

Protection with Discrimination? Rethinking China's Gender Equality Legislation in Employment

Weidong Zhang

Assistant Professor at the School of Government of Nanjing University

CONTENTS: 1. Introduction. – 2. The Evolution of the Legal Protection for Female Workers in China. – 2.1 The Planned Economy Era (1949-1978). – 2.2 The Socialist Market Economy Era (1978-present). – 3. The Current Legal Framework and Its Limitations. – 3.1 The Equal Protection. – 3.2 The Special Protection. – 3.3 The limitations. – 4. Towards a Unified Anti-Discrimination Law in Employment?. – 5. Conclusion.

Abstract: This paper examines the structural tensions within China's gender equality legislation in employment, with a focus on the dual-track legal framework that combines gender-neutral anti-discrimination norms with gender-specific protective measures. It first traces the evolution of legal protections for women workers from the state-led formal equality of the planned-economy era to the fragmented, rule-based governance of the socialist market economy. It then outlines the current legal framework and argues that, although China's regime formally promotes both formal and substantive equality, it continues to prioritise special protection in ways that reinforce gender stereotypes and perpetuate labour-market marginalisation. The paper further identifies key normative and institutional shortcomings – such as definitional ambiguity, weak enforcement, and institutionalised sexism – and proposes a reform pathway based on unified legal definitions, the principle of reasonable accommodation, punitive damages, and multi-level support mechanisms. In doing so, it contributes to the theoretical and policy discourse on reconciling protection with equality, offering a conceptual framework for constructing a more coherent and context-sensitive anti-discrimination regime in China's labour market.

Keywords: Gender Equality – Legislation – Employment – China.

1. Introduction

In contemporary legal discourse, it is widely acknowledged that the pursuit of both formal and substantive equality constitutes a foundational principle in the design of gender equality legislation. Formal equality requires that men and women be accorded the same

legal status and rights, whereas substantive equality recognises structural disparities and mandates targeted legal interventions to achieve genuine parity in opportunities and outcomes¹. Globally, most jurisdictions adopt a dual-track approach to gender equality in employment. One is the gender-neutral provisions that prohibit sex-based discrimination and affirm equal employment rights. The other is targeted protective measures, such as maternity leave and accommodations for breastfeeding, which address biological and social realities influencing women's participation in the workforce.

China is not an exception. Since the establishment of the People's Republic of China in October 1949, gender equality – often framed as the “liberation of women” – has occupied a central place in the official ideology of the Chinese Communist Party (CCP)². Over the course of time, a dual-track legal framework for women's labour protection has gradually taken shape³. On the one hand, gender-neutral and anti-discrimination legislation prohibits differential treatment in employment based on sex. On the other hand, special protective provisions offer additional safeguards during menstruation, pregnancy, childbirth, and lactation.

However, this dual-track system reveals a persistent structural imbalance within China's legal regime. While special protections are numerous and specific, gender-neutral anti-discrimination norms are often vaguely articulated, narrow in scope, and weakly enforced. In practice, protections based on biological sex may inadvertently legitimise exclusionary practices by employers, reinforcing occupational stereotypes and contributing to the marginalisation of women in the labour market. Paradoxically, protective legislation intended to promote equality may operate as a mechanism of differential treatment, blurring the boundary between protection and discrimination.

This paper thus explores three interrelated research questions:

- I. Why has China's legal framework tended to prioritise special protection over equal treatment in addressing gender-based employment discrimination?
- II. What are the structural and institutional weaknesses embedded in the current legal framework for addressing gender-based employment discrimination?
- III. How can legal reform reconcile formal and substantive equality to establish an effective governance model for combating gender-based discrimination in employment?

¹ ZHOU, *Legal Protection of Female Workers' Rights and Interests*, Peking University Press, 2021, 69.

² YE, YAN T., *Three Stages of Development for Gender Equality Law in the Chinese Workplace*, in NEAL (ed. by) *Cross-Currents in Modern Chinese Labour Law*, Wolters Kluwer, 2014, 74.

³ It is worth noting that, in China's legal system, the terms “equality between men and women” and “gender equality” are often used interchangeably. However, formal legislation predominantly adopts the term “equality between men and women,” whereas “gender equality” is more commonly found in policy documents and administrative texts. While the two concepts are largely synonymous in everyday usage, a more precise distinction suggests that “gender equality” encompasses a broader range of identities, including gender minorities beyond the binary of male and female. Nonetheless, in the Chinese legal and policy context, the notion of gender equality remains primarily focused on achieving parity between men and women.

