabaseDetail?siteId=14&contentId=2483968&contentType=literature&type=%25E6%258A%25A5%25E5%2591%258A) (accessed October 19, 2017).

my roommates and cried. I had excellent performance in school, but I was rejected solely because of my gender, I refused to accept that.<sup>39</sup>

In most cases, the discriminatory job advertisements reviewed for this report seemed linked to stereotypical views regarding the roles and abilities of men and women. In other cases, they seemed to reflect employer views that certain professions currently contain “too many women.”<sup>40</sup>

### **“Men Only” and “Men Preferred” Job Ads**

Interviewees told Human Rights Watch that, in general, the higher a company’s profile, the less likely it is to engage in discriminatory practices, but some of China’s biggest companies still violate anti-discrimination regulations. “Men-only” job advertisements often contain descriptions of the position that state or imply that the job may be too hard for a woman. In March 2017, search engine giant Baidu advertised a job for content reviewers stipulating that applicants must be “men,” and have “strong ability to work under pressure, able to work on weekends, holidays and night shifts.” In March 2016, Baidu’s filming program was looking for a manager. The ad stated, “strong logical reasoning ability, effective execution skills ... men and manly women [need apply].”

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<sup>39</sup> Human Rights Watch interview with former university lecturer, September 22, 2017.

<sup>40</sup> Guizhou Zhonggong Education (贵州中公教育), “Too Many Female Teachers, Boys Become Sissies?” (女教师太多, 男孩变成娘娘腔?), May 31, 2017, <http://share.iclient.ifeng.com/house/shareNews?aid=123283828> (accessed October 19, 2017).



百度糯米电影业务部 **电影项目督理专员** **Filming Program Manager**

所属部门: 百度  
工作地点: 北京市  
招聘人数: 若干  
公司: 百度  
职位类别: 社群-市场及销售-校招  
发布时间: 2016-03-18

**工作职责:**

- 协助主管完成电影合作项目相关事宜
- 建立合作伙伴档案,并协助商务完成协议、回款等工作
- 不断优化项目流程,提高整体项目效率

**岗位要求 Requirements:**

- 媒体或电影项目管理相关专业
- 有2-3年的电影、电影节或媒体项目管理相关工作经验
- 逻辑清晰,执行力强,能吃苦耐劳,并快速适应工作节奏

**有气质的男生及女汉子**,有一定英语口语能力优先

**Graceful men and manly women**

申请职位 收藏职位

“Manly women” (女汉子) is slang in China used to refer to women exhibiting purportedly “manly” traits, such as being emotionally strong and independent minded.<sup>41</sup>

Social media giant Tencent in March 2017 stated in an advertisement for a sports content editor its preference for “strong men who are able to work nightshifts.” An internship at Citic Group, one of China’s biggest state-owned conglomerates, described its ideal candidate this way: “high productivity, hardworking and swift, able to bear relatively high workload and pressure, male students preferred.”

Advertisements for high-skill or managerial positions appear to more frequently specify a preference for male applicants than for female applicants. In August 2017, Human Rights Watch conducted a search of job ads listed on Zhilian Zhuopin (智联卓聘), a website that caters to high-paid job seekers. Of the first 100 posts that appeared in the search results of

<sup>41</sup> Yuan Ren, “China’s feminist school club: the Beijing students talking equality on their lunch break,” *Guardian*, February 27, 2016, <https://www.theguardian.com/lifeandstyle/womens-blog/2016/feb/27/china-feminist-school-club-beijing-students-equality-lunch-break> (accessed October 19, 2017).

jobs that could pay an annual salary of a million yuan (US\$150,000) or more, four stated that only men need apply, six stated that men were preferred, one stated that women were preferred, and none stated only female candidates need apply. A job ad for a chief financial officer at an energy company in Beijing, for example, stated: “Man preferred. From any industry. Bachelor’s degree or above. Age between 40 and 50.” The advertisements did not give any reason for the gender preference. This corresponds with the findings of the ACWF and National Bureau of Statistics study, which showed that with regard to high-level positions, 21 percent of the surveyed organizations had “only hired men or given preference to male applicants when applicants of the two genders had the same qualifications.”

Job ads barring women or discouraging them from applying are frequently found in fields that involve heavy physical labor, such as ads for construction workers, movers, and security guards. The ads in these categories typically do not require specific physical capabilities, such as the ability to lift a certain weight, but instead are based on the idea that women per se cannot perform the same physical work that men can. For example, a job ad listed on the job search website 58.com in January 2018 for security guards in a residential compound in Beijing said, “40-year-old or younger, men ... height 173 centimeters and above.” A September 2017 job ad on the same website for construction workers in Shenzhen said, “large-scale construction site needs completion on time, urgently in need of a group of construction workers.... Requirements: healthy 18 to 55-year-old men.”

In recent years, educators across the country, apparently worried that the shortage of male kindergarten and elementary school teachers would make boys effeminate and timid, made a concerted effort to attract more male teachers.<sup>42</sup> A kindergarten principal told the Chinese state news agency Xinhua, “The lack of males makes children prone to look at and solve problems according to the way women think and behave.”<sup>43</sup> Some local governments have funded full scholarships for male students to go to teaching colleges and offered noncompetitive teaching positions. For example, the government of Nanjing, capital city of

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<sup>42</sup> Javier C. Hernández, “Wanted in China: More Male Teachers, to Make Boys Men,” *New York Times*, February 6, 2016, <https://www.nytimes.com/2016/02/07/world/asia/wanted-in-china-more-male-teachers-to-make-boys-men.html> (accessed October 19, 2017).

<sup>43</sup> “Xinhua Investigation: ‘Feminization of Boys’ Educational Deviation” (新华社调查: “男孩成长女性化”教育偏差), Xinhua, May 31, 2017, <http://edu.sina.com.cn/zxx/2017-05-31/doc-ifyfuvpm6843004.shtml> (accessed October 19, 2017).

Jiangsu province, set a goal that each kindergarten in the city was to have at least one male teacher by 2020.<sup>44</sup> As a result, there were many job ads stating a preference for male teachers. An ad posted by the Rugao city government in Jiangsu province in August 2017 stated that a group of schools in the city was “recruiting 49 teachers from the society and eight teachers from ... the male kindergarten teachers [program],” effectively reserving eight spots for male teachers.<sup>45</sup>

College student political counseling (政治辅导员)—a job performed by administrative staff in universities who are responsible for political and ideological indoctrination work—is another type of job that school administrators perceive is in need of more males.<sup>46</sup> For example, in 2017, Chaohu College in Anhui province published an ad stating, “in order to strengthen the buildup of the political counselor team ... Chaohu College decides to recruit 12 full-time political counselors (among them, 8 men and 4 women).” A March 2017 ad on Hubei University’s website said, “Hunan University is recruiting 10 student counselors (four women maximum).”<sup>47</sup>

Some job search websites such as Zhilian Zhaopin and 58.com claim that they prohibit gender-specific job ads being posted on their websites, and have taken some measures to screen such ads.<sup>48</sup> In a letter to Human Rights Watch, Zhilian explained in detail the various methods the company employs to guard against posting gender discriminatory job ads, including keyword filtering, online reporting mechanisms, and a hotline.

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<sup>44</sup> Qian Hongyan (钱红艳), “Over 400 Male Kindergarten Teachers can Teach across Kindergartens” (400 多名男幼师可跨园兼课), *Nanjing Daily* (南京日报), May 17, 2017, <http://news.sina.com.cn/s/2017-05-17/doc-ifyfekhi7975416.shtml> (accessed October 19, 2017).

<sup>45</sup> Rugao City Education Bureau (如皋市教育局), “Announcement by a Group of Schools in Rugao in Nantong, Jiangsu Province on the Recruitment of 57 Teachers” (2017 年江苏南通如皋部分学校招聘 57 名教师公告), August 2, 2017, <http://www.chinasydw.org/201708/14945.html> (accessed October 19, 2017).

<sup>46</sup> Li Han (李晗), “University Only Recruits Male Student political counselors. University Denies Sexism” (高校辅导员岗位只招未婚男, 校方否认“重男轻女”), *Wuhan Evening News* (武汉晚报), January 7, 2013, <http://edu.people.com.cn/n/2013/0107/c1053-20116128.html> (accessed October 19, 2017); Human Rights Watch interview with former university lecturer, September 26, 2017.

<sup>47</sup> “Hubei University 2017 Recruitment Announcement for Student Political Counselors” (湖北大学 2017 年学生辅导员招聘启事), March 8, 2017, <http://www.hubu.edu.cn/info/1071/25019.htm> (accessed October 19, 2017).

<sup>48</sup> Ma Hu, “After 58.com, I Now Become an Anti-gender Discrimination Supervisor at Zhilian Zhaopin” (继 58 同城之后, 我又成为了智联招聘的反就业性别歧视监督员), post to “Ma Hu Goes the Court with You” (马户陪你打官司) (blog), June 7, 2017, <http://weibo.com/ttarticle/p/show?id=2309404116113876194972> (accessed October 19, 2017); Ma Hu, “Ma Hu Talks with Zhilian Zhaopin, Receives Feedback. Are You Willing to Supervise Zhilian Zhaopin with Me Together?” (#马户对谈智联招聘#收到反馈, 你愿意跟我一起监督智联招聘吗?), post to “Ma Hu Goes the Court with You” (马户陪你打官司) (blog), June 17, 2017, <https://weibo.com/ttarticle/p/show?id=2309404119605332339131> (accessed October 19, 2017).

**新媒体推广专员 New Media Promotion Specialist**  
北京平房青年路汽车商贸城市场有限公司

五险一金 全勤奖 餐补 高温补贴

职位月薪：5000-7000元/月 工作地点：北京-朝阳区  
发布日期：15天前 工作性质：全职  
工作经验：1-3年 最低学历：大专  
招聘人数：1人 职位类别：媒介专员/助理

**职位描述** 公司介绍 [举报](#) [收藏](#)

**岗位职责：**

1. 参与商城线上、线下市场营销主题活动的创意构思、文案撰写及活动执行；
2. 负责微信、网站等媒体的文案撰写、拍照、排版及推送；
3. 负责商场的美陈布展；
4. 完成领导交办的临时性工作。

**任职要求 Requirements:**

1. 具备1年以上微信推广相关经验，**要求南性 South gender required**；
2. 掌握PS、AI软件操作，熟练掌握办公软件，会摄影；
3. 具备逻辑思维能力，能够对商业营销推广提供策略输出；
4. 思维灵活，对社会热点有较强敏感度；

**工作地点：**  
北京市朝阳区统安园东路甲1号

Nevertheless, many companies use code words that seem aimed at allowing them to evade such bans. For example, instead of using the Chinese character “man” (男), companies use a different character with the same pronunciation or use “nan,” the romanization form of the character, or use the English word “man.” A job ad posted on Zhilian for a “new media promotion specialist” by a Beijing-based car trading company in July 2017 stated: “minimum one year relevant experience in marketing on WeChat, south gender required(要求南性).” The Chinese word “south” has the same pronunciation as “man.”

Zhilian provided Human Rights Watch with a list of gender discriminatory words that the company says it has banned from appearing on the website. However, Human Rights Watch research shows that many job postings on the website still contain words on the list. For example, a January 12, 2018 search of the banned term “nan” showed a job posting for three engineers at an environmental engineering company in Jiangxi province stating “nan preferred.”

Some ads simply set higher standards for female applicants. In a July 2017 ad, the city management bureau in Jingkai city in Jilin province sought 47 male and 3 female city

management assistants (城管协管员). Two of the women were required to have an associate's degree while high school diploma was sufficient for all male applicants.<sup>49</sup> A 2017 ad for college political counselors at Xianyang Teachers College said, “eight men, two women ... master's degree required, both bachelor and master's degrees must be from 211, 985 universities [government designated high-ranking universities]. Undergraduate programs from which male [applicants] graduated can [include] secondary universities [lower-ranked universities.]”

### *Discrimination in China's Civil Service Systems*

Every year, typically in October, the central government publishes a list of civil service positions (国家公务员职位表)—including in the government, the Communist Party, and other government-controlled political parties—that will become available across the country over the coming year. These are among the country's most competitive jobs, as they are relatively high paying and offer high job security and excellent health, retirement, housing, and other benefits. Every year, around a million people take the national civil service exam (国家公务员考试) to compete for a very limited number of positions.<sup>50</sup> For 2017 and 2018, 15,589 and 16, 144 job postings were advertised respectively.<sup>51</sup>

Human Rights Watch analyzed the 2017 and 2018 postings, searching for terms related to gender preference including “men only,” “men preferred,” “suitable for men,” “women only,” “women preferred,” and “suitable for women,” and found that the government often violates its own laws and policies prohibiting gender discrimination.

For the 2017 civil service job postings, after removing instances where separate men-only and women-only postings were issued for the exact same positions,<sup>52</sup> we found that nearly

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<sup>49</sup> “Environmental and Health Management Bureau in Jingkai District in Changchun, Jilin Province's Announcement on Recruiting 50 People in 2017” (2017 年吉林长春市经开区市容环境卫生管理局招聘 50 人公告), July 6, 2017, [http://webcache.googleusercontent.com/search?q=cache:s9Kir-mi1G4j:www.chinagwy.org/html/gdzk/jiling/201707/81\\_203939.html+&cd=2&hl=en&ct=clnk&gl=us](http://webcache.googleusercontent.com/search?q=cache:s9Kir-mi1G4j:www.chinagwy.org/html/gdzk/jiling/201707/81_203939.html+&cd=2&hl=en&ct=clnk&gl=us) (accessed October 24, 2017).

<sup>50</sup> “Analyze 2008 National Civil Service Exam by Looking at Past Test Registration Data” (从历年国考报名数据看 2018 年国家公务员考试), July 10, 2017, [http://www.chinagwy.org/html/xwsz/zyxw/201707/21\\_204180.html](http://www.chinagwy.org/html/xwsz/zyxw/201707/21_204180.html) (accessed October 24, 2017).

<sup>51</sup> “Download 2017 National Civil Service Exam Positions” (2017 年国家公务员考试职位表下载), October 12, 2016, <http://edu.sina.com.cn/official/2016-10-13/doc-ifxwrhpm3076942.shtml> (accessed October 24, 2017).

<sup>52</sup> The only ministry to advertise female-only positions was the State Administration of Taxation in various provinces and municipalities. However, the administration posted the same jobs with the same exact requirements and responsibilities with a male-only requirement. For 957 positions, 11 percent of its total postings, the administration posted parallel male-only

13 percent of all central government jobs, over 1,700 postings, stated a requirement or preference for male applicants; we found no postings stating a requirement or preference for female applicants. In other words, to the Chinese government, there is no job that women can do but men cannot, but there are many jobs men can do but women cannot do or cannot do equally well.

