

## Committee on the Application of Standards

Date: 22 May 2023

**Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 22 May 2023.**

### ► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

#### China (ratification: 2006)

##### Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Government has provided the following written information.

The Chinese Government has taken note of the observations made in the report by the Committee of Experts regarding China's implementation of the Convention. The Ministry of Human Resources and Social Security (MOHRSS) attaches great importance to them and has conducted studies in conjunction with relevant departments, local authorities and social partners. The following is an update on the situation.

##### Earnestly carrying out the follow-up work on the Committee's conclusions

As requested by the Committee, the Government submitted to the Committee of Experts a report on the application of the Convention in China's law and practice on 1 September 2022, and responded to the deliberation conclusions of the 110th Session of the International Labour Conference.

On 22 November 2022, the Chinese Government, trade unions, and employers' organizations jointly held a virtual technical meeting on Convention No. 111 with the International Labour Office. The Government provided detailed information on the measures taken since the 110th Session of the International Labour Conference and further elaborated on China's policy for, and specific practices in, labour-service cooperation. It was pointed out that labour-service cooperation mainly aims to strengthen cooperation between the labour force sending and receiving areas in job information, vocational training, compensation plans and benefits, and labour rights protection. China's practice has proven that such labour-service cooperation can facilitate the matching of supply with demand in the labour market and the protection of workers' rights and interests. During the meeting, the Chinese Government invited officials from the Office to visit China in due time in 2023, and to visit and see more places in Xinjiang Uyghur Autonomous Region.

During the 347th Session of the Governing Body in March 2023, the representative of the Chinese Government communicated with the Office regarding follow-up work on the conclusions. In April, the Chinese Government held a videoconference with the Office, once again inviting officials to visit China for a technical meeting on follow-up work.

In May 2023, the Chinese Government, trade unions, and employers' organizations conducted on-site field visits in Xinjiang. Focusing on the comments made by the Committee of Experts, they held multiple discussions, visited enterprises, and communicated with local workers, with a view to gaining an in-depth understanding of how the Convention has been implemented in the local area. They learned that Xinjiang has taken a series of measures to promote equal employment for all ethnic groups, which have achieved positive results. Enterprises and trade unions in Xinjiang were deeply dissatisfied with the conclusions drawn from last year's discussion, saying that the relevant provisions on deradicalization in local regulations are universally applicable, and that as responsible members of society, they assist the Government in relevant work, with the aim of helping to build and maintain a peaceful and stable working environment and promoting equal employment rights for workers of all ethnic groups. They hoped that the Committee of Experts could acquire a complete, accurate and comprehensive understanding of the situation and give a fair assessment.

### **Taking new measures to promote equal employment**

#### **1. Further strengthening protection of the rights and interests of workers in new forms of employment**

In 2021, in order to better protect workers without formal labour relations, the MOHRSS, together with other relevant departments, jointly issued the Guidance on Safeguarding the Rights and Interests of Workers in New Forms of Employment, which clarifies that workers in new forms of employment should be included in the minimum wage and payment guarantee system, and urges enterprises to establish reasonable time-off mechanisms, and pay reasonable premium remuneration for work on statutory holidays according to regulations.

#### **2. Strengthening the regulation of the human resources market**

In 2022, the MOHRSS issued the Notice on Better Implementing the Notification and Compliance Commitment Mechanism for Human Resources Service Licensing, standardizing the work process, strengthening credit supervision, and enabling market entities. The MOHRSS also jointly issued with other departments the Opinions on Strengthening the Fostering of the Gig Economy Market and Improving Employment Services, which aims to strengthen information services, strictly crack down on illegal agencies and the dissemination of false recruitment information, and safeguard the equal employment rights of workers. Recently, the Chinese Government has further intensified its efforts to crack down on illegal business activities and the publication of discriminatory recruitment information in accordance with the law.