To answer these questions, Section 2 traces the historical evolution of legal protection for female workers in China, revealing the institutional logic underpinning the current framework. Section 3 assesses the existing legal framework, with particular emphasis on the internal tensions between equality guarantees and special protective measures. Section 4 proposes legal and policy reforms to build a more coherent and effective anti-discrimination regime. Through this analysis, the chapter aims to provide a conceptual foundation for addressing the intertwined dilemmas of protection and discrimination, contributing to the broader pursuit of gender justice under China's labour law.

2. The Evolution of the Legal Protection for Female Workers in China

The evolution of legal protections for female workers in China closely mirrors the country's broader transformation in political economy, shifting from a state-led model of formal equality under the planned economy to a progressively decentralised and legally institutionalised framework under market-oriented reforms. This historical trajectory can be broadly divided into two distinct phases.⁴ The first phase (1949–1978) was characterised by centrally planned labour allocation and extensive state-led mobilisation campaigns that aimed to integrate women into productive work as part of the socialist nation-building project. The second phase, initiated with the 1978 economic reforms and formalised by the 1992 endorsement of the socialist market economy, marked a gradual transition from ideological mobilisation to rights-based legal governance, reflecting the increasing role of law in regulating gender relations within the labour market.

2.1. The Planned Economy Era (1949–1978)

By the time the Chinese Communist Party (CCP) came to power in 1949, the concept of “liberation of women” had become an integral component of the new socialist vision of social transformation. This ideological commitment was institutionalised in the 1954 Constitution, adopted by the National People's Congress (NPC), which explicitly stipulated that “women shall enjoy equal rights with men in all aspects of political, economic, cultural, social, and family life”⁵, thereby establishing a constitutional basis for gender equality in China.

By the end of 1956, China's socialist transformation had been largely completed. The state established a system of public ownership and adopted the distributive principle of

⁴ While scholars continue to debate the precise periodisation of this evolution, this paper adopts a two-phase framework for analytical clarity, acknowledging, however, that some researchers have proposed a three-stage model. See YE, YAN T., *Three Stages of Development for Gender Equality Law in the Chinese Workplace*, op. cit.

⁵ Article 96 of the 1954 Constitution.

“to each according to their work”⁶. Labour was allocated through a centrally administered mechanism of “unified recruitment and placement,” under which “work units (danwei)”⁷ received state-assigned employees and had no discretion in hiring or dismissal. Once assigned, workers were granted permanent employment status, enjoying lifetime job security and stable welfare benefits. Women were incorporated into this structure as full participants in the socialist workforce, mobilised through state campaigns such as “Women Hold Up Half the Sky”⁸. Many work units also provided childcare facilities, such as nurseries and kindergartens, to reconcile women’s productive and reproductive responsibilities within the collective labour model.

Although gender-based economic dependency was significantly reduced during the planned economy era, structural inequalities persisted. The legal framework failed to differentiate between biological sex and socially constructed gender roles, treating women and men as functionally interchangeable labourers. For example, in rural areas, wage disparities persisted: under the work-point system, male workers typically earned ten points per day, while female workers received only six to eight for comparable work, reflecting enduring perceptions of women’s labour as secondary or supplementary⁹.

In addition, labour protections for women during this period were limited and paternalistic, focusing narrowly on physiological needs. For example, the 1951 Labour Insurance Regulations introduced maternity leave and childbirth-related benefits, but these measures framed women as vulnerable dependents rather than as rights-bearing individuals¹⁰.

Moreover, labour was constitutionally defined not only as a right but also as a civic obligation¹¹. Women’s employment was thus viewed less as an exercise of personal autonomy and more as a state-directed contribution to collective socialist production. The state-sponsored women’s movement prioritised political mobilisation over legal empowerment, expanding participation without nurturing individual legal awareness or mechanisms for rights-based protection. Despite the formal equality achieved in labour participation, the

⁶ YAN D., *In Search of Chinese “Labour Law”*, in NEAL (ed. by), *Cross-Currents in Modern Chinese Labour Law* Wolters Kluwer, 2014, 44-45.