The Ministry of Public Security (MPS) advertised 78 positions, 42 of which specified “men only,” making the MPS one of the worst violators among central government agencies. The job postings frequently state “frequent overtime working,” “heavy workload,” and “frequent travel” as reasons for excluding women. For example, a posting for a job at the news department responsible for “news and publicity planning and organizing” says, “need to work overtime frequently, high intensity work, only men need apply.”

Gender discrimination in the 2018 national civil service postings appears to have increased. Human Rights Watch found that 19 percent—nearly 3,000 postings—stated a requirement or preference for male applicants. A job post at the Ministry of Water Sources for a water resources manager stated, “frequent business travel and field work, suitable for men.” One posting at the Bureau of Statistics stated a preference for female applicants: “this position requires frequent field work, long-term communication with villagers, suitable for women.”

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and female-only advertisements. According to the Hebei Provincial Administration of Taxation, the purpose of such arrangement was to recruit an equal number of men and women for certain positions. Rules on Taxation Administration Civil Servants Recruitment” (国税公务员录用细则), July 13, 2017, <http://www.yjbys.com/gongwuyuan/show-567506.html> (accessed October 24, 2017).

Of the ministries or local affiliates that posted at least 100 job ads, the top five violators of gender nondiscrimination laws:

<b>Table 1: Gender Discrimination in National Civil Service Postings</b>				
Ministries or affiliated departments	Proportion of job postings that were male-preferred or male-only (2017)	Total number of job postings (2017)	Proportion of job postings that were male-preferred or male-only (2018)	Total number of job postings (2018)
Railway public security bureaus	99%	636	100%	674
National Bureau of Statistics	41%	744	56%	1082
Maritime Safety Administration	40%	652	51%	777
Civil Aviation Administration	32%	146	25%	181
Ministry of Water Resources	31%	223	47%	212

Civil service job postings at the provincial level examined by Human Rights Watch exhibit similarly troublesome patterns. For example, eight out of the 10 new jobs at the Discipline Inspection Commission in Jiangsu province advertised for 2017 stated: “frequent business travel or long-term field work, suitable for men.”<sup>53</sup> The Shaanxi Provincial Cultural Relic Bureau noted in a job posting for archaeologists, “degrees in physical anthropology, anthropological archaeology or related ... engage in long-term field work, men.”<sup>54</sup>

<sup>53</sup> “2017 Jiangsu Civil Service Exam Recruits 7649 People, Bachelor’s Degree Holders Can Apply for Ninety Percent of Posts” (2017 年江苏公务员考试招录 7649 人，九成职位本科生可报), January 10, 2017, <http://www.jsqwyw.org/2017/0110/43363.html> (accessed October 24, 2017).

<sup>54</sup> Voice of Feminists (女权之声), April 28, 2017, [http://weibo.com/1740974192/FoDqexpUp?type=comment#\\_rnd1508689527190](http://weibo.com/1740974192/FoDqexpUp?type=comment#_rnd1508689527190) (accessed October 24, 2017).

The Zhejiang provincial government advertised 4,371 civil service job postings for the year of 2017, and over a quarter of those stated a preference for men, compared with 7 percent for women.<sup>55</sup> While some jobs may be objectively justified as requiring a specific gender<sup>56</sup>—such as female guards needed in prisons for women—the vast majority of the job ads surveyed had no legitimate reasons for the gender preference. For example, of the three vacancies for the position “prosecutor’s assistant” at Hangzhou City Xihu District People’s Procuratorate, two specified “men only” and one specified “women only.” No reason was given for either of these jobs having a gender preference. Of the four vacancies for the position “market supervision and enforcement” at the Hangzhou City Xihu District Market Supervision and Management Bureau, three did not specify gender preference but one required the position holder to be a male.

**Table 2: 2017 Zhejiang province civil service job postings<sup>57</sup>**

Gender	Number of job postings	Percentage of postings	Number of vacancies	Percentage of vacancies
No specified gender preference	2880	66%	3660	61%
Stated requirement or preference for male applicants	1169	27%	1842	31%
Stated requirement or preference for female applicants	322	7.4%	516	8.6%

In recent years, increasing numbers of women have succeeded in the fiercely competitive selection process and joined national or provincial civil services.<sup>58</sup> In a few more

<sup>55</sup> “2017 Zhejiang Civil Service Exam Positions Table – Four-level Joint Exam (6018 people)” (2017 年浙江公务员考试职位表-四级联考(6018 人)), March 1, 2017, <http://zj.offcn.com/html/2017/03/162828.html> (accessed October 24, 2017).

<sup>56</sup> According to ESC Rights General Comment No. 16, “Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, *which cannot be justified objectively*” (emphasis added). Committee on Economic, Cultural and Social Rights, General Comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, Thirty-fourth session (April 25-May 13, 2005) 12/2005/4, August 11, 2005, para. 12.

<sup>57</sup> “Analyze Gender Ratio of 2017 Zhejiang Civil Service Exam Positions” (2017 年浙江公务员考试各职位招录性别比例分析), March 3, 2017, <http://www.zjgkw.org/2017/0303/29016.html> (accessed October 24, 2017).

<sup>58</sup> “Latest Data on the Number of China’s Female Civil Servants” (我国女公务员数量最新数据), November 7, 2014, <http://shebao.yjbys.com/shiyedanwei/165683.html> (October 24, 2017).



developed parts of the country, there have been more female new recruits than males. For example, in 2014, 58 percent of the newly recruited civil servants in Chengdu, capital city of Sichuan province, were women.<sup>59</sup> In recent years, about 80 percent of the new recruits—about 20 per year—in Yuexiu district in Guangzhou city have been women.<sup>60</sup>

But nationally men still outnumber women within the civil service. By the end of 2013, 76 percent of employees in the national civil service system were men.<sup>61</sup> In 2013, 52 percent of new recruits were men.<sup>62</sup> More men take the civil service exam than women every year; in 2016, 53 percent of test takers of the national civil system exam were men.<sup>63</sup>

Despite this, there have been calls within the government and in the media for the government to address a purported “gender imbalance” in China’s civil service system favoring women.<sup>64</sup> A 2014 article by the Baoshan Municipality Bureau of Human Resources and Social Security in Yunnan province—the agency tasked to enforce nondiscrimination laws in employment there—claimed, “the phenomenon of ‘more women than men’ in the rank-and-file of the civil service needs urgent attention” and proposed to put a quota on female hires. The article cited statistics showing that the number of female recruits in the previous few years were nearly half of total new hires in the municipality. For example, in 2013, the municipality recruited 269 men and 263 women.<sup>65</sup> A Yuexiu local government official was even more distressed, stating, “[We]

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<sup>59</sup> Su Jing (苏静), “Such Policies on Promotion, Is it Fair to Female Civil Servants?” (如此晋升政策, 对女公务员公平吗?), post to “Not Official” (不是官话) (blog), February 15, 2016, <http://news.sina.com.cn/zl/ruijian/2016-02-15/09005412.shtml> (accessed October 24, 2017).

<sup>60</sup> “Official Worries about Female Dominance: Yuexiu District won’t Have Male Civil Servants in 15 Years” (官员忧公务员阴盛阳衰: 15年后越秀区公务员没男的), *Southern Metropolis Daily* (南方都市报), January 16, 2014, [http://news.ifeng.com/mainland/special/2014gdlianghui/content-3/detail\\_2014\\_01/16/33053414\\_0.shtml](http://news.ifeng.com/mainland/special/2014gdlianghui/content-3/detail_2014_01/16/33053414_0.shtml) (accessed October 24, 2017).

<sup>61</sup> “Latest Data on the Number of China’s Female Civil Servants” (我国女公务员数量最新数据), <http://shebao.yjbys.com/shiyedanwei/165683.html>.

<sup>62</sup> Information Office of the State Council (国务院新闻办), *Gender Equality and Women’s Development in China* (中国性别平等与妇女发展), September 22, 2015, [http://news.xinhuanet.com/politics/2015-09/22/c\\_1116636886.htm](http://news.xinhuanet.com/politics/2015-09/22/c_1116636886.htm) (accessed October 24, 2017).

<sup>63</sup> National Civil Service Exam Website (国家公务员考试网), “2016 National Civil Service Exam White Book Published with Big Data” (2016年国家公务员考试白皮书发布, 大数据出炉), September 24, 2015, [http://www.sohu.com/a/33229083\\_198725](http://www.sohu.com/a/33229083_198725) (accessed October 24, 2017).

<sup>64</sup> “Hot Topic: Not Only the Rank and File, the Continuing Gender Imbalance in the Civil Service” (热点话题: 不止在基层, 男女公务员比例一直失衡), March 29, 2017, <http://www.sxgwy.net/zixun/03291020.html> (accessed October 24, 2017).

<sup>65</sup> Baoshan Municipality Bureau of Human Resources and Social Security (保山市人力资源和社会保障局), “The Phenomenon of ‘More Women Than Men’ in the Rank-and-file of the Civil Service Needs Urgent Attention” (保山市新录用普通公务员“女多男少”现象亟待重视), July 10, 2014, <http://gwyj.ynhrss.gov.cn/NewsView.aspx?NewsID=6921&ClassID=369> (accessed October 24, 2017).

need to pay attention to the gender ratio problem in the civil service. Fifteen years from now, there will be no male civil servants in Yuexiu.”<sup>66</sup>

## “Women Only” Job Ads

While many job postings specify a preference for women, they tend to be for low-skilled and low-earning positions such as housekeepers, childcare workers, and administrative assistants. A 2012 survey of mostly educated young people of both genders by the government-controlled political group Jiusan Society (九三学社) showed that 62 percent of the respondents consider “engineering or other jobs that require certain level of skills” to be men’s jobs and 54 percent of the respondents consider “office secretaries, assistants and other low-level administrative positions” appropriate for women.<sup>67</sup> According to the ACWF and NBS study, in 2010, women in China occupied 60 percent and 66 percent of lowest paying jobs in urban and rural areas, respectively.<sup>68</sup>

For some types of work, the job titles have become gendered due to the professions being dominated by women, such as “cleaning auntie” (保洁阿姨) and “Miss usher” (礼仪小姐). For example, an August 2017 ad on the job search website ChinaHR.com for a cook and cleaning person in a computer software development company in Beijing was titled “cooking auntie” (做饭阿姨). On August 3, 2017, Human Rights Watch searched jobs in Shanghai with the title “cleaning auntie” on ChinaHR.com and found 124 job postings.

Though job postings that specify a preference for women are also discriminatory, these “women only/preferred” job ads—coupled with male only/preferred job ads for high paying positions—push women into lower-paying occupations, exacerbating occupational gender segregation, depressing salaries in fields dominated by women, and worsening the gender wage gap.<sup>69</sup>

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<sup>66</sup> “Official Worries about Female Dominance: Yuexiu District won’t Have Male Civil Servants in 15 Years” (官员忧公务员阴盛阳衰: 15年后越秀区公务员没男的), *Southern Metropolis Daily* (南方都市报), [http://news.ifeng.com/mainland/special/2014gdlianghui/content-3/detail\\_2014\\_01/16/33053414\\_0.shtml](http://news.ifeng.com/mainland/special/2014gdlianghui/content-3/detail_2014_01/16/33053414_0.shtml).

<sup>67</sup> Liu Yongfang (刘咏芳), “New Changes in Occupational Gender Segregation and Remedial Policies” (职业性别隔离新变化及治理对策), *China Women’s News* (中国妇女报), September 25, 2012, <http://acwf.people.com.cn/n/2012/0925/c99013-19101340.html> (accessed October 24, 2017).

<sup>68</sup> ACWF and NBS, “Main Data Report on the Third Survey on Social Status of Chinese Women” (第三期中国妇女地位调查主要数据报告).

<sup>69</sup> Will McGrew, “Gender segregation at work: ‘separate but equal’ or ‘inefficient and unfair,’” Washington Center for Equitable Growth, August 18, 2016, <http://equitablegrowth.org/human-capital/gender-segregation-at-work-separate-but-equal-or-inequitable-and-inefficient/> (accessed October 24, 2017).

## “Married Women with Children” Ads

Another common practice among employers is discrimination based on marital status and family status. Many job ads require female applicants to be married with children. A job ad in August 2017 on the job search website Zhilian Zhuopin for a senior manager position at an internet company stated, “female, married with children, excellent image and temperament.” A job ad on a local job search website in Shaoxin, Zhejiang province, for sale representatives at a textile company read, “married women with children preferred.” A recruiter in May 2017 posted on her Weibo account a screen-grab of a job ad for a marketing analyst position in Shanghai. While the job ad itself stated no restrictions on gender, the recruiter in her Weibo post said, “women must be married with children, or men.”<sup>70</sup>

The preference or requirement that women be married with children likely stems mainly from the desire to hire only women whose childbearing years are behind them, and so to avoid the cost and loss of working time incurred when women take maternity leave.<sup>71</sup> China’s maternity and child leave protections focus almost exclusively on women as caregivers in a manner that is discriminatory—based on the assumption that women are responsible for child care and men are not—and that encourages discriminatory behavior by employers. Female employees in China are entitled to at least 98 days of paid maternity leave.<sup>72</sup> Some provinces and municipalities grant longer days, such as 128 days in Beijing and 190 days in Henan province.<sup>73</sup> At the same time, China has no unified legislation on paternity leave. Provincial and municipal paternity leave can vary from zero to 30 days.<sup>74</sup>

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<sup>70</sup> Japanese Company HeadHunter\_gika (日企猎头\_gika), May 27, 2017, <https://weibo.com/1790198183/F51jC1UWo> (accessed October 24, 2017).

<sup>71</sup> Shoushou (兽兽), “[Street Talk] Why Companies like to Recruit ‘Married Women with Children?’ ([街谈]企业为何爱招“已婚已育”女生?), *Southern Metropolis Daily* (南方都市报), December 5, 2015, [http://epaper.oeeee.com/epaper/A/html/2015-12/05/content\\_18567.htm](http://epaper.oeeee.com/epaper/A/html/2015-12/05/content_18567.htm) (accessed October 24, 2017). “2016 Survey on the Status of Female Professionals” (2016 女性职场现状调查报告), December 31, 2016, <http://gongwen.cnrencai.com/diaochabaogao/150528.html>.

<sup>72</sup> State Council (国务院), Special Rules on the Labor Protection of Female Employees (女职工劳动保护特别规定), art.7, [http://www.gov.cn/zwggk/2012-05/07/content\\_2131567.htm](http://www.gov.cn/zwggk/2012-05/07/content_2131567.htm) (accessed October 24, 2017).