#### **3. Guiding employers to improve the special labour protection system for female workers and the system for eliminating sexual harassment in workplace**

In March 2023, the MOHRSS, together with the National Health Commission, the Supreme People's Procuratorate, the All-China Federation of Trade Unions, the China Enterprise Confederation, and the All-China Federation of Industry and Commerce jointly issued the Special Labour Protection System for Female Workers in the Workplace (Reference Text) and the System for Eliminating Workplace Sexual Harassment (Reference Text). These texts specify

the core contents concerning the protection of female workers in the workplace, including labour and employment protection, wage and benefits protection, occupational safety and health, etc. They also define sexual harassment and its main manifestations as well as the employees' reporting, complaint, investigation and penalty procedures. These two reference texts provide specific and standardized operational guidelines for employers to better protect the legitimate rights and interests of female workers.

#### 4. Continuously fostering of harmonious labour relations

In January 2023, the MOHRSS, the All-China Federation of Trade Unions, the China Enterprise Confederation, and the All-China Federation of Industry and Commerce jointly issued the Opinions on Promoting the Creation of Harmonious Labour Relations in the New Era. The document calls for the protection of workers' basic rights and interests, such as labour compensation, rest and vacations, occupational safety and health, social insurance, and vocational skills training, in accordance with the law. It also emphasizes the establishment of mechanisms for collective consultation on wages and regular wage increase, strengthening labour protection, and improving working conditions. By fostering exemplars of harmonious labour relations and letting role models become inspiration for others, the Chinese Government encourages enterprises to effectively safeguard the rights and interests of workers.

### All ethnic groups in Xinjiang Uyghur Autonomous Region enjoying equal employment and occupational rights

Like other regions in China, the Xinjiang Uyghur Autonomous Region upholds a people-centred development philosophy, continuously follows the employment-first strategy and actively promotes fair employment. It attaches great importance to and earnestly ensures the employment rights of people of all ethnic groups.

#### 1. Ensuring equal employment for all ethnic groups

- Employment policies have been improved. In recent years, within the national unified legal and policy framework, Xinjiang has formulated a number of policy documents such as the Measures of the Xinjiang Uyghur Autonomous Region for the Implementation of the Employment Promotion Law of the People's Republic of China, which stipulates the equal employment rights of workers, equality in employment and occupation and rights to equal treatment.
- Employment services have been strengthened. In recent years, Xinjiang has established a five-level public employment service system covering both urban and rural areas, providing basic public employment services such as employment and unemployment registration, vocational guidance and skills training free of charge to employers and workers, and promoting free movement of labour. Various online and offline employment service activities have been organized to maintain job posting density, help workers of all ethnic groups build platforms for matching labour supply with demand, and promote accurate supply and demand matchmaking.
- Employment support for key groups has been ensured. Firstly, focusing on rural high school graduates who are unemployed, Xinjiang is committed to developing market-based employment, works to foster employment locally and in nearby areas, and promotes the employment of rural workers. Secondly, Xinjiang increases assistance to key groups such as people having difficulty finding employment and zero-employment families, provides free

vocational training and employment services, and creates public welfare jobs. Thirdly, Xinjiang carries out employment assistance activities for groups such as women and people with disabilities, and encourages employers to recruit them.

## 2. Eliminating all forms of employment discrimination

In accordance with relevant national laws and regulations and local regulations such as the Measures of the Xinjiang Uyghur Autonomous Region for Implementing the Employment Promotion Law of the People's Republic of China, Xinjiang has always been committed to promoting equal employment opportunities and equal treatment for workers of all ethnic groups. Following the law-based principle of equally protecting citizens' rights, Xinjiang ensures that workers are not discriminated against because of their ethnicity, region, gender, religion, identity, etc. It strives to eliminate barriers that hinder equal employment for workers of all ethnic groups. In 2022, Xinjiang formulated a Notice on Further Improving the Management of Labour Recruitment and Job Information in the Human Resources Market (Xinrenshehan [2022] No. 229), which requires human resources service agencies of all kinds to strictly review recruitment information and prohibit the publication of any discriminatory content based on ethnicity, race, gender, religion and identity, when conducting virtual and face-to-face recruitment activities. Xinjiang also supports groups such as women and people with disabilities to find employment in different forms, for instance, getting self-employed, starting their own businesses, and seeking flexible employment. In 2022, 461,500 new jobs were created in urban areas, with women accounting for 210,000, or 45.5 per cent of the total.