⁷ The term “work units” refers to “danwei” in Chinese, which was an outcome of the planned economy in China. As pointed out by Cooney et al., “An urban resident would be assigned to a danwei after completing school or university with the expectation that they would be there for life. The assignment could be to a work unit concerned with production, non-profit activities, such as health education and cultural service, or administration”. As commented by Naughton, ‘the danwei was a microcosm of urban society, into which individuals were born and in which they lived, worked and died.’ See: COONEY ET AL., *Law and Fair Work in China*, Routledge, 2013, 23-32; NAUGHTON, *The Chinese Economy: Transitions and Growth*, The MIT Press, 2007, 118.

⁸ See YE, YAN T., *Three Stages of Development for Gender Equality Law in the Chinese Workplace*, op. cit.

⁹ LI, *Marx’s Theory of Distribution According to Work and Its Development in Contemporary China*, Higher Education Press, 2003, 107.

¹⁰ ZHOU, *Legal Protection of Female Workers’ Rights and Interests*, op. cit., 71.

¹¹ Article 91 of the 1954 Constitution.

absence of legal instruments addressing employment discrimination revealed the predominance of policy-driven over rights-based governance.

Altogether, it can be found that the planned economy era achieved *de facto* equality in employment access through administrative allocation and state welfare, but it failed to respond to women's differentiated needs or to construct a legal regime for combating discrimination. Gender equality was sustained largely through ideological mobilisation rather than enforceable legal norms. The lack of anti-discrimination legislation during this period laid the structural groundwork for the re-emergence of gender inequality under subsequent market-oriented reforms.

2.2 The Socialist Market Economy Era (1978-present)

China's transition to a market economy began in 1978 with the launch of economic reforms. A pivotal moment came in 1992 when the 14th National Congress of the CCP formally endorsed the establishment of a socialist market economy. This decision marked a fundamental shift in the governance of labour relations, that is, employers acquired greater autonomy in recruitment and management, while workers were transformed from state-assigned personnel into participants in a competitive labour market. As market mechanisms increasingly shaped employment relations, the structural vulnerabilities of female workers became more visible.

In a labour market environment driven by efficiency and cost control, women's reproductive roles – particularly the anticipated costs associated with marriage, maternity, and caregiving – were frequently perceived by employers as potential economic burdens. Consequently, discriminatory hiring practices, promotion ceilings, and exclusionary policies became widespread, albeit often subtle and indirect. New patterns of inequality also emerged, including the so-called “motherhood penalty”, gendered occupational segregation, and the concentration of women in precarious or informal employment¹².

To address these evolving challenges, the state gradually incorporated gender equality principles into labour legislation. Several landmark statutes introduced explicit anti-discrimination and protective provisions. The 1992 Law on the Protection of Women's Rights and Interests was the first to affirm women's equal right to employment and establish specific protections relating to maternity and breastfeeding. The 1994 Labour Law dedicated an entire chapter to female labour protection and explicitly prohibited gender-based discrimination in employment. The 2007 Employment Promotion Law further institutionalised these principles by adopting “non-discrimination in employment” as a core legislative objective and prohibiting gender-based restrictions during recruitment.

These legislative developments marked a transition from administratively mandated formal equality to a more institutionalised, rule-based framework of legal regulation. Nonetheless,

¹² SUN, *Evidence from China's gender equality legislation: is responsive law reform always feasible?*, in *Labor History*, 2025, 5, 5.

persistent tensions remain within the dual-track legal structure. On the one hand, gender-neutral provisions aim to advance formal equality by prohibiting direct discrimination. On the other hand, a wide range of gender-specific protective measures – grounded in women’s biological and reproductive functions – remain deeply embedded in law. These include maternity leave entitlements, breastfeeding accommodations, prohibitions on hazardous work, and differentiated retirement ages. The coexistence of these two legal logics has generated both practical contradictions and normative dilemmas.

3. The Current Legal Framework and Its Limitations

The current legal framework for protecting women’s labour rights in China consists of two main components: gender-neutral anti-discrimination provisions and gender-specific protective measures. The former is primarily reflected in the Constitution, the Labour Law, and the Employment Promotion Law, which collectively prohibit gender-based discrimination in employment and affirm the equal right of men and women to work. The latter includes the Law on the Protection of Women’s Rights and Interests and the Special Provisions on Labour Protection for Female Employees, which establish differentiated protections relating to maternity, restrictions on hazardous work, and early retirement. Notably, the 2022 amendment to the Law on the Protection of Women’s Rights and Interests introduced explicit obligations for employers to prevent workplace sexual harassment and expanded governmental duties in promoting gender equality, signifying a move toward a more systematic legislative approach.