<sup>73</sup> Jiayun Feng, “Will longer maternity leave harm women’s career prospects in China? – China’s latest society and culture news,” SupChina, July 10, 2017, <http://supchina.com/2017/07/10/will-longer-maternity-leave-harm-womens-career-prospects-china-chinas-latest-society-culture-news/> (accessed October 24, 2017).

Dezan Shira & Associates, “Expecting in China: Employee Maternity Leave and Allowances,” China Briefing, April 6, 2017, <http://www.china-briefing.com/news/2017/04/06/maternity-leave-allowance-china.html> (accessed October 24, 2017).

<sup>74</sup> Dezan Shira & Associates, “Paternity Leave in China: Regional Policies and Differences,” China Briefing, October 27, 2015, <http://www.china-briefing.com/news/2015/10/27/paternity-leave-in-china-regional-policies-and-differences.html> (accessed October 24, 2017); Zhang Ying (张莹), “26 Provinces and Municipalities Cancel Late Marriage Leave, Paternal Leave could be as Long as 30 Days” (全国 26 省市取消晚婚假, 男性护理假最长可达 30 天), *The Mirror* (法制晚报), April 11, 2016, <http://www.chinanews.com/gn/2016/04-11/7830117.shtml> (accessed October 24, 2017).

In late 2015, China abolished the long-standing One-Child Policy and allowed each family to have two children.<sup>75</sup> This could further worsen gender discrimination in hiring, as employers may be even less willing to hire women without children based on the assumption that they now could take two maternity leaves during the course of their employment. According to a survey by job search website 51job.com, 75 percent of companies reported that after the promulgation of the Two-Child Policy, they have become more reluctant to hire women.<sup>76</sup>

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<sup>75</sup> Maya Wang (Human Rights Watch), “Ending the One-Child Policy Does Not Equal Reproductive Freedom in China,” October 29, 2015, <https://www.hrw.org/news/2015/10/29/dispatches-ending-one-child-policy-does-not-equal-reproductive-freedom-china>.

<sup>76</sup> Sophie Richardson (Human Rights Watch), “China Tells Women to ‘Go Home and Live Well,’” August 28, 2017, <https://www.hrw.org/news/2017/08/28/china-tells-women-go-home-and-live-well>.

## IV. Gender Discrimination Related to Appearance

High school diploma or above, female, 18 to 30-years-old, net height 163 centimeters or higher, trim figure, aesthetically pleasing.

—A 2017 ad on job search website Zhilian Zhaopin for clothing sales associates in Beijing

Baidu 2017 Campus Recruitment officially starts! Free working environment, top-notch collaborating team, excellent technological skills, simple interpersonal relations, rich social activities, pretty front desk girls, and strong security men.

—A 2016 recruitment ad on Baidu’s recruitment WeChat account

The reason I joined Tencent originated from a primal impulse. It was mainly because the ladies at human resources and that interviewed me were very pretty.

—A 2016 article on Tencent’s recruitment WeChat account

Many employment advertisements in China specify physical requirements—such as height, weight, and facial appearance—for job applicants even when those qualities do not contribute to the successful execution of job duties. The phenomenon exists in job ads for both female and male applicants, but is far more prevalent in ads that specify female applicants, disproportionately impacting women’s employment opportunities. There are also job ads that use the physical attributes of women—often current female employees—to attract male applicants. By emphasizing women’s physical attractiveness, both types of ads contribute to a working environment that encourages discriminatory treatment and sexual harassment of female employees by male employees.

A female administrative staffer at a university told Human Rights Watch:

When I was recruited by [the university], a top official—a middle-aged man—said to me, “[the university] has lots of beautiful women. It is great that we can have one more.” It made me quite uncomfortable.<sup>77</sup>

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<sup>77</sup> Human Rights Watch interview with the university administrator, September 23, 2017.

A female computer programmer at Baidu said:

What I see is quite common at recruitment fairs. Some recruiters from [technology] companies would say things like “we have many beautiful women [as our employees].”<sup>78</sup>

### “Fashionable and Beautiful” Job Ads

A job posting in December 2015 for court assistants by the Daxing District Court in Beijing stated, “associate degree or above,” “have proper looks (长相端正),” “clear enunciation,” and “under 35-year-old, female.”<sup>79</sup> A job ad for woman-only train conductors in Hebei province posted on Zhilian Zhaopin in March 2017 has the following “job requirements”:

Age requirement: 18-25 years old
Appearance requirement: normal facial features, no tattoos, no obvious scars on face, neck or arms, good skin tone, no incurable skin conditions
Height requirement: 162 cm – 173 cm
Weight requirement: below 65 kilograms
Eyesight requirements: no deformation of eyeballs, not color blind, no color vision deficiency or crossed eyes
Clear enunciation
No history of mental illness, epilepsy, liver functions normal, no nephritis, infectious diseases, or other chronic diseases

Another ad for train conductors in Shaanxi province had the job titled “fashionable and beautiful high-speed train conductors.”

<sup>78</sup> Human Rights Watch interview with the computer programmer, September 25, 2017.

<sup>79</sup> “[Monthly Salary 3,400] Daxing District People’s Court Openly Recruits Court Assistants” (【月薪 3400】大兴区人民法院对外招聘审判服务人员啦), post to “Things in Daxing” (大兴这些事儿) (blog), December 9, 2015, <http://chuansong.me/n/433855445070> (accessed October 24, 2017).

An ad for a receptionist internship position at the job search company Zhilian Zhaopin itself had the following requirements for the applicants:

1. Bachelor's degree or above
2. Nice appearance and temperament, sweet and beautiful voice
3. Passionate and positive about work, detail-oriented and patient, a strong sense of responsibility, communication and coordination skills
4. Familiar with using computers and office software
Note: please attach a photo taken recently

An ad posted in August 2017 on Zhilian Zhaopin for clothing sales associates in Beijing read, “high school diploma or above, female, 18-30 years old, net height 163 cm or higher, trim figure, aesthetically pleasing.”

**行政前台实习生 Front Desk Intern**  
[复制链接](#)  
[美工简历](#) [节日福利](#)

职位月薪: 面议  
 发布日期: 15天前  
 工作经验: 无经验  
 招聘人数: 1人

工作地点: 北京  
 工作性质: 实习  
 最低学历: 大专  
 职位类别: 实习生

**职位描述**    公司介绍    [举报](#) [收藏](#)

岗位职责:  
 1、负责公司前台接待及电话接听;  
 2、公司来访人员的接待和安排;  
 3、负责收发信件、报刊、文件等并做好相关记录;  
 4、负责办公用品申请及发放并做好相关记录;  
 5、受理会议预订,名片、火车票、机票预定;  
 6、直接上级安排的其它工作。

**任职要求: Requirements:**  
 1、本科以上学历;  
 2、**形象气质佳,声音甜美: Nice appearance and temperament, sweet and beautiful voice**  
 3、工作热情积极,细致耐心,责任心强,具有良好的沟通能力、协调能力;  
 4、熟练使用电脑及办公软件;  
**注: 请附近期照片一张。 Note: Please attach a photo taken recently.**

**工作地址:**  
 北京市朝阳区建国路15号院甲1号华文国际传媒大厦3层  
 北京前台实习生

## “Working with Beautiful Girls” Job Ads

Private companies often use multimedia to advertise job vacancies, such as recruitment posters, fliers, and videos. Some of them, ostensibly intended to be creative and playful, send deeply sexist messages.

In two separate job ads for human resources specialists posted by the well-known animation studio L. Square on its official Weibo account in February and March 2017, the company stated that only men need apply. The February ad said it was because there were already women working in the department and “men and women working together is less tiring,” quoting a Chinese idiom.<sup>80</sup> The March ad included additional information: “Though your colleague is a pretty girl, [we] have to tell you she is already married.”<sup>81</sup>

In October 2016, Tencent’s official recruitment WeChat account published an article promoting its recruitment fairs in the United States, including at universities such as Harvard, Carnegie Mellon, and Stanford. The article interviewed several employees who graduated from these universities, asking them why they had chosen to work for Tencent. One employee who graduated from Harvard was quoted saying, “The reason I joined Tencent originated from a primal impulse. It was mainly because the ladies at human resources and that interviewed me were very pretty.”<sup>82</sup>

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<sup>80</sup> Lu Hengyu and Li Shujie Studio (卢恒宇和李姝洁工作室), February 22, 2017, <http://weibo.com/2558635914/EwH7N6SPn> (accessed October 24, 2017).

<sup>81</sup> Gender Discrimination in Employment Pickets (就业性别歧视监察大队), March 18, 2017, <https://weibo.com/5327831786/EAlESkToB> (accessed October 24, 2017).

<sup>82</sup> “After Coming Back to China, This is What They Say” (回国之后，他们这样说), post to “Tencent Recruitment” (腾讯招聘) (blog), October 9, 2016, <https://mp.weixin.qq.com/s/dtfcPtUOhNqkj-chx3YV6w##> (accessed October 24, 2017).





In a video posted on Baidu’s official Weibo account in September 2016 with the hashtag #campus recruitment#, a male Baidu employee said that one of the reasons that he was “so happy every day” at work was because he could “go to work with beautiful girls.” The employee also said that he was a member of the basketball club at Baidu. As he was speaking to the interviewer, a young woman approached him and said, “Why are you still here dilly-dallying? Didn’t you say that you would play basketball with me today?”<sup>83</sup>

In August 2016, Baidu’s official recruitment WeChat account posted an ad for positions aimed at new college graduates. The ad said, “Baidu 2017 Campus Recruitment officially starts! Free working environment, top-notch collaborating team, excellent technological skills, simple interpersonal relations, rich social activities, pretty front desk girls, and strong security [guard] men.”<sup>84</sup>

<sup>83</sup> Baidu Campus (百度校园), September 19, 2016, <http://weibo.com/2255322704/E8ZPAAJfm> (accessed October 24, 2017).

<sup>84</sup> “Baidu 2017 Campus Recruitment Starts!!” (百度 2017 校园招聘开始啦!!), post to “Baidu Recruitment” (百度招聘) (blog), August 12, 2016, <https://mp.weixin.qq.com/s/6-S5HzXyyVzGedLAddiBg##> (accessed October 24, 2017).

In December 2015, the telecommunications giant Huawei posted a message on its Weibo account promoting a job fair the company was hosting. It read, “#2015 Huawei overseas students-only recruitment fair# Do you want to know how to become a partner in a Fortune 500 company?... Do you want your wages to increase at a rate faster than housing prices, and to marry a fair-skinned, rich, and beautiful [woman] and enter the peak of your life?”<sup>85</sup>

In December 2013, trying to encourage prospective job applicants to tour the Huawei campus and apply for jobs at the company, a message posted on the same Weibo account read: “No matter how beautiful the scenery [on Huawei’s campus] is, beautiful girls are needed. On the Open House Day [a recruitment fair], other than the awesome and proud Huawei leaders who will speak warmly with everyone, there will also be beautiful Huawei girls accompanying everyone.” Accompanying the words was a photo of a young woman, presumably a Huawei employee.<sup>86</sup>

In September 2012, an on-campus recruitment poster by Meituan, China’s largest group deals website, ignited widespread public condemnation. The poster showed the bare legs of a woman with a pair of underwear around her calves. It read, “Finding a job = finding a woman. Do what you want to do the most.” (找工作=找女人，干你最想干的) The Chinese word “do” has a connotation of sexual intercourse. The company faced criticism on social media, though some people praised the poster’s creativity. Feminist scholar Li Sipan wrote on her Weibo account that the poster violated anti-discrimination clauses of the Labor Law and the Advertising Law. Meituan later apologized to Li and told her privately that the poster had been rejected internally and was leaked in violation of company policies. But Meituan made no public statements disassociating itself from the poster.<sup>87</sup>

In April 2015, the same job poster reemerged on the internet. While Meituan’s CEO denied on Weibo that the company ever used such a poster, some netizens commented saying

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<sup>85</sup> Huawei Recruitment Official Weibo (华为招聘官方微博), December 3, 2015, <http://weibo.com/2842261091/D6IRQq5L9> (accessed October 24, 2017). “Fair-skinned, rich, beautiful,” or *baifumei*, is slang for the ideal woman.

<sup>86</sup> Huawei Recruitment Official Weibo (华为招聘官方微博), December 24, 2013, <http://weibo.com/2842261091/AoMEkxO96> (accessed October 24, 2017).

<sup>87</sup> “Outrage Caused by a Poster! ‘Finding a job = finding a woman. Do what you want to do the most’” (一张海报引起了网友义愤! “找工作=找女人，干你最想干的”), May 5, 2015 <http://www.digitaling.com/articles/16221.html> (accessed October 24, 2017).

they had seen the poster—attributed to Meituan—either on their campus or in PowerPoint slides during a presentation by a company recruiter.<sup>88</sup>

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<sup>88</sup> Things in the Internet Companies Circle (互联网圈内事), “Employee Destroys, Set a New Low for Discrimination in Recruitment, Meituan Enrages Hundreds of Millions of People...” (员工实力坑, 击穿招聘歧视底线, 美团一次性得罪几亿国人……), May 20, 2017, <https://kknews.cc/news/68pzl6q.html> (accessed October 24, 2017).

## V. Case Study: Alibaba

At Alibaba’s worst time, it is women who encouraged us to hold on.... The world ruled by men has become very complicated. [It] needs more female leaders.

–Jack Ma, CEO of Alibaba, at the second Global Conference on Women and Entrepreneurship in Hangzhou in July 2017<sup>89</sup>

Jack Ma, the founder of Alibaba, Asia’s biggest internet company, has repeatedly stressed the importance of women in corporate leadership roles and equal opportunities for men and women entrepreneurs. Ma has said that Alibaba owes its success to the company’s female employees and touted Alibaba’s relatively high proportion—one-third—of women among high-level managers.<sup>90</sup> Despite these efforts to project an image of gender equality, the company’s job advertisements reveal a troubling pattern of gender discrimination, including ads that openly state a preference for male applicants, use female employees’ appearances to attract male applicants, or highlight only males as examples of high-performing employees.

In a January 2018 search, Human Rights Watch found ads on Alibaba’s website stating a preference or requirement for male candidates for positions including: “restaurant operations support specialist” (two vacancies, “men preferred.”); “government affairs senior specialist” (“men preferred. Age over 30”); and “crowdsourcing delivery manager” (“men only”).

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<sup>89</sup> Li Li (李立), “Ma Yun Reveals the Secret to Alibaba’s Success is Foremost ‘Women’” (马云透露阿里巴巴成功秘诀首先是“女人”), *China Business Journal* (中国经营网), July 10, 2017, <https://finance.sina.cn/2017-07-10/detail-ifyhvyie0920596.d.html> (accessed October 24, 2017).

