



# A Comparative Study of Working Women Protection between China and Europe: A Legal Perspective

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# Background

- ❖ female labour force participation increase + a distinct gap between the regulatory regimes at the international and the domestic levels
- ❖ enhanced by different legal effects in implementation between international standards and domestic legislations
- ❖ A systemic research relating China's female labour protection is absent



# Thesis

- Based upon data and resources from China, the legal framework is placed down in relation with Chinese women workers' protection
- A summary of stipulated provisions relating women workers in China
- A proposal is made to further advance protection and remedy
- Key Words: legal framework & institutions building

# Female Labour Force Participation



- A general increase of FLP in OECD in the 1980s and the 1990s

*Inequity: the trend started earlier in Nordic countries and the US*

- Contribution Factors: Education, Market Conditions, Cultural Attitudes, Policy Support ( timing flexibility, child benefits, taxation preferences, parental care, etc. )

# China's Reform

- ❑ Due to lasting political campaigns, the data is lack of FLP between 1949 and the second half of 1970s;
- ❑ Since 1978, FLP has increased dramatically;  
*67% FLP/Female Population ages 15+ (World Bank)*
- ❑ During the restructuring adjustment in ownership and corporate governance since 1994, women were more vulnerable than men in the job market.

# Theory

- Legal Resources

Domestic system: legislation, usage in practice

International Laws, Treaties & Standards

? Relationship between domestic and international rules

- Legal Framework: objectives, instruments, institutions and remedies

# Provisions in General

- Human Rights about fair and equity
- Physical characteristics: legislative base?
- Labour intensity
- Birthing-based Rights:

pre-, during-, & post-

# International Standards Applied to China

- ◆ Direct application when conflicts with domestic rules
  - UN Convention on Contracts for the International Sale of Goods
- ◆ Transplant international laws by domestic legislation
- ◆ Special provisions relating the application of international laws

1992 Women Protection





# Domestic Legislation

- Labour law, women rights protection
- Regulation of Working Women Protection

the State Council

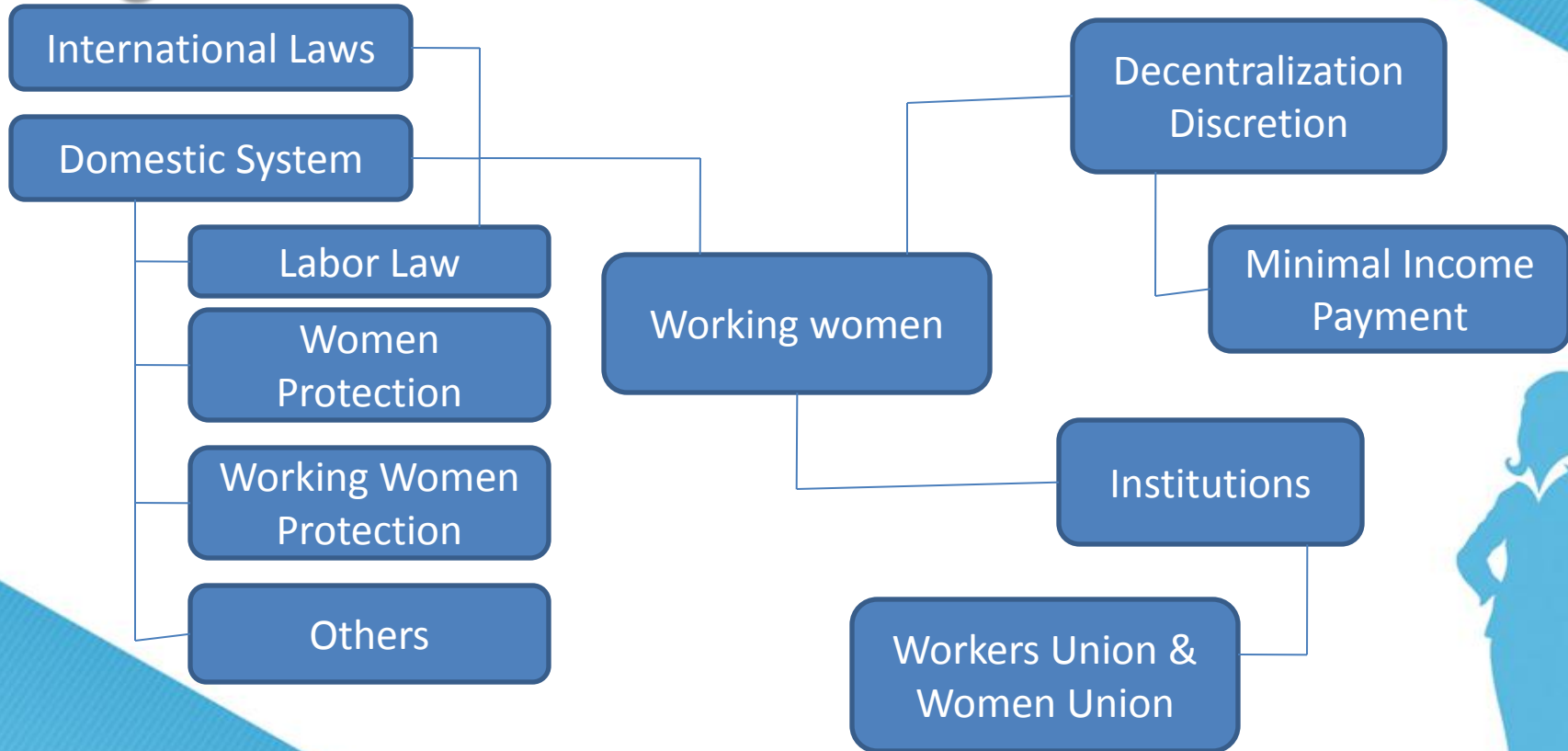
general provisions

discretion at the provisional level

- Others: labour contract law, labour union law, company law



# Legal Framework



# Problems

- Common Difficulties

Pragmatic Legal Framework

Drawbacks in Legislation Competence

Malfunction in Implementation

- Regional Variations: labour market diversification in ownerships, locations, corporate governance, sizes, etc.

# Proposal

- Legislation:  
Globalization Systemic & Up-to-date
- Case Law
- Remedies
- Institutions: NGOs





*Questions?*

*Thank you for your attention...*