3.1. The Equal Protection

Within the gender-neutral branch of China’s labour law system, three interrelated legal principles – summarised by Yan as “non-inquiry,” “non-consideration,” and “accountability” – form the cornerstone of the procedural framework for equality in employment.¹³ These principles collectively aim to prevent employers from engaging in discriminatory practices throughout the processes of recruitment, hiring, and evaluation, thereby institutionalising procedural fairness in the labour market.

First, the “non-inquiry” principle restricts employers from obtaining information that could facilitate discriminatory decisions. According to Article 8 of the Labour Contract Law, employers may only request information directly related to the employment contract, which explicitly excludes marital and reproductive status. Courts have further clarified that female applicants’ non-disclosure of such information does not constitute fraud, and employers cannot invoke it as grounds for contract termination. This principle thus seeks

¹³ YAN T., *Algorithmic Discrimination in Women’s Employment: Origins, Challenges and Countermeasures*, in *Journal of Chinese Women’s Studies*, 2021, 167, 67.

to prevent discrimination at its informational source by limiting access to gender-related personal data.

Second, the “non-consideration” principle ensures that gender does not influence decision-making in recruitment and employment. Even when gender-related information becomes known, employers are legally prohibited from using it as a factor in hiring or promotion. Article 13 of the Labour Law forbids discriminatory treatment based on sex, and Article 27 of the Employment Promotion Law explicitly prohibits clauses in employment contracts that restrict marriage or childbirth. These provisions collectively reinforce procedural neutrality by ensuring that personnel decisions are based on merit rather than gender.

Third, the “accountability” principle establishes remedial and punitive mechanisms to address violations of equal employment rights. Article 62 of the Employment Promotion Law entitles workers to bring lawsuits in cases of employment discrimination, typically classified as “disputes over the right to equal employment.” In addition, Article 43 of the Interim Regulations on the Human Resources Market provides for administrative and civil penalties against employers who issue discriminatory job advertisements, while Article 57 of the Advertising Law imposes fines on advertisers, agents, and publishers who disseminate such content. Together, these provisions form an integrated liability framework designed to deter discriminatory conduct and ensure post-violation accountability.

Collectively, these three principles constitute the procedural foundation of China's legal defence against gender-based discrimination in employment.¹⁴ However, their practical efficacy remains limited due to evidentiary challenges, the high cost of litigation, and the insufficient enforcement capacity of relevant administrative bodies. These constraints highlight the need for further legislative refinement, stronger institutional coordination, and more accessible judicial remedies to transform procedural equality from a formal commitment into an enforceable right.

3.2. The Special Protection

In addition to gender-neutral anti-discrimination norms, China's labour legislation also incorporates a range of gender-specific provisions intended to address women's physiological and reproductive characteristics. Although these measures are designed to promote substantive equality, they have often created structural tensions between protection and equal treatment, revealing the difficulty of balancing biological differentiation with legal neutrality.

First, differential retirement ages. According to the 1978 Provisional Measures on the Retirement of Workers and subsequent implementing regulations, female cadres retire at 55 and female workers at 50 – both earlier than men. While this rule was originally conceived as a form of “special care,” it has increasingly become a structural impediment to women's

¹⁴ YAN T., *ibidem*.

career advancement, income continuity, and pension accumulation. By limiting women's total years in service and reducing their opportunities for promotion, the policy effectively reinforces gendered hierarchies in employment.

Second, occupational restrictions. The 2012 Special Provisions on Labour Protection for Female Employees and the 1990 Provisions on the Scope of Work Prohibited for Female Employees restrict women during menstruation, pregnancy, and lactation from performing high-intensity or hazardous tasks, such as working at heights, in cold water, or involving heavy physical exertion. While these restrictions were justified on grounds of health and safety, their overly broad and inflexible design has contributed to occupational segregation, excluding women from high-skilled and high-income sectors and reinforcing the perception that women are less capable of handling physically or technically demanding roles.