<sup>90</sup> Kia Kokalitcheva, “Female Executives are Alibaba’s ‘Secret Sauce,’ Founder Jack Ma Says,” *Time*, May 21, 2015, <http://time.com/3891666/female-executives-are-alibabas-secret-sauce-ceo-jack-ma-says/> (accessed October 24, 2017).

首页 社会招聘 校园招聘 个人中心

盒马 配送众包经理 南京

**Crowdsourcing delivery manager**

发布时间: 2017-12-19	工作地点: 南京市	工作年限: 二年以上
所属部门: 盒马	学历要求: 本科	招聘人数: 1

**岗位职责:**

盒马，新零售业态的新生力量，依靠科技重构餐饮及零售产业链。从创立伊始，盒马的使命就是让消费者享受“新鲜”的高品质生活。

盒马，以地利和配货员高这一独特优势为切入，探索一条立足本地，深耕供应链与物流配送，线上线下融合，主打会员心智的全新电商道路。让每一位盒马会员“吃的好，吃的方便，吃的开心”

盒马，已打造了极具人气的独立APP，业界领先的餐饮研发中心，国际标准的中央厨房，买手和采购团队，自建+众包物流配送体系和线下体验门店，从而形成了高效的配送“29分钟”和产品“新鲜每一刻”这两大核心竞争力，如今盒马在消费者中已形成了出色的口碑和网红效应，异军突起！

欢迎有梦想的你，速速加入盒马！

盒马官网：www.freshhema.com

- 负责众包配送人员用工端选及管理
- 众包运营管控
- 负责众包配送人员的培训
- 爆单及峰值订单下的众包管理

**岗位要求: Requirements:**

1. 具有2年以上O2O或B2C配送管理经验。
2. 须男性，大专以上学历，物流管理专业优先。 **Men only**
3. 能够接受外出业务拓展。
4. 接受第三方合同雇佣

投递简历 收藏职位 分享到:

A search of the character “woman/female (女)” showed a job ad stating a preference for female applicants and that they should be between 28 and 35 years old and “possess fine personal image and qualities.”

In April 2015, Alibaba posted a job ad on its website seeking applicants for a position titled “computer programmers’ motivator.” The ad said that “appearance should be distinct, does not need to be exceptional, but should be impressive enough to computer programmers” and that physical characteristics like those of popular female Japanese adult film star Sola Aoi could help the applicant succeed. The job duties included “waking up computer programmers and engineers every morning. Organizing morning meetings for them,” and “giving positive affirmations to their work and encouraging them.” Alibaba said the posting was an attempt at humorous marketing to recruit talent, but it drew criticism for being sexist. In an email to the news agency Bloomberg, Alibaba said it

“apologize[s] to anyone offended.” The company later removed the reference to Sora Aoi, and highlighted that both men and women could apply—but it did not retract the job ad.<sup>91</sup>

In many of the ads we reviewed, Alibaba used the physical attributes of its female employees to attract male applicants. Most such ads, published in the past several years, are still on Alibaba’s various official social media accounts at time of writing.

- At midnight on September 5, 2014, Alibaba’s official campus recruitment Weibo account posted a message, stating “#late night benefits# Ali beauties. Say no more. Straight to photos.” Attached is a series of photos of seven young female Alibaba employees with their names, departments, and a brief self-introduction.<sup>92</sup>
- In April 2013, a posting on Alibaba’s official Weibo account read, “Alibaba not only has a lot of tech guys, but also a lot of beautiful girls.”<sup>93</sup>
- In March 2013, Alibaba’s official Weibo account posted a message publicizing vacancies at the company. It read: “They are the goddess in Alibaba employees’ heart—smart and competent at work and charming and alluring in life. They are independent but not proud, sensitive but not melodramatic. They want to be your coworkers. Do you want that too?” The post featured a series of photos of four Alibaba female employees—all in sexually suggestive poses—with what appeared to be their nicknames on the corner of the photos.<sup>94</sup>
- In March 2013, another post by the official account read: “They are full of personality, forthright and sincere. They like to experience new things, and follow their heart. Natural, healthy and elegant is their attitude in life. They say, ‘You want to be my coworker?’” The photo accompanying the post shows four Alibaba female employees in sexualized poses, including one engaged in pole dancing.<sup>95</sup>

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<sup>91</sup> Ryan Grenoble, “Alibaba Apologizes For Want Ad Seeking Candidates Who Resemble Porn Star,” *Huffington Post*, May 2, 2015, [http://www.huffingtonpost.com/2015/05/02/alibaba-porn-star-job-want-ad\\_n\\_7195734.html](http://www.huffingtonpost.com/2015/05/02/alibaba-porn-star-job-want-ad_n_7195734.html) (accessed October 24, 2017).

<sup>92</sup> Alibaba Campus Recruitment (阿里巴巴集团校园招聘), September 5, 2014, <http://weibo.com/2724465062/BluNAbNvA> (accessed October 24, 2017).

<sup>93</sup> Alibaba Campus Recruitment (阿里巴巴集团校园招聘), April 16, 2013, [https://weibo.com/2724465062/zsqPks8Gs?from=page\\_1006062724465062\\_profile&wvr=6&mod=weibotime&type=comment](https://weibo.com/2724465062/zsqPks8Gs?from=page_1006062724465062_profile&wvr=6&mod=weibotime&type=comment) (accessed October 24, 2017).

<sup>94</sup> Alibaba 1688 (阿里巴巴 1688), March 7, 2013, <https://weibo.com/1644625840/zmjo8kSQU> (accessed October 24, 2017).

<sup>95</sup> Alibaba 1688 (阿里巴巴 1688), March 7, 2013, <https://m.weibo.cn/status/3553535084126620> (accessed January 28, 2018).

- In early 2012, a two-minute recruitment video allegedly produced by Alibaba circulated online.<sup>96</sup> It appeared to have been filmed on company grounds, and it features several young female Alibaba employees speaking to the camera about the qualities of their ideal boyfriends. One employee, while practicing pole dancing, says: “Most important is that he treats me well. Also, [he] must be very handsome!” One employee, sitting at her desk, says: “The men I like should have a sense of curiosity, having curiosity toward career, toward life, and toward nature. He should have a smart brain, at least be able to handle [computer] development work (开发工作) ... Ideally, he has experience in web development.” Another employee says: “Most important is that he can build databases, knows JavaScript.” At the end of the video, each female employee says “I love tech guys” to the camera. Then a list of positions Alibaba was then recruiting appears on the screen, such as visual engineer and JavaScript development engineer.<sup>97</sup>

In contrast to the sexualized depiction of female employees in recruitment materials, Alibaba also has sought to attract job applicants by advertising the company’s high performing and high-profile employees—all featuring men, even though around 40 percent of the company’s employees are women.<sup>98</sup> In March 2016, Alibaba posted this message to its Weibo account: “You might never have heard their names, but every innovation they advanced has deeply affected millions of people’s lives. They are the tech guys at Ali! Alibaba is currently recruiting interns for 2016. Tech hotties invite you to come to Ali!” The Weibo post was attached with photos and bios of 10 employees: researchers, data scientists, and other high-level engineering related personnel. All the featured employees were male.<sup>99</sup>

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<sup>96</sup> The video was no longer on any of Alibaba’s official websites or social media channels by March 2017, but could still be found on video sharing websites.

<sup>97</sup> “Alibaba Recruitment Ad: Almost a Seduction Trap” (阿里巴巴招聘广告：简直是色诱计), March 2, 2012, [http://www.domarketing.org/html/2012/ad\\_0302/2778.html](http://www.domarketing.org/html/2012/ad_0302/2778.html) (accessed October 24, 2017).

<sup>98</sup> “The Women Behind Ma Yun: Big Data on Alibaba Female Employees Revealed” (马云背后的女人：阿里巴巴女性员工大数据揭秘), post to “Flying Pig Official Account” (飞猪官方号) (blog), March 7, 2016, [http://www.sohu.com/a/62294431\\_346364](http://www.sohu.com/a/62294431_346364) (accessed October 24, 2017).

<sup>99</sup> “[Alibaba Recruitment] Dear, 10 Tech Gods Want to Meet You!” (【阿里招聘】亲，十位技术男神求见！), post to “Ali Cloud Headline” (阿里云头条) (blog), September 5, 2016, <https://yq.aliyun.com/articles/60048> (accessed October 24, 2017).

Similarly, in an ad posted on Alibaba’s official WeChat recruitment account in April 2017 soliciting applicants with doctoral degrees, the company featured four male employees with doctoral degrees who were working for the company.<sup>100</sup>

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<sup>100</sup> “Doctors Steal the Spotlight” (博出位), post to “Alibaba Recruitment” (阿里巴巴招聘) (blog), April 24, 2017, <http://mp.weixin.qq.com/s/ICF3zMsqY2p8voXBDQWkjQ> (accessed October 24, 2017).



## VI. Government Response

Though discrimination against women in employment recruitment is widespread in China, the Chinese government has failed to uphold domestic law or its international legal obligations to prevent such discrimination and provide remedies for victims of discrimination.

Local labor administration agencies have responded to complaints by having companies take down discriminatory ads, but they rarely impose fines or take other action that would deter future discriminatory hiring. Though courts at times have ruled in favor of the plaintiffs in cases in which female job seekers sued companies for publishing discriminatory job ads, judges have imposed monetary penalties too low to be meaningful to victims or deter companies from continuing to engage in discrimination.

The Chinese government's history—and escalating practice—of harassing and detaining women's rights activists has also discouraged activists from staging campaigns against discrimination in job hiring.

### Weak Enforcement

Though Chinese laws and regulations contain provisions banning gender-based discrimination in hiring, they provide few specific enforcement mechanisms, leaving victims with inadequate avenues for redress.<sup>101</sup> The Regulations on Labor Security Supervision (劳动保障监察条例), which guide the government's labor law enforcement work, also fail to explicitly include gender discrimination in its regulatory scope, making it difficult for enforcement agencies to track and respond to gender-discriminatory hiring practices.<sup>102</sup>

The Labor Law and the Employment Promotion Law stipulate that labor administration agencies—mainly the Ministry of Human Resources and Social Security (MHRSS) and the

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<sup>101</sup> Christine M. Bulger, "Fighting Gender Discrimination in the Chinese Workplace", *Boston College Third World Law Journal*, vol. 20, issue 2, pp. 345-391, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1174&context=twlj> (accessed October 24, 2017).

Li Wenpei (李文沛) and Cai Fei (蔡飞), "Legal Thoughts on Eliminating Gender Discrimination in Employment" (关于消除就业性别歧视的法律思考), *Theoretical Exploration* (理论探索), vol. 1, 2011, <https://wenku.baidu.com/view/a9f46b82d4d8d15abe234efd.html> (accessed October 24, 2017).

<sup>102</sup> Hewater Liu, "China — Challenges for Women: Gender Equality in Employment & Issues of Balancing Work & Family," WUNRN, March 23, 2017, <http://wunrn.com/2017/03/china-challenges-for-women-gender-equality-in-employment-issues-of-balancing-work-family/> (accessed October 24, 2017).

provincial and local Human Resources and Social Security Bureaus (social security bureaus) that report to it—are the primary government agencies responsible for the enforcement and administration of labor and employment laws and regulations.<sup>103</sup> Any organization or individual can report violations of labor laws and regulations to a local social security bureau and request an investigation.<sup>104</sup>

According to the Provisions on Talent Market Management, if an organization is found responsible for gender discrimination in recruitment, the local social security bureau can order it to make corrections. If the violation is serious, the bureau can fine the organization up to 10,000 yuan (US\$1,500).<sup>105</sup>

Women’s rights activists over the years have filed complaints with social security bureaus across the country about discriminatory job ads and the bureaus’ responses have varied, according to activists who spoke to Human Rights Watch. Usually, bureaus in big cities have higher response rates compared with bureaus in less populated areas. Some bureaus, when contacted, appeared to lack a clear understanding of the relevant laws or their responsibilities in this regard. “Some officials even asked us, ‘So, what should we do [to the violators]?’” an activist said.

The Weibo account “gender discrimination in employment pickets” (就业性别歧视纠察大队), operated by a group of women’s rights activists, monitors and reports on employment-related gender discrimination issues. The group says that of the 646 complaints it filed with social security bureaus and other relevant authorities between October 2014 and June 2017, about 40 percent of the violators eventually removed or corrected the discriminatory requirements in their job ads.<sup>106</sup> In June 2017, the group said it had lodged complaints with 16 social security bureaus in Beijing about job ads by companies that specified a preference for men, and received nine written replies. One additional bureau replied to the group via phone; six bureaus failed to respond. Nine of the bureaus investigated the job

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<sup>103</sup> Labor Law (劳动法), art. 9, [http://www.gov.cn/banshi/2005-05/25/content\\_905.htm](http://www.gov.cn/banshi/2005-05/25/content_905.htm)

Employment Promotion Law of the People’s Republic of China (中华人民共和国就业促进法), art. 6, <http://www.lc123.net/law/zx/2015-07-02/281500.html> (accessed December 11, 2017).

<sup>104</sup> Labor Supervision Bureau at Shaanxi Provincial Human Resources and Social Security (山西省人力资源和社会保障厅劳动监察局), “Q&A on Reporting and Complaints to Labor Protection Supervision Agencies” (关于劳动保障监察机构举报投诉的相关问答), September 29, 2010, <http://news.qq.com/a/20100929/000637.htm> (accessed October 24, 2017).

<sup>105</sup> Art. 37, [http://www.mohrss.gov.cn/gkml/xxgk/201505/t20150513\\_160956.htm](http://www.mohrss.gov.cn/gkml/xxgk/201505/t20150513_160956.htm) (accessed October 24, 2017).

