

iGlobal Law Annual Alert 2023 : China Mainland

Legal Change	Effective Date	Action required
<p>Implementation of the amended <i>Trade Union Law</i></p> <p>The amended <i>Trade Union Law</i> went into effect on January 1st 2022.</p> <p>According to the amended <i>Trade Union Law</i>, those workers of social organizations shall also have the right to legally join and organize trade unions, as well as the workers of enterprises, public institutions and government agencies.</p> <p>The amended <i>Trade Union Law</i> requires that, for those meetings held by the employer(s) to discuss matters concerning employees' wages, welfare benefits, work health and safety, working hours, rest and leave, female employee protection, social security and any other matter relating to the immediate interests of employees, such meetings must be participated in by trade union representatives.</p> <p>The administrative bodies and provincial legislatures are developing the law's implementation rules and local special regulations, which are expected to be published in 2023.</p>	<p>January 1st 2022</p>	<p>Employers should review their internal policies and implement the changes required by this law.</p>
<p>Implementation of the amended <i>Law on the Protection of Women's Rights and Interests</i></p> <p>The <i>Law on the Protection of Women's Rights and Interests</i> was amended on October 30th 2022 and the amended law will come into effect since and from January 1st 2023.</p> <p>The amended <i>Law on the Protection of Women's Rights and Interests</i> requires employers to take a variety of steps to prevent sexual harassment against female employees, such as developing company policies and procedures, appointing a special department or person in charge of this matter, conducting sexual harassment prevention education and training, establishing complaint channels for female employees, and so on.</p> <p>The amended <i>Law on the Protection of Women's Rights and Interests</i> generally prohibits employers to discriminate against women in the process of recruitment (employment). Such acts of refusing to recruit (employ) women on the grounds of gender or raising the standards for recruiting (employing) women in a differentiated manner are strictly forbidden, including limiting candidates to males or stipulating that males are preferred, making pregnancy test in the entry</p>	<p>January 1st 2023</p>	<p>Employers should review (and develop) their internal policies, especially their hiring process and anti-sexual harassment policies and procedures, and implement the changes required by this law.</p>

examination, making any restriction on marriage or childbirth, or the status of marriage and childbirth as a condition for recruitment (employment).

Gender discrimination will be subject to administrative oversight by the labour and social security departments, and any violation may result in administrative penalties. Furthermore, the procuratorate will have the authority to bring public interest litigation (class action) against violations of women's equal employment rights.

The amended *Law on the Protection of Women's Rights and Interests* also requires employers to provide female employees with regular gynaecological and breast examinations, as well as other health examinations.