Third, localised protections for menstruation and menopause. Some regions have expanded protective measures beyond the national framework. For instance, the Shanxi Regulations on Labour Protection for Female Workers include menopause-related provisions requiring adjustments in workload or job assignment. Similarly, menstruation-related protections, such as rest rights and prohibitions on cold-water tasks, have been codified in local laws. While these rules reflect a humanitarian concern for women's health, they risk reinforcing stereotypes of women as fragile or unreliable workers, which may in turn discourage employers from hiring or promoting women.

Fourth, prevention of workplace sexual harassment. Article 9 of the Special Provisions on Labour Protection for Female Employees imposes a legal duty on employers to prevent and curb sexual harassment, marking the first explicit incorporation of anti-harassment obligations into China's labour law framework. This provision represents an important step toward integrating workplace dignity and gender equality into the legal structure, bringing domestic law closer to international labour standards.

Overall, while these gender-specific protection norms embody the principle of substantive equality, their practical implementation often lacks empirical grounding and institutional coherence. In practice, such rules are sometimes invoked by employers as ostensibly lawful grounds for excluding women from particular positions or responsibilities, thereby transforming protective measures into mechanisms of exclusion. This paradox highlights the need for a systematic reassessment of protective labour laws through the lens of equality jurisprudence, ensuring that the aim of safeguarding women does not inadvertently perpetuate structural discrimination.

3.3. The limitations

Despite significant legislative progress and the establishment of a relatively comprehensive framework that combines general equality norms with gender-specific protections, China's current legal regime for addressing gender-based employment discrimination continues to face deep-seated and systemic challenges. These include conceptual ambiguities, normative gaps, weak enforcement mechanisms, and entrenched institutional biases, all of

which undermine the practical effectiveness of legal protections and perpetuate structural inequality.

First, the absence of a unified legal definition of gender discrimination. Neither the Employment Promotion Law nor the Law on the Protection of Women's Rights and Interests provides a clear or operational definition of "gender discrimination." This legislative vagueness has led to inconsistent judicial interpretation and unpredictable enforcement outcomes, thereby weakening the normative clarity and authority of anti-discrimination law.

Second, the limited recognition of discrimination types. Current legislation fails to fully address indirect and systemic forms of discrimination, which may arise from facially neutral rules that produce disproportionate effects on women. The absence of detailed evidentiary standards, definitional criteria, and burden-shifting rules significantly limits access to effective remedies and discourages victims from pursuing claims. A more refined legal taxonomy – encompassing both direct and indirect discrimination – would enhance judicial operability and promote substantive equality in practice.

Third, institutionalised sexism embedded within protective provisions. Many existing norms continue to allocate rights and obligations on the basis of biological sex, reinforcing gender hierarchies rather than dismantling them. The persistence of gender-specific retirement ages and restrictive occupational classifications – though originally justified as protective – now functions as a structural barrier to women's upward mobility and labour market participation. This paradox illustrates how protective measures, in the absence of continuous normative review, may evolve into mechanisms of exclusion.

Fourth, the underdeveloped liability framework and the absence of punitive remedies. While Article 62 of the Employment Promotion Law allows individuals to initiate litigation, the statute lacks specific standards for compensation, punitive damages, or collective redress. The absence of group litigation and public interest mechanisms has further limited accountability for systemic discrimination. By contrast, many comparative jurisdictions have introduced graduated liability systems, combining economic, moral, and punitive sanctions to strengthen deterrence and ensure compliance.

To move forward, a coherent and enforceable rights-based regime must be established – one capable of addressing both persistent and evolving manifestations of gender inequality in the labour market through doctrinal precision, institutional accountability, and judicial accessibility.

4. Towards a Unified Anti-Discrimination Law in Employment?

As China continues its transition toward a market-oriented economy, gender-based employment discrimination has evolved into more subtle and complex forms, revealing structural deficiencies in the current legal framework. To address these challenges and promote

a more substantive and inclusive model of equality, future legislative reforms must adopt a multidimensional strategy encompassing conceptual clarification, normative restructuring, and institutional innovation.

First, the establishment of a unified legal definition and classification of gender discrimination. A coherent anti-discrimination regime must begin with a precise and operational legal definition, which is currently lacking in both the Employment Promotion Law and the Law on the Protection of Women's Rights and Interests. Future legislation should draw inspiration from international instruments such as ILO Convention No. 111 and the EU Equal Treatment Directive, while adapting these principles to China's specific socio-legal environment. A comprehensive classification should include: direct discrimination; indirect discrimination; sexual harassment; and retaliation. Clarifying these categories would enhance judicial consistency, improve evidentiary standards, and expand the scope of effective legal remedies.