<sup>106</sup> Gender Discrimination in Employment Pickets (就业性别歧视监察大队), June 18, 2017, <http://weibo.com/5327831786/F8moP5xWS> (accessed October 24, 2017).

ads and ordered the companies to make corrections, which the companies then did. One said it could not locate the company in question. The Beijing Haidian district social security bureau, for example, said it investigated an education and training company for posting a “male-only” teachers ad, and the company had then “deleted the gender restricted recruitment information, handed in a rectification report, and promised that it would not publish any gender restricted recruitment information [in the future].”<sup>107</sup>

In December 2016, college graduate Xia Nan (a pseudonym) lodged a complaint with the HRSSB in Licheng district in Jinan, Shandong province, after she found that a job ad for a financial manager at a car retailer stated “outstanding men preferred.” The Licheng social security bureau replied to Xia but stated that her claim lacked “facts and legal basis,” saying that the company’s existing financial managers were all women, that nearly half of the company’s employees were women, and that by stating “men preferred” the company was not necessarily rejecting female applicants. Xia disagreed with the decision, arguing that “men preferred” effectively “raised the recruiting standard for women,” which both the Employment Promotion Law and Provisions on Employment Services and Employment Management specifically ban. In June 2017, Xia filed a suit against Licheng HRSSB in a Jinan court for failing to perform its legal duty to protect her right to equal employment. The court heard the lawsuit, but later ruled to dismiss it. In December 2017, Xia filed an application to appeal her case. A decision was still pending at time of writing.<sup>108</sup>

Women’s rights activists told Human Rights Watch that local social security bureaus rarely investigated gender discriminatory job ads without first receiving complaints. In addition, they usually only order companies to make corrections and warn them not to repeat their mistakes. “Of the around a thousand complaints we have filed, maybe about 10 companies were fined,” an activist said. “But just a few thousand kuai [a few hundred dollars]. That means nothing to most companies.”

The State Administration for Industry and Commerce (SAIC) (工商管理总局) and its local industry and commerce bureaus (ICBs) are responsible for administering and enforcing the Advertising Law, including processing complaints of illegal advertising filed with ICBs,

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<sup>107</sup> Gender Discrimination in Employment Pickets (就业性别歧视监察大队), June 16, 2017, <https://weibo.com/5327831786/F83jYCD78> (accessed October 24, 2017).

<sup>108</sup> Gender Discrimination in Employment Pickets (就业性别歧视监察大队), January 3, 2018, <https://mp.weixin.qq.com/s/gkJHXPm6m-64BE5LyptEOA> (accessed January 23, 2018).

investigating illegal advertising activities, and imposing fines and penalties on violators, according to the Advertising Law and Regulations on the Work Regarding Illegal Advertising Complaints (关于受理违法广告举报工作的规定).<sup>109</sup>

In December 2012, Zheng Churan and several other women’s rights activists reported 267 companies to local social security bureaus and ICBs after the companies published gender discriminatory job ads. Only one of the ICBs (in Wuhan, Hubei province) had fined a local education consulting company, with an amount of 10,000 yuan (US\$1500), the maximum allowed according to the Provisions on Talent Market Management. An ICB in Guangzhou told Zheng that job advertisements were not covered by the Advertising Law and thus were not within its enforcement jurisdiction. An ICB in Beijing, after investigating a “men-only” secretarial job ad posted by an investment company in Beijing, determined that the job ad was not discriminatory because the position’s responsibilities included “frequent business meals, frequent solo business travel ... a position not convenient for females, not safe.”<sup>110</sup>

Victims of gender discrimination can report their complaints to the All-China Women’s Federation and request that it intervene on behalf of the victim, but the ACWF has no enforcement power. According to a policy document jointly issued by Jilin province’s ACWF and HRSSB in May 2017, social security bureaus in the province are encouraged to include ACWF in correspondence with companies that are serious violators.<sup>111</sup>

## Legal Cases Challenging Discrimination

Despite the existence of the various laws prohibiting workplace gender discrimination and the prevalence of discriminatory ads, employers that discriminate are rarely challenged in court. The lack of a clear definition of what practices constitute gender discrimination in

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<sup>109</sup> Regulations on Work Regarding Illegal Advertising Complaints, *State Administration for Industry and Commerce*, 1996, [http://www.saic.gov.cn/zw/zcfg/gzjwj/200602/t20060220\\_216522.html](http://www.saic.gov.cn/zw/zcfg/gzjwj/200602/t20060220_216522.html) (accessed October 24, 2017).

<sup>110</sup> Liu Xue (刘雪), “Complain Gender Discrimination in Employment, Guangzhou Woman Receives Government Response” (投诉用工性别歧视, 广州女生获政府回应), *Southern Metropolis Daily* (南方都市报), January 25, 2013, <http://wsic.ac.cn/academicnews/82457.htm> (accessed October 24, 2017).

<sup>111</sup> Liu Shanshan (柳姗姗) and Peng Bing (彭冰), “Jilin Province Promulgates ‘Opinion,’ Stop Gender Discrimination through System Design” (吉林省出台《意见》, 从制度设计上遏制性别歧视), *Workers’ Daily* (工人日报), May 23, 2017, <http://www.chinanews.com/sh/2017/05-23/8231468.shtml> (accessed October 24, 2017).

those laws and the lack of provisions creating a specific cause of action for gender discrimination make it difficult for victims to seek redress.<sup>112</sup>

A former university lecturer told Human Rights Watch:

I didn't know who I should seek redress from.... When I complained to my roommates about this, they thought I was making a great fuss over a trifle. I guess this is what they thought: "This is the reality. It's not like this is the first time you heard about it. What to be so angry about it?"<sup>113</sup>

A women's rights lawyer said:

When women find discrimination in job ads, the most urgent thing for them at the time is often not to seek redress, but to read the next job ad and find employment. Suing the violator is a luxury they can't afford.<sup>114</sup>

The four court cases discussed below were all filed in recent years by women's rights activists, who used the cases to raise awareness about the broader issue of gender-based employment discrimination in China. Rulings in the cases suggest that Chinese courts are taking small steps to address gender discrimination, but the impact of the decisions is limited by legal provisions that limit claims and set low damage amounts. Their impact is further limited because the interpretation of laws in China does not depend on judicial precedent.

In 2012, college graduate Cao Ju (pseudonym) from Shanxi province applied for an executive assistant position at Beijing Juren Academy, a private tutoring company, although the job ad specified that only men need apply. The company later explained to her that the position was for men only because the work would include physical tasks such as moving office equipment and changing bottles on water dispensers. Unsurprisingly, Cao was not selected for the position. She subsequently sued Juren Academy in a Beijing court.

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<sup>112</sup> Liu Chunling (刘春玲), "Difficulties in Litigation and Satisfying Evidential Burden in Employment Gender Discrimination Cases and Their Solutions" (就业性别歧视诉讼举证难及其解决途径), *China Women's Daily* (中国妇女报), September 19, 2012, <http://acwf.people.com.cn/n/2012/0919/c99013-19044852.html> (accessed October 24, 2017).

<sup>113</sup> Human Rights Watch interview with the former university lecturer, October 14, 2017.

<sup>114</sup> Human Rights Watch interview with the lawyer, August 16, 2017.

In December 2013, the company settled with Cao for 30,000 yuan (US\$4,400), in what is believed to be China's first employment-related gender discrimination lawsuit, two decades after the promulgation of the Law on Protection of Women's Rights and Interests and six years after Employment Promotion Law.

Though considered a major legal victory for women's rights at the time, the lawsuit ended in an out-of-court settlement, not a court decision. And although the CEO of Juren apologized to Cao, the payment was not awarded to Cao personally, but rather to a fund for women's equal rights administered by Cao. Cao used the money to help other women's rights activists, including funding Guo Jing's lawsuit.<sup>115</sup>

In June 2013, Guo Jing, a 23-year-old college graduate from Henan province, applied for a male-only clerk position at the New Oriental Culinary School in Hangzhou, Zhejiang province. A school representative told Guo the position required travel and physically demanding tasks, such as carrying suitcases. Guo's application was rejected, despite her having made it clear to the school that she did not mind traveling and was physically strong. Guo later sued the school in a Hangzhou court on the grounds of mental distress due to the lack of other claims permitted by law. In November 2014, the court ruled that the school violated Guo's right to equal employment and that the school should pay Guo 2,000 yuan (US\$300) in damages for causing Guo mental distress.<sup>116</sup> It is believed to be the first time a job seeker won a gender discrimination case.<sup>117</sup>

In November 2015, a court in Beijing ruled in favor of Ma Hu (pseudonym), 25, who had sued China Post, the state-owned enterprise operating China's official postal services, for discrimination after she was rejected for a men-only mail carrier position. The court awarded Ma 2,000 yuan (US\$300) in damages but did not support her request that China Post apologize to her publicly. Ma appealed but the higher court upheld the ruling. Ma's

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<sup>115</sup> Tania Branigan, "China: woman settles in first gender discrimination lawsuit," *Guardian*, January 28, 2014, <https://www.theguardian.com/world/2014/jan/28/china-woman-settles-first-gender-discrimination-lawsuit> (accessed October 24, 2017).

<sup>116</sup> "Plaintiff awarded 2,000 yuan by court in Hangzhou gender discrimination case," *China Labour Bulletin*, November 13, 2014, <http://www.clb.org.hk/en/content/plaintiff-awarded-2000-yuan-court-hangzhou-gender-discrimination-case> (accessed October 24, 2017).

<sup>117</sup> Zhou Jing (周竟), "Verdict of First Employment Gender Discrimination Lawsuit Announced, Female College Student Won" (浙江就业性别歧视第一案宣判 女大学生胜诉), *Modern Gold Express* (现代金报), November 14, 2014, <https://news.qq.com/a/20141114/004442.htm> (accessed October 24, 2017).

case is believed to be the first legal victory against a state-owned enterprise with regard to gender discrimination in employment.

China Post quickly paid Ma the court ordered compensation, but never apologized to her publicly or privately. Ma explained to Human Rights Watch why she had appealed the decision solely in hopes of getting an apology:

[China Post] violated my rights and the law, thus apology is a must.... It was also because they had a terrible attitude [in my communications with them]. I want justice and dignity.<sup>118</sup>

In 2015, Gao Xiao (pseudonym), a licensed chef, sued Huishijia, a chain restaurant in Guangzhou, after being rejected for a men-only chef position at the restaurant. As in Ma Hu's case, the court ordered the restaurant to pay 2,000 yuan (US\$300) in damages, but dismissed her claim seeking to have the restaurant to publicly apologize to her. On appeal, the Guangzhou Intermediate Court in September 2016 overturned the lower court's decision and ordered the restaurant to make a written public apology.<sup>119</sup> The restaurant subsequently published an apology in a local Guangdong province newspaper.

These court decisions show promise, but the small amount of compensation awarded to successful plaintiffs is hardly likely to serve as much of a deterrent for future violators. Plaintiffs are also likely to be discouraged by the taxing nature of litigation, which demands a great deal of time and energy for little return. After spending over a year on the lawsuit but still losing the appeal, Ma Hu wrote: "I really feel so tired. I feel my body has been emptied."<sup>120</sup>

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<sup>118</sup> Human Rights Watch interview with Ma, October 14, 2017.

<sup>119</sup> Ding Wenqi (丁汶淇), "First Employment Gender Discrimination Lawsuit, Court Order Company to Apologize" (广州就业性别歧视第一案 法院判令企业道歉), Radio Free Asia, March 31, 2017, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/ml2-03312017103943.html> (accessed October 24, 2017);

Wei Lina (魏丽娜), "Female Rejected for Chef Position, Court Rules Restaurant Gender Discrimination, Orders it to Apologize and Compensate" (女厨师应聘被拒 法院认定酒楼性别歧视判其道歉赔偿), *Guangzhou Daily* (广州日报), September 22, 2016, [http://news.ifeng.com/a/20160922/50006789\\_0.shtml](http://news.ifeng.com/a/20160922/50006789_0.shtml) (accessed October 24, 2017).

<sup>120</sup> "Apology from China Post did not Come to Ma Hu, But This is Only the Beginning," (马户没有等到邮政的道歉, 然而这只是开始), *Delicious Women's Rights Activism* (女权行动派很好吃), March 3, 2016, <http://www.jianjiaobuluo.com/content/5118> (accessed October 24, 2017).

## Repression of Women’s Rights Activism

These beginning efforts by activists to combat gender discrimination in employment by holding violators accountable are being seriously hampered by the Chinese government’s tight restrictions on freedom of expression and its stepped-up harassment, censorship, and punishment of those who speak out for rights.

In recent years, prominent women’s rights activists in China have faced police harassment, intimidation, and forced eviction for their peaceful activism.<sup>121</sup> In March 2015, around International Women’s Day, the Chinese government detained five women’s rights activists—including the aforementioned Zheng Churan—for a month on suspicion of “picking quarrels and provoking trouble” after they planned to distribute stickers with anti-sexual harassment messages on public buses.<sup>122</sup> In May 2017, Guangzhou police searched the homes of feminists who were suspected of printing T-shirts with slogans raising awareness of sexual harassment.<sup>123</sup> Police have over the past several years forced landlords to evict Ye Haiyan—an activist who had advocated for the rights of sex workers and victims of sexual harassment through street protests—several times.<sup>124</sup> In May 2013, after her landlord pressured her to move out, a group of unidentified people forced their way into her home and beat her.<sup>125</sup>

At the same time, authorities have intensified media and internet censorship over women’s rights activism.<sup>126</sup> In February 2017, internet company Sina suspended the microblog of Women’s Voices, run by outspoken feminists, for 30 days. Consequently, the activists’ public campaigns have become much less influential than they were several

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<sup>121</sup> Jonathan Kaiman, “In China, feminism is growing — and so is the backlash,” *Los Angeles Times*, June 15, 2016, <http://www.latimes.com/world/asia/la-fg-china-feminist-activists-20160614-snap-story.html> (accessed October 24, 2017).

<sup>122</sup> “China: Drop All Charges Against Feminist Activists,” Human Rights Watch news release, April 14, 2015, <https://www.hrw.org/news/2015/04/14/china-drop-all-charges-against-feminist-activists>.

<sup>123</sup> Yang Fan and Wong Lok-to, “Police in China’s Guangzhou ‘Expel’ Feminist Over Poster Campaign,” Radio Free Asia, May 19, 2015, <http://www.rfa.org/english/news/china/police-in-chinas-guangzhou-expel-feminist-over-poster-campaign-05192017113753.html> (accessed October 24, 2017).

<sup>124</sup> Manohla Dargis, “Review: In ‘Hooligan Sparrow,’ a Chinese Activist’s Hair-Raising Defiance of the State,” July 21, 2016, *New York Times*, <https://www.nytimes.com/2016/07/22/movies/hooligan-sparrow-ye-haiyan-review.html> (accessed October 24, 2017).

<sup>125</sup> Zheng Yi (郑毅), “Detention of Feminist Worker Ye Haiyan Causes Strong Protests in Civil Society” (女权工作者叶海燕被拘留引发民间强烈抗议), China Human Rights Defenders (维权网), May 31, 2013, [http://wqw2010.blogspot.com/2013/05/blog-post\\_8682.html](http://wqw2010.blogspot.com/2013/05/blog-post_8682.html) (accessed October 24, 2017).

