

## **Appendix: Letters to Companies and the Ministry of Human Resources and Social Security**

The following pages include letters Human Rights Watch sent between May 11, 2021 and May 12, 2021 to companies mentioned in our reporting, as well as the Ministry of Human Resources and Social Security. At time of writing, Human Rights Watch received no responses.

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May 11, 2021

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

### Re: Pregnancy-based Discrimination in Employment 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 pregnancy-based discrimination in employment in relation to the two-child policy in China. The report focuses on the extent to which the 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, ILO Violence and Harassment Convention (No.190) and Recommendation (No.206), and other international human rights instruments. The report discusses key Chinese legislation governing pregnancy-based discrimination at work as well as in job ads and duties, including The Law on the Protection of Women's Rights and Interests (妇女权益保障法), the Labor Law (劳动法), the Employment Promotion Law (就业促进法), and the Provisions on Employment Services and Employment Management (就业服务与就业管理规定).

Chinese government authorities played an important role during the tripartite treaty negotiations to strengthen protections against workplace

violence, discrimination, and harassment. We, therefore, hope that China can ratify ILO Convention 190 and implement it in letter and spirit in-country.

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the ministry in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 25, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 25, 2021, may be reflected in our forthcoming publications and press work.

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. By when will the Chinese government authorities ratify ILO. C. 190?
2. Does the Ministry of Human Resources and Social Security (MHRSS) or any local Human Resources and Social Security Bureaus (HRSSBs) across the country collect data on pregnancy-based discrimination, such as the number of complaints filed, bureaus' response rate, and percentages of companies that were fined for violating non-discrimination laws? If yes, please provide us with such data since the two-child policy came into effect. If not, why is this data not gathered?
3. What measures are available to ensure that HRSSBs proactively investigate companies that publish discriminatory job ads, discriminate against job applicants based on their pregnancy status, force employees to sign contracts promising no pregnancy, or punish employees for being pregnant?
4. What mechanisms are