Second, reframing gender-specific protections through the principle of reasonable accommodation. Many existing protective provisions are grounded in essentialist understandings of gender differences, which inadvertently reinforce stereotypes and restrict women's participation in the labour market. A future reform agenda should replace rigid categorical protections with a context-sensitive, needs-based approach – for example, temporary work adjustments during pregnancy or flexible working arrangements during lactation – so long as they do not impose disproportionate burdens on employers. Simultaneously, the gradual harmonisation of retirement ages for men and women should be advanced to eliminate systemic barriers to professional advancement and pension equity.

Third, strengthening accountability mechanisms through punitive remedies and specialised enforcement bodies. Effective enforcement requires robust liability systems and independent oversight. Future legislation should incorporate: a) punitive damages that including compensatory payments, emotional distress awards, and monetary penalties for serious violations; b) an independent anti-discrimination agency, separate from general labour inspection authorities, authorised to investigate complaints, initiate public interest actions, and conduct equality compliance reviews; c) burden-shifting and collective actions, enabling the transfer of evidentiary responsibility to employers once *prima facie* discrimination is shown, and allowing collective litigation to address structural or systemic discrimination efficiently.

Fourth, integrating legal reform with social and institutional support systems. Legal guarantees alone cannot achieve genuine equality without corresponding social infrastructure. A comprehensive governance framework should include: a) universal childcare and early education services to reduce the career penalties associated with motherhood; b) gender-neutral parental leave policies that distribute caregiving responsibilities more equitably among men and women; c) enhanced regulatory oversight of emerging employment practices to prevent the reproduction of gender bias in recruitment and workplace management.

Ultimately, the realisation of gender equality in employment requires concerted efforts by the state, enterprises, and civil society to construct a sustainable and enforceable frame-

work for preventing, regulating, and remedying gender discrimination. Only through such a multidimensional, rights-based approach can the tension between protection and equality be effectively reconciled, allowing labour law to function as both a safeguard of dignity and a guarantor of justice in the workplace.

5. Conclusion

China's gender equality legislation in employment reflects a complex and evolving effort to reconcile the demands of formal equality with those of substantive protection. The current dual-track legal framework – merging gender-neutral anti-discrimination provisions with gender-specific protective measures – emerged from a particular historical and ideological context. While this model has played a vital role in facilitating broad female labour force participation and securing basic legal entitlements, it also harbours structural contradictions that increasingly impede women's full and equal integration into the labour market. As this paper has demonstrated, the legal system's continued reliance on biologically grounded protective norms – such as differential retirement ages and broad prohibitions on certain forms of labour – has inadvertently reinforced gender stereotypes and created institutional barriers to women's advancement. Simultaneously, the vague articulation and limited enforceability of anti-discrimination provisions have constrained the legal response to more subtle, systemic forms of inequality. These tensions reveal a deeper misalignment between legal doctrine and the lived realities of women in China's rapidly evolving economy.

Addressing these challenges requires a transition toward a rights-based paradigm of gender equality in employment. Protection should no longer function as a rationale for exclusion but be reconceptualised as a means of genuine inclusion. This transformation begins with the adoption of a unified and operational legal definition of gender discrimination, harmonised with international standards yet attuned to China's institutional and cultural context. The principle of reasonable accommodation should replace rigid categorical protection, enabling context-sensitive responses to individual circumstances while advancing equality of opportunity. Concurrently, the establishment of robust enforcement mechanisms – such as punitive damages, independent equality bodies, and collective litigation procedures – is vital to converting formal guarantees into effective rights.

However, legal reform alone cannot achieve substantive equality. A comprehensive social infrastructure must accompany legislative transformation. Universal childcare and early education services, together with gender-neutral and equitable parental leave policies, are essential to redistributing care responsibilities and mitigating the so-called “motherhood penalty.” Together, these reforms can establish a holistic and integrated framework for tackling gender-based employment discrimination.

In conclusion, reconciling protective regulation with the principle of non-discrimination is not merely a question of legislative technique but a normative commitment to equality and justice. The way forward lies in reconfiguring China's gender equality framework to

reflect contemporary social dynamics and global human rights standards. Only then can the law function not as a vehicle of paternalism or exclusion, but as a genuine instrument of empowerment and equality for women in the world of work.