<sup>126</sup> Didi Kirsten Tatlow, “Chinese Feminist Group’s Social Media Account Suspended,” *New York Times*, February 22, 2017, <https://www.nytimes.com/2017/02/22/world/asia/china-feminist-weibo.html> (accessed October 24, 2017).



years ago, when the media was freer to report on their activities and online discussions of them and their work were not overtly controlled.

Despite the pressures and difficulties, some women's rights activists have not only filed complaints with government agencies and publicized discriminatory job ads online, they have also taken to the streets to hold small-scale protests against discriminatory job ads. During Ma Hu's lawsuit against China Post, she and several other activists appeared in front of the court lifting bicycles over their heads, in a symbolic act intended to counter the stereotype that women are weak and thus unsuitable for physical demanding jobs. Ma also started an online campaign encouraging women to post pictures of themselves lifting or carrying heavy things. Many netizens responded with photos of themselves carrying friends, backpacks, and suitcases.<sup>127</sup> During Gao Xiao's trial, a group of activists protested in front of the court wearing aprons and holding spatulas, cabbages, and banners reading, "Housewives support Gao Xiao," and "Women can also be chefs."<sup>128</sup>

Nevertheless, actions against women's rights activists have chilled speech and restricted the space in which activists can operate to raise awareness of gender discrimination in employment. One activist who spoke to Human Rights Watch pledged: "We will carry on our anti-discrimination in employment work. When there are opportunities for more actions, we will certainly take actions."<sup>129</sup>

But she admitted that the work involves risks for those who participate: "It depends on the larger environment. I'm worried about my fellow activists."<sup>130</sup>

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<sup>127</sup> Liu Zhenni (刘珍妮), "Job Seeker Ma Hu: Women's Right to Choose Should not be Denied Under the Name of Protection" (求职者马户: 不能以保护为名剥夺女性选择权), *The Beijing News* (新京报), September 25, 2015, <http://www.bjnews.com.cn/inside/2015/09/25/378808.html> (accessed October 24, 2017); "Give Me a Mail, I Will Lift the World" (给我一个快递, 我能举起全世界), post to Voice of Feminists (女权之声) (blog), September 17, 2015, <http://chuansong.me/n/1713721> (accessed October 24, 2017).

<sup>128</sup> Xin Lin (析霖), "Ninety Percent of Female College Graduates in China Experience Discrimination" (中国大学校园招聘近9成女大学生遭歧视), Radio Free Asia, November 25, 2016, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/xl2-11252016135516.html> (accessed October 24, 2017).

<sup>129</sup> Human Rights Watch interview with the activist, August 19, 2017.

<sup>130</sup> Ibid.

## VII. Recommendations

The Chinese government should demonstrate its long-professed commitment to gender equality in employment through targeted legal reforms and vastly improved enforcement of existing laws and regulations banning such discrimination.

### To the Chinese Government and the National People's Congress

- Cease all forms of harassment, intimidation, and arbitrary detention of women's rights activists.
- End the use of gender-specific job advertisements for civil servants in accordance with Chinese law.
- Abolish or substantially revise laws and regulations that discriminate against women in hiring, including but not limited to:
  - Articles 59, 60, 61, and 63 of the Labor Law, which prohibit women from having certain physically demanding jobs;
  - Article 26 of the Law on Protection of Women's Rights and Interests, which stipulates that organizations should not assign women employees work deemed unsuitable for women; and
  - Sections of the Provisions on the Labor Protection of Female Employees that bar women from some forms of employment.
- Enact a comprehensive employment anti-discrimination law that:
  - Contains a definition of gender discrimination that encompasses the full range of ways in which employers discriminate against women, protecting against both direct and indirect discrimination;
  - Explicitly prohibits gender specifications in job advertisements except in cases where gender is an inherent requirement of the position;
  - Establishes penalties, including fines, for companies and state agencies that place discriminatory job ads;
  - Adopts procedural measures to make it easier for victims of employment discrimination to bring complaints and litigation, such as allowing administrative complaints to be filed anonymously and providing more generous statutes of limitations; and

- Ensures effective remedies for victims of discrimination by both public and private employers, including fines sufficient to compensate victims for the harm they suffered and to deter employers from future violations.
- Amend relevant laws and regulations to include paternity leave or extend it when insufficient.

### **To the Ministry of Human Resources and Social Security**

- Strengthen the investigation of complaints of discriminatory job ads submitted to the ministry and its local affiliates.
- Proactively supervise and regularly inspect employers to ensure they comply with anti-discrimination provisions in relevant employment laws and regulations.
- Increase the penalties imposed on employers that discriminate to better deter future offenses.
- Address, in cooperation with nongovernmental women’s rights activists and groups, prevailing gender stereotypes in employment, including through awareness-raising campaigns.

### **To the State Administration for Industry and Commerce**

- Strengthen the investigation of complaints of discriminatory job ads submitted to the administration and its local affiliates.
- Proactively supervise and inspect employers to ensure they comply with anti-discrimination provisions in the Advertising Law.
- Issue internal and public guidance clarifying that employment advertisements are subject to regulation under the Advertising Law.

### **To the Committee on the Elimination of Discrimination against Women and the International Labour Organization**

- Call on the Chinese government to ensure that domestic laws fully comply with China’s international legal obligations with regard to nondiscrimination and equal treatment in employment.
- Call on the Chinese government to comply with and enforce domestic laws and policies against employment discrimination to comply with China’s obligations under international law.

- Provide training to relevant Chinese government bodies, including inspectors at the Ministry of Human Resources and Social Security and its local affiliates, on equal-right-to-employment issues and investigative techniques.

## **To National and Foreign Companies**

- Adopt and enforce company policies prohibiting all forms of gender-based discriminatory job ads.
- Adopt and enforce job-hiring policies that are nondiscriminatory, including on the basis of gender.

## Acknowledgments

This report was researched and written by a researcher for the Asia Division at Human Rights Watch. This report was edited by Sophie Richardson, China director; Heather Barr, senior researcher with the Women’s Rights Division; Arvind Ganesan, director of Business and Human Rights program; and Brian Root, quantitative analyst. James Ross, legal and policy director, and Joseph Saunders, deputy program director, provided legal and program reviews. Production assistance was provided by Racqueal Legerwood, associate with the Asia Division; Shayna Bauchner, coordinator with the Asia Division; and Fitzroy Hepkins, administrative manager.

This report was also reviewed by a China women’s rights expert outside of Human Rights watch who did not wish to be named.

Human Rights Watch is grateful to the Chinese women’s rights activists who agreed to be interviewed, despite the risks, and who provided invaluable input to this report.

## **Appendix I: Human Rights Watch Letter to Ministry of Human Resources and Social Security**

November 6, 2017

Minister Yin Weimin  
Ministry of Human Resources and Social Security  
12 Hepingli Street  
Dongcheng District, Beijing 100009  
People's Republic of China

**Re: Gender discrimination in job advertising in China**

Dear Minister Yin,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments.

We would appreciate your response to questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by November 27, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. Is there data on complaints filed to the Ministry of Human Resources and Social Security (MHRSS) or Human Resources and Social Security Bureaus (HRSSBs) across the country pertaining to gender discrimination in job advertising, such as the number of complaints filed, bureaus' response rate, as well as percentages of companies that were found of and fined for violating non-discrimination laws. Please provide us with such data from the past several years as available.
2. What measures are available to ensure that HRSSBs proactively and vigorously investigate companies that publish discriminatory job ads?
3. What mechanisms are in place to ensure that HRSSB officials respond adequately and timely to complaints pertaining to gender discrimination in job advertising filed to the bureaus?
4. What mechanisms are available to ensure that the penalties to companies for publishing discriminatory job ads are proportionate to the severity of their violations?
5. What efforts has the MHRSS made or plans to make to combat societal stereotypes that encourage discrimination in hiring, such as considering women less physically, psychologically and intellectually capable than men?
6. What actions has the MHRSS taken and plans to take to ensure that women are not discriminated against or punished for taking maternity leave?

## **Appendix II: Human Rights Watch Letter to State Administration for Industry and Commerce**

November 6, 2017

Minister Zhang Mao  
State Administration for Industry and Commerce  
8 Sanlihe Donglu  
Xicheng District, Beijing 100820  
People's Republic of China

**Re: Gender discrimination in job advertising in China**

Dear Minister Zhang,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments.

We would appreciate your response to questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by November 27, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333.

Thank you for your attention to this matter, and we look forward to hearing from you.



Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. Is there data on complaints filed to the State Administration for Industry and Commerce or Industry and Commerce Bureaus across the country pertaining to gender discrimination in job advertising, such as the number of complaints filed, bureaus' response rate, as well as percentages of companies that were found of and fined for violating non-discrimination laws. Please provide such data from the past several years as available.
2. What measures are available to ensure that Industry and Commerce Bureaus proactively and vigorously investigate companies that publish discriminatory job ads?
3. What mechanisms are in place to ensure that Industry and Commerce Bureau officials respond adequately and timely to complaints pertaining to gender discrimination in job advertising filed to the bureaus?
4. What mechanisms are available to ensure that the penalties to companies for publishing discriminatory job ads are proportionate to the severity of their violations?
5. What efforts has the State Administration for Industry and Commerce made and is planning to make to address the problem of women being treated as sexual objects and gender stereotyping in job advertising?

## **Appendix III: Human Rights Watch Letter to Ministry of Public Security**

November 6, 2017

Minister Guo Shengkun  
Ministry of Public Security  
14 East Chang'an Street  
Dongcheng District, Beijing 100741  
People's Republic of China

**Re: Gender discrimination in job advertising in China**

Dear Minister Guo,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments.

We would appreciate your response to questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by November 27, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. What criteria does the Ministry of Public Security and local public security bureaus use to determine the requirement or preference for hiring men only for certain positions?
2. What are the measures the Ministry of Public Security takes to ensure non-discrimination and equal treatment in hiring?
3. What policies does the Ministry of Public Security have in place to combat gender stereotyping – particularly, the view that women are less physically, psychologically and intellectually capable than men and thus less capable of handling certain jobs -- within the ministry?

## **Appendix IV: Letters Between Human Rights Watch and Zhilian Zhaopin**

### **Letter 1: Human Rights Watch Letter to Zhilian Zhaopin**

November 14, 2017

Guo Sheng, CEO  
Zhaopin Ltd.  
Shoukai Square, 5th Floor  
No. 10 Wangjing Furong Street  
Chaoyang District, Beijing 100020  
People's Republic of China

Fax: +86-10-59770861

Re: Gender discrimination in job advertising in China

Dear Mr. Guo,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

Our research has found job posts with discriminatory content on Zhilian Zhaopin's website. For example, an ad posted in August 2017 on your website for clothing sales

associates in Beijing read, “High school diploma or above, female, 18 to 30-years-old, net height 163 cm or higher, trim figure, aesthetically pleasing.”

China’s Advertising Law (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising. For a published advertisement that violates the law, the advertised entity, the advertising agency and the entity that publishes the advertisement can each be fined from 200,000 yuan to up to one million yuan (US\$30,000 to US\$150,000) and have their licenses suspended. Provisions on Employment Services and Employment Management (就业服务与就业管理规定) also prohibit “discriminatory content” in job advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 4, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

Questions:

1. Please provide details on the policies and procedures the company uses to examine advertisements to ensure they comply with China’s Advertising Law.

2. Please provide further information on any policies or procedures the company has to prevent and address gender discrimination within the company.
3. What measures are in place to ensure that employers do not publish gender discriminatory job ads on your websites? Are there any penalties to employers who publish, or ask to publish, such ads?
4. What mechanisms are available for users of your website to report discriminatory job ads?
5. What mechanisms are available to ensure that Zhilian Zhaopin responds adequately and timely to complaints pertaining to discriminatory job ads published on your website?
6. Is there data on complaints filed to your company with regard to gender discriminatory job ads, including the number of complaints filed, and your company's response rate? Please provide us with such data from the past several years as available.

## Letter 2: Zhilian Zhaopin Response Letter (translation by Human Rights Watch, followed by original letter in Chinese)

Dear Richardson

Thank you for your organization's attention and supervision. Zhilian Zhaopin has always paid attention to gender equality in the workplace and has implemented various measures on our website to screen job postings and prevent gender discrimination. The details are as follows:

Job advertisements may be posted on our platform in two ways: we can publish the advertisements for our clients in accordance with their needs, or our clients can post them themselves. The review mechanism for each method is as follows:

### **1. Control process and review mechanism for job advertisements that our company posts**

Our customer service team processes advertisements submitted to us by our clients for publication on their behalf. We steadfastly observe the relevant Chinese laws and regulations, including the Labor and Employment Promotion Law. We prohibit any job advertisements that may constitute gender discrimination from being posted on our website. For advertisements posted by our customer service teams on our clients' behalf, we avoid any gender descriptions.

### **2. Control process and review mechanism for job advertisements posted by clients**

#### **1. Filtering and blocking of keywords related to gender or prohibited by the Advertisement Law**

- (1) Our corporate users are reminded on the job posting page not to include gender discriminatory descriptions. We also provide a list of keywords that will trigger the blocking system. If a job post contains any such words, it will be blocked and will not be published.

Publishing reminder:

发布新职位 常见问题

修改企业信息

职位名称:

职位性质:

职位名称:

职位类别:

招聘要求:  人     聘用若干人

职位月薪:

职位描述: 

14px · A · B · U ·        
 职位描述:  
 任职要求:

 您可以输入 40-60000 个字符

请勿输入公司邮箱、联系电话、薪资面议及外链。请不要包含性别歧视语。 [点击查看](#)

Prohibited words are listed below:

性别歧视词				
试衣女孩	保洁阿姨	女性优先	lady first	最好是女性
孩妈	女孩子优先	女-性-优-先	ladyfirst	以男性为主
家里有小孩	做饭阿姨	女姓	male	以女性为主
家庭主妇	枚性	女姓优先	nan	希望男性
男比较合适	保洁大姐	未婚	nv	希望女性
男孩勿投	只要求男士	未婚优先	woman	以男性为佳
男性较合适	只要求女士	限男性	美丽妈妈	以女性为佳
男性为宜	男士为佳	限女性	已hun已yu的美丽妈妈	性别为男
美女优先	女士为佳	已婚	已hun已yu	性别为女
女生优先	性别为男	已婚已育	结婚的本地人 女士 优	男士尤佳
结婚者	性别为女	已育	♂	女士尤佳
未婚者	须为男性	已育已婚	♀	须为男
小姐姐	须为女性	已孕	限woman	须为女
结婚并有孩子	只要男士	主妇	限man	限定男士
(女)	只要女士	female	限帅哥	限定女士
已成家	招男士	要求男性	限男	限定女性
yi hun yi yu	招女士	要求女性	限女	限定男性
女孩优先	要男士	急聘男性	限先生	要男的
女汉子	要女士	急聘女性	男士优先	要女的
女性较合适	最好是男	欢迎男性	女士优先	要女士
女性为宜	最好是女	欢迎女性	女姓优先	要男士
最好是男性	招女性	招男性	只招男	招男士
只招女	招女士			



广告法	
国家级	顶级
最高级	no.1
领导品牌	top1
全国领先	领袖品牌
全球领先	世界级
国宝级	第一品牌
世界品质	最先进
国际品质	全国首家
国际知名	至尊
世界领先	最著名
终极	全网首发
最受欢迎	销量冠军
极品	

(2) If users insist on keeping gender discriminatory descriptions in the advertisements, they will be reminded that the posts will not be published.