## 3. Effectively protecting the rights and interests of workers of all ethnic groups

- Enterprises are encouraged to establish harmonious labour relations. Xinjiang has deepened the three-year action plan for improving labour relations and provided timely employment services to various types of enterprises in the region. The training of labour relationship coordinators and collective consultation counsellors has been strengthened. In 2022, five companies and one industrial park in Xinjiang were selected as national demonstration enterprises (industrial parks) for creating harmonious labour relations.
- Supervision over enforcement of labour legislation has been strengthened. Labour inspectorates at all levels in Xinjiang have continuously strengthened law enforcement efforts and thoroughly carried out regular inspections, complaint investigations, and written material reviews. Illegal practices by employers are corrected and punished in accordance with the law, effectively protecting the legitimate rights and interests of workers.
- The right of workers of all ethnic groups to rest and vacations is protected. Xinjiang strictly implements the working hour system stipulated by labour laws and regulations, guaranteeing workers' rights to statutory holidays such as weekends, the Spring Festival, the Mid-Autumn Festival, and paid annual leave in accordance with the law. Workers of all ethnic groups in Xinjiang enjoy four additional days of statutory holidays besides those of the national standard, including the Roza Festival (Eid al-Fitr) and the Corban Festival (Eid al-Adha).
- The right of workers of all ethnic groups to labour compensation is protected. Xinjiang has fully implemented the minimum wage system, timely adjusted the minimum wage standards, conducted wage surveys in enterprises, strengthened wage information guidance and services, and guided enterprises to reasonably determine and increase employees' wages based on their development. The system for ensuring timely and full

payment of wages has been improved, ensuring that workers receive their wages on time and in full.

- The right of workers of all ethnic groups to enrolment in social insurance is protected. Xinjiang has fully implemented the scheme of ensuring universal access to social insurance, actively promoted and guided key groups such as employees of micro, small and medium-sized enterprises, migrant workers, people in flexible employment, and people engaged in new forms of employment to participate in social insurance programmes, and strived to achieve full coverage of social insurance.

## Conclusion

For a long time, the Chinese Government and its social partners have worked closely together to promote decent work and strengthen the protection of workers' rights and interests. In implementing the Convention, the Government has jointly formed a synergy, achieving positive results in ensuring equal employment opportunities and equal treatment for workers. In particular, efforts have been intensified to assist disadvantaged groups such as people with disabilities and women in finding employment, which has been widely recognized by the international community. When reviewing China's implementation of the Convention on the Rights of Persons with Disabilities in 2022, the United Nations Committee on the Rights of Persons with Disabilities recognized China's achievements in the development of services for people with disabilities and its fulfilment of obligations. The United Nations Committee on the Elimination of Discrimination against Women has just reviewed China's implementation of the Convention on the Elimination of All Forms of Discrimination against Women and has highly praised China's achievements in the development of women's cause and the fulfilment of its obligations.

China is now pursuing its own path to modernization. Chinese modernization is the modernization of a huge population, of common prosperity for all, of material and cultural-ethical advancement, of harmony between humanity and nature and of peaceful development. In this process, China upholds the principle that development is for the people and by the people, and that its fruits should be shared among the people. The human resources and social security endeavour has achieved a series of new accomplishments, playing an important role in advancing China's modernization and making outstanding contributions to the realization of the United Nations' 2030 Sustainable Development Goals. This also brings new options for international labour governance.