Case study: A reminder is shown to the user when an entry contains the words “women preferred,” warning that the post will not be published.

**敏感词**

女性优先

**诊断处理**

优先级: 普通      当前状态: 未通过      职位发布时间: 2017-12-21

备注: 您好，按照国家相关法律规定，职位中包含歧视信息，请调整后重新发布。

2. The homepage of our website contains the following message. We welcome public oversight.

“Special reminder: when posting job advertisements, please strictly abide by the Employment Promotion Law and other laws and regulations, avoiding gender discriminatory language, including but not limited to descriptions of gender (such as “male” and “female”).

We welcome public oversight. Our company’s hot line is 400-885-9898.”

特别提示：在进行职位发布时，请严格遵守《中华人民共和国就业促进法》等法律、法规的规定，避免使用可能引起就业歧视的描述，包括但不限于：性别描述（如“男”、“女”）等。

敬请大家共同监督，我司服务热线400-885-9898。

智联招聘

3. Our App contains a pop-up box that allows job applicants to report any “problematic job post” or “problematic company” at any time. In doing so, they will not only maximize the protection of their employment rights, but will also help improve our oversight of job postings.

PC window:



举报该职位

该举报针对歧视性信息等违规职位，其他问题请联系客服。

! 举报职位: 清洁工2名, 厨房帮工1名

\* 举报原因:  还可输入 200 字

\* 联系人: jenny

\* 联系电话:

\* 电子邮箱: jenny. @ .com.cn

确定 取消

Mobile App Window:





## Customer service response mechanism

1. Aside from the automatic screening function performed by our system, our customer service officers manually screen job posts on a daily basis. If they discover any job posts that may constitute gender discrimination, they will temporarily suspend the posts and remind the relevant clients not to make such posts. Depending on how the exchanges go, we will ask the clients to either remove the gender discriminatory language or delete the posts in question.
2. When we become aware of new variants of gender discriminatory language, we will add them to our list of censored words on the next work day.

3. Job applicants may report job advertisements that allegedly contain gender discriminatory information. Our customer service team will promptly contact the applicant and the relevant corporate client with a view to resolving the issue on the same day that the complaint is filed. Currently, on top of the complaint form, our website provides two other means for customers to file complaints: job applicants may request to chat with our customer service officers using the “online customer service” function; and they may leave a message to us on the “contact us” page. See the picture below:



[Contact us] entry at the bottom of the website

[智联介绍](#) | [网站地图](#) | [加入智联](#) | [法律声明](#) | [保密承诺](#) | [个人注册](#) | [联系方式](#) | [常见问题](#) 您对 Zhaopin.com 有任何建议或意见, [请联系我们](#)

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To summarize, we steadfastly abide by the relevant laws and regulations, such as the Labor and Employment Promotion Law. Using the methods above, we rule out the possibility that our website contains gender discriminatory advertisements. We welcome members of the public to make use of the multi-layered, multi-dimensional review methods stated above to supervise our work. We respond to complaints in a timely manner and constantly update our list of censored words. For situations that are not clear-cut, we consult our labor supervision department in order to fulfil our duties as a recruitment company.

Zhilian Zhoopin has paid close attention to gender equality in the workplace. We have worked with UN Women to carry out gender equality plans within the company and signed the Women's Employment Principles. We are also committed to empowering our female employees. Externally, we have hosted summits on female leadership and founded the annual "best employer" award and the "women's choice of employer" award with a view to advancing gender equality.

Zhilian Zhoopin Guo Sheng

## 智联招聘回复函

Dear Richardson,

感谢贵组织对于智联网站的关注和监督，智联招聘一直关注女性的职场性别平等，建立了网站上的各项保障措施，进行职位发布审核和性别歧视防范，具体如下说明：

从我司业务流程来看，职位发布确认两种方式。一是根据客户需求，要求我司代为发布；二是客户自行发布。就上述两种发布方式，具体说明我司采取的审核方式如下：

### **（一）我司代为发布职位控制流程及审核方案**

我司有专门的客服团队负责对客户委托我司代为发布职位进行上线处理。我司坚决贯彻执行中国《劳动与就业促进法》等相关法律、法规规定，杜绝一切有可能产生性别歧视的职位信息在我司网站上发布。由我司客服团队代为发布职位的，会避免在职位信息中包含关于“性别”的描述。

### **（二）客户自行发布职位控制流程及审核方案**

#### **1、我司网站对有关“性别”、广告法关键词的过滤屏蔽**

(1) 在职位发布页，会提醒企业用户勿使用性别歧视的相关描述，并且把这些词罗列出来作为敏感词网站触发机制，一旦有用户职位涉及敏感词则会屏蔽无法发布出来。

发布职位提示：

招聘企业信息

职位模板:

• 职位性质:

• 职位名称:

• 职位类别:

• 招聘要求:  人     聘用若干人

• 职位月薪:

• 职位描述:



广告法	
国家级	顶级
最高级	no.1
领导品牌	top1
全国领先	领袖品牌
全球领先	世界级
国宝级	第一品牌
世界品质	最先进
国际品质	全国首家
国际知名	至尊
世界领先	最著名
终极	全网首发
最受欢迎	销量冠军
极品	

(2)如果用户仍在职位描述中写了性别歧视的内容，系统会提示如下内容，且此职位是无法发布的：

案例：职位里含有“女性优先”字眼的客户操作界面屏蔽提示

**敏感词**

女性优先

**诊断处理**

优先级： 当前状态：未通过 职位发布时间：2017-12-21

备注：

2、 我司官网首页已发布如下提供信息， 并欢迎社会各界的监督。

特别提示：在进行职位发布时，请严格遵守《中华人民共和国就业促进法》等法律、法规的规定，避免使用可能引起就业歧视的描述，包括但不限于：性别描述（如“男”、“女”）等。

敬请大家共同监督，我司服务热线400-885-9898。

智联招聘

3、 求职者 APP 浏览页面设置投诉弹窗按钮功能。如求职者在职位浏览

中发现“问题职位”或“问题公司”可以随时点击投诉，最大化的保护求职者的就业权利，也不断完善我司对网站职位发布的全面监管。

PC 端界面

举报该职位

该举报针对歧视性信息等违规职位，其他问题请联系客服。

! 举报职位: 清洁工2名, 厨房帮工1名

• 举报原因: 还可输入 200 字

• 联系人: jenny

• 联系电话:

• 电子邮箱: jenny. @ .com.cn

确定 取消

移动端界面

Marketing Manager

2.4万-4.8万

北京 10年以上 本科

雷佛龙 (中国) 投资有限公司

职位描述

Please submit your CV in English. Job Responsibility: - Manage the business' integrated marketing strategy to enhance Delo brand awareness, preference and loyalty. This also includes managing brand experience on customer core touch points including social, vertical, channel, Public Relations, etc.

不看该公司的职位

举报职位

取消



## 客服方面响应机制

- 1、除系统自动检测功能外，我们的客服人员每天会对在线职位进行巡检，如果发现疑似性别歧视的职位，会对职位进行暂停处理，并通知相关客户勿招聘性别歧视职位，随后会根据沟通结果要求客户修改职位去除性别歧视字段或者下线职位。
- 2、如果发现新的形式的性别歧视词语，确认后会在一个工作日内立即补充在以上词库中。

3、如果求职者发现有公司发布涉嫌性别歧视的职位信息，可以进行投诉，我们的客服会在第一时间和求职者、企业客户进行沟通，当日跟进解决此问题。目前网站除了职位界面的举报入口外，在网站首页还提供两个入口用于客户举报，【在线客服咨询】求职者可以和客服面对面交流；【联系我们】可以给我们的客服留言，随时反馈问题。如图：



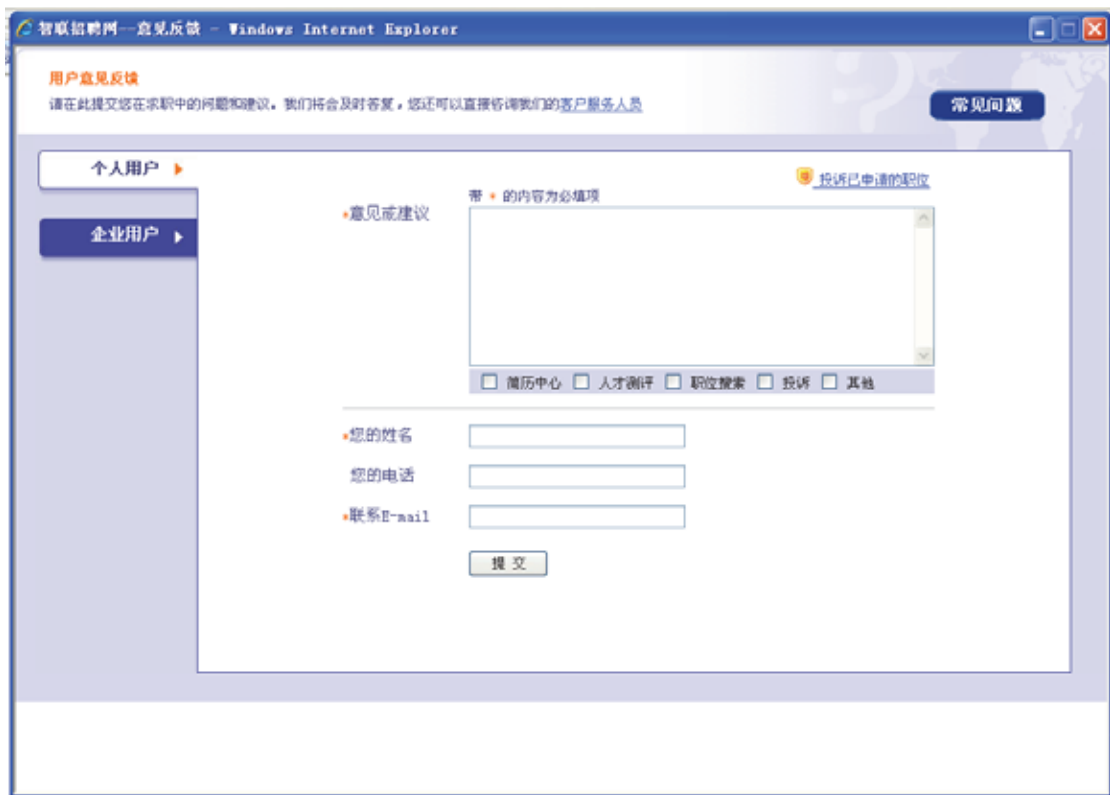
【联系我们】入口在网站的底部：

[智联介绍](#) | [网站地图](#) | [加入智联](#) | [法律声明](#) | [保密承诺](#) | [个人注册](#) | [联系方式](#) | [常见问题](#) 您对 Zhaopin.com 有任何建议或意见 [请联系我们](#)

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综上，我司坚决贯彻执行《劳动与就业促进法》等相关法律、法规的规定，并已通过上述方式避免网站上存在“性别歧视”的可能。我司在上述已介绍的多层次多维度审查手段下，欢迎社会各界监督，对反馈到客服的任何投诉及时处理，并不断的丰富和完善屏蔽词库。我司在处理职位发布信息中对遇到拿不准、判断不清的情况将积极请示劳动监察部门，履行好网络招聘服务企业应尽的责任。

智联招聘一直关注女性的职场性别平等，与联合国妇女署合作开展职场性别平等计划，签署了 WEPIs，公司内部为女性赋权；面向社会，多年来举办女性领导力高峰论坛和创立中国年度最佳雇主颁奖活动最受女性关注雇主奖，促进企业对女性平等的努力。

智联招聘 郭盛

## Letter 3: Human Rights Watch Response Letter to Zhilian Zhaopin

January 19, 2018

Guo Sheng, CEO  
Zhaopin Ltd.  
Shoukai Square, 5<sup>th</sup> Floor  
No. 10 Wangjing Furong Street  
Chaoyang District, Beijing 100020  
People's Republic of China

Fax: +86-10-59770861

### **Re: Gender discrimination in job advertising in China**

Dear Mr. Guo,

Thank you for your response to our letter we sent in November 2017. We appreciate your taking the time to explain in detail the various methods Zhilian Zhaopin employs to guard against posting gender discriminatory job ads, including keyword filtering, online reporting mechanisms, and a hotline. We also appreciate your statement that the company “eradicates any posts that could possibly be gender discriminatory from being published.”

However, it appears that those procedures may not be adequate as we continue to find numerous such ads on your website. For example, a January 17, 2018 search shows a [job post](#) for an administrative assistant position at a Beijing investment management company's Shenyang branch states “nan preferred” (using the pinyin form of the Chinese word “man”), and a [job post](#) for a financing manager at an investment firm in Guangdong province states “man preferred” (using the English term).

We would welcome your response to the publication of these posts, as well as our follow-up questions below, and any further comments you might wish to include so that we can reflect your perspectives in our reporting. We also included two questions from our November 13 letter that you did not answer in your response.

In light of our publishing schedule, we would appreciate receiving your response by February 8, 2018, sent to Sophie Richardson, China Director at Human Rights Watch, by email at richars@hrw.org or by fax to 1-202-612-4333.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions for Clarification:**

1. In your December 22 letter, you stated that Zhilian Zhaopin blocks job ads that contain gender discriminatory information from being posted. However, we have found ads that are clearly gender discriminatory on your website. For example, a January 12, 2018 search showed an [ad for an iron process engineer](#) posted by a human resources company in Liaoning province stated, “Age requirement: 35 to 40-year-old; gender: male.” Could you please explain why such an ad was not blocked by your screening mechanisms?
2. You provided us with a list of gender discriminatory words that Zhilian has apparently banned from appearing on the website. However, our research shows many job posts that contain words on the list appearing on your website. For example, a January 12, 2018 search of the banned term “nan,” (which is the pinyin form of the Chinese word for “man”) showed a [job post for three engineers](#) at an environmental engineering company in Jiangxi province stating, “nan preferred”. Could you please explain how this escaped scrutiny?
3. Your letter states that when users are found to have posted gender discriminatory job ads, Zhilian notifies them and requests that they remove the ads. Could you provide some detailed examples of Zhilian taking such steps?

4. Do you ever take broader action – such as a refusal to publish ads – from employers who repeatedly publish, or ask to publish, gender discriminatory job ads on your websites?
  
5. Does Zhilian gather data on complaints filed with your company with regard to gender discriminatory job ads, including the number of complaints filed, and your company’s response rate? Please provide us with such data from the past several years if available.



## **Appendix V: Human Rights Watch Letter to 58.com**

November 14, 2017

Yao Jinbo, CEO  
58.com Inc.  
Building 101, #10 Jiuxianqiao North Road Jia  
Chaoyang District, Beijing 100015  
People's Republic of China

Email: [bdmail@58.com](mailto:bdmail@58.com)

### **Re: Gender discrimination in job advertising in China**

Dear Mr. Yao,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

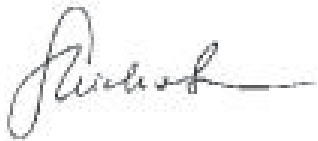
Our research has found job posts with discriminatory content on 58.com's website. For example, a job ad listed on your website in September 2017 for security guards in a residential compound in Beijing said, "No requirement on degree, no requirement on experience... Men, 18 to 45-years-old, height 165 [centi]meters and above."

China's Advertising Law (广告法) bans "gender discriminatory content" in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising. For a published advertisement that violates the law, the advertised entity, the advertising agency and the entity that publishes the advertisement can each be fined from 200,000 yuan to up to one million yuan (US\$30,000 to US\$150,000) and have their licenses suspended. Provisions on Employment Services and Employment Management (就业服务与就业管理规定) also prohibit "discriminatory content" in job advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 4, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at richars@hrw.org or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. Please provide details on the policies and procedures the company uses to examine advertisements to ensure they comply with China's Advertising Law.
2. Please provide further information on any policies or procedures the company has to prevent and address gender discrimination within the company.

3. What measures are in place to ensure that employers do not publish gender discriminatory job ads on your websites? Are there any penalties to employers who publish, or ask to publish, such ads?
4. What mechanisms are available for users of your website to report discriminatory job ads?
5. What mechanisms are available to ensure that 58.com responds adequately and timely to complaints pertaining to discriminatory job ads published on your website?
6. Is there data on complaints filed to your company with regard to gender discriminatory job ads, including the number of complaints filed, and your company's response rate? Please provide us with such data from the past several years as available.

## Appendix VI: Human Rights Watch Letter to Alibaba

November 16, 2017

Ma Yun, CEO  
Alibaba Group  
969 West Wen Yi Road  
Yu Hang District, Hangzhou 311121  
People's Republic of China

Fax: +86-571-89815505

### **Re: Gender discrimination in job advertising in China**

Dear Mr. Ma,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

In your public speeches, you have repeatedly stressed the importance of women in corporate leadership roles and equal opportunities for men and women entrepreneurs. For example, during the second Global Conference on Women and Entrepreneurship in Hangzhou in July 2017, you said, "At Alibaba's worst time, it is women who encourage us to hold on. ... The world...needs more female leaders." However, our research has found that your company has published job ads that openly stated a preference for male applicants. For example, in July 2017, your recruitment website (<https://job.alibaba.com>) published a

series of ads stating a preference or requirement for male candidates, for positions including: “senior tax specialist” (four vacancies, “Men preferred. Age 25-33”); “Financial risks controller” (“men preferred”); “Logistics operations specialist (four vacancies, “men preferred”); and “security specialist” (“men only”).

In many other ads, your company used the physical attributes of its female employees to attract male applicants. For example, on September 5, 2014, Alibaba’s official campus recruitment Weibo account posted a message, stating “#late night welfare# Ali beauties. Say no more. Straight to photos.” Attached is a series of photos of seven young female Alibaba employees with their names, departments, and a brief self-introduction. (<http://weibo.com/2724465062/BluNAbNvA>) In April 2013, a post on Alibaba’s official Weibo account read, “Alibaba not only has a lot of tech guys, but also a lot of beautiful girls.”

([https://weibo.com/2724465062/zsqPks8Gs?from=page\\_1006062724465062\\_profile&vr=6&mod=weibotime&type=comment](https://weibo.com/2724465062/zsqPks8Gs?from=page_1006062724465062_profile&vr=6&mod=weibotime&type=comment)) Such posts are still on Alibaba’s social media accounts.

China’s Law on the Protection of Women’s Rights and Interests (妇女权益保障法), the Labor Law (劳动法), and the Employment Promotion Law (就业促进法) prohibit gender discrimination in hiring. China’s Advertising Law (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 7, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues on these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

7. Can Alibaba confirm that this recruitment video ([http://video.tudou.com/v/XMjEzMzcxODIzMg==.html?resourceId=0\\_03\\_05\\_07](http://video.tudou.com/v/XMjEzMzcxODIzMg==.html?resourceId=0_03_05_07)), which appeared on various Chinese websites such as video-sharing website Tudou, was produced by Alibaba?
8. What criteria does Alibaba use to determine the requirement or preference for hiring men only for certain positions?
9. Who at Alibaba decides on the content of the job ads?
10. What steps has Alibaba taken to comply with China's laws relevant to discrimination in employment and employment advertising?
11. What policies and procedures does Alibaba have to prevent discrimination and ensure equal treatment in hiring?
12. Have there been complaints filed to Alibaba with regard to gender discriminatory job ads the company published? If so, how has the company responded to such complaints?
13. What policies does Alibaba have in place to combat gender stereotyping within the company?

## **Appendix VII: Human Rights Watch Letter to Tencent**

November 16, 2017

Ma Huateng, CEO  
Tencent Holdings Ltd.  
Kejizhongyi Avenue  
Nanshan District, Shenzhen 518057  
People's Republic of China

Fax: +86-755-86013399  
Email: ir@tencent.com

### **Re: Gender discrimination in job advertising in China**

Dear Mr. Ma,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

Our research has found that your company has published job ads that openly stated a preference for male applicants. For example, a March 2017 job post for a sports content editor on your recruitment website (hr.tencent.com) said your company preferred “strong men who are able to work nightshifts” for the job. In some ads, your company also used the physical attributes of its female employees to attract male applicants. For example, in October 2016, Tencent’s official recruitment WeChat account published an article

promoting its recruitment fairs in the United States. One employee was quoted saying, “The reason I joined Tencent originated from a primal impulse. It was mainly because the ladies at human resources and that interviewed me were very pretty.”

(<https://mp.weixin.qq.com/s/dtfCPtuOhNqkj-chx3YV6w##>)

China’s Law on the Protection of Women’s Rights and Interests (妇女权益保障法), the Labor Law (劳动法), and the Employment Promotion Law (就业促进法) prohibit gender discrimination in hiring. China’s Advertising Law (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 7, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. What criteria does Tencent use to determine the requirement or preference for hiring men only for certain positions?
2. Who at Tencent decides on the content of the job ads?



3. What steps has Tencent taken to comply with China's laws relevant to discrimination in employment and employment advertising?
4. What policies and procedures does Tencent have to prevent discrimination and ensure equal treatment in hiring?
5. Have there been complaints filed to Tencent with regard to gender discriminatory job ads the company published? If so, how has the company responded to such complaints?
6. What policies does Tencent have in place to combat gender stereotyping within the company?

## Appendix VIII: Human Rights Watch Letter to Baidu

November 16, 2017

Li Yanhong, CEO  
Baidu, Inc.  
No. 10 Shangdi 10<sup>th</sup> Street  
Haidian District, Beijing 100085  
People's Republic of China

Fax: +86-10-59920000

### Re: Gender discrimination in job advertising in China

Dear Mr. Li,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

Our research has found that your company has published job ads that openly stated a preference for male applicants. For example, in March 2017, Baidu advertised on its recruitment website ([talent.baidu.com](http://talent.baidu.com)) a job for content reviewers stipulating that applicants must be “men,” and have “strong ability to work under pressure, able to work on weekends, holidays and night shifts.” In some ads, your company also used the physical attributes of its female employees to attract male applicants. For example, in a video posted on Baidu’s official Weibo account in September 2016 with the hashtag

#campus recruitment#, a male Baidu employee said that one of the reasons that he was “so happy every day” at work was because he could “go to work with beautiful girls.” (<http://weibo.com/2255322704/E8ZPAAJfm>)

China’s Law on the Protection of Women’s Rights and Interests (妇女权益保障法), the Labor Law (劳动法), and the Employment Promotion Law (就业促进法) prohibit gender discrimination in hiring. China’s Advertising Law (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 7, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. What criteria does Baidu use to determine the requirement or preference for hiring men only for certain positions?
2. Who at Baidu decides on the content of the job ads?

3. What steps has Baidu taken to comply with China's laws relevant to discrimination in employment and employment advertising?
4. What policies and procedures does Baidu have to prevent discrimination and ensure equal treatment in hiring?
5. Have there been complaints filed to Baidu with regard to gender discriminatory job ads the company published? If so, how has the company responded to such complaints?
6. What policies does Baidu have in place to combat gender stereotyping within the company?

## **Appendix IX: Human Rights Watch Letter to Huawei**

November 16, 2017

Sun Yafang, Chairman  
Huawei Technologies Co. Ltd.  
Bantian Huawei Base  
Longgang District, Shenzhen 518129  
People's Republic of China

Fax: +86-755-28560111

Email: Corporate.Comms@huawei.com

### **Re: Gender discrimination in job advertising in China**

Dear Ms. Sun,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

Our research has found that your company has published job ads that used the physical attributes of its female employees to attract male applicants. For example, in December 2013, a message posted on Huawei's Weibo account read: "No matter how beautiful the scenery [on Huawei's campus] is, beautiful girls are needed. On the Open House Day [a recruitment fair], other than the awesome and proud Huawei leaders who will discuss intimately with everyone, there will also be beautiful Huawei girls accompanying

everyone.” Alongside the text was a photo of a young woman, presumably a Huawei employee. (<http://weibo.com/2842261091/AoMEkxO96>)

China’s Law on the Protection of Women’s Rights and Interests (妇女权益保障法), the Labor Law (劳动法), and the Employment Promotion Law (就业促进法) prohibit gender discrimination in hiring. China’s Advertising Law (广告法) bans “gender discriminatory content” in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 7, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. What steps has Huawei taken to comply with China’s laws relevant to discrimination in employment and employment advertising?
2. What policies and procedures does Huawei have to prevent discrimination and ensure equal treatment in hiring?

3. Have there been complaints filed to Huawei with regard to gender discriminatory job ads the company published? If so, how has the company responded to such complaints?
  
4. What policies does Huawei have in place to combat gender stereotyping within the company?

## Appendix X: Human Rights Watch Letter to Meituan

November 16, 2017

Wang Xing, CEO  
Beijing Sankuai Online Technology Co. Ltd.  
Hengdian Building BC  
No.4 Wangjing East Road  
Chaoyang District, Beijing 100085  
People's Republic of China

Email: [mkt.cooperation@meituan.com](mailto:mkt.cooperation@meituan.com)

### Re: Gender discrimination in job advertising in China

Dear Mr. Wang,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for more than 30 years.

We are currently preparing a report on gender discrimination in job advertising in China. The report focuses on the extent to which the Chinese government has complied with domestic anti-gender discrimination laws and fulfilled its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other international legal instruments. The report also examines how companies have complied with domestic laws and regulations and their advertising practices.

Our research has found that your company used job ads that appear to present women as sexual objects. For example, in September 2012, an on-campus recruitment poster by your company showed the bare legs of a woman with a pair of underwear around her calves. It read, "Finding a job = finding a woman. Do what you want to do the most."

(<http://www.digitaling.com/articles/16221.html>) The Chinese word for "do" has a



connotation of sexual intercourse. The poster has been criticized by some Chinese feminists and internet users as being sexist and discriminatory.

China's Law on the Protection of Women's Rights and Interests (妇女权益保障法), the Labor Law (劳动法), and the Employment Promotion Law (就业促进法) prohibit gender discrimination in hiring. China's Advertising Law (广告法) bans "gender discriminatory content" in advertising, a provision that on its face should apply to job recruitment advertising as well as other forms of advertising.

In this context, we would appreciate your response to questions raised below, as well as any additional information you wish to provide us, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our publishing schedule, we would appreciate receiving your response by December 7, 2017, sent to Sophie Richardson, China Director at Human Rights Watch, by email at [richars@hrw.org](mailto:richars@hrw.org) or by fax to 1-202-612-4333. We would also welcome the opportunity to meet with you or your colleagues to discuss these issues.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson  
China Director  
Human Rights Watch

**Questions:**

1. Can Meituan confirm that the recruitment poster that appeared on various Chinese websites (<http://www.digitaling.com/articles/16221.html>) was produced by Meituan? Has Meituan ever used this poster publicly, such as in job fairs or other recruitment activities the company hosted or participated?
2. What steps has Meituan taken to comply with China's laws relevant to discrimination in employment and employment advertising?

3. What policies and procedures does Meituan have to prevent discrimination and ensure equal treatment in hiring?
4. Have there been complaints filed to Meituan with regard to gender discriminatory job ads the company published? If so, how has the company responded to such complaints?
5. What policies does Meituan have in place to combat gender stereotyping within the company?



# “Only Men Need Apply”

## Gender Discrimination in Job Advertisements in China

The Chinese government claims that it is committed to gender equality do not stand up to scrutiny. Women make up a smaller proportion of the labor force now than they did 10 years ago, and the gender gaps in labor force participation and pay equality are also increasing.

Discrimination in hiring—a phenomenon on public display in employment recruiting advertisements—is an important reason for the gender gap. “Only Men Need Apply” analyzes over 36,000 job advertisements posted between 2013 and 2018 on Chinese government and private sector recruitment websites, and on social media platforms. Many of the ads specify a requirement or preference for men. Some job posts require women to have certain physical attributes – with respect to height, weight, voice, or facial appearance – that are irrelevant to job duties. Others use the physical attributes of their company’s current female employees to attract male applicants. The report highlights gender discriminatory and sexually objectifying job ads published by several Chinese technology giants.

Human Rights Watch calls for the Chinese government and private Chinese companies to end their use of gender discriminatory job ads and for Chinese authorities to enforce legal prohibitions against gender discrimination in employment and in advertising.

*(above) A female jobseeker checks company information at a job fair in Wuhan, Hubei province, China.*

*March 2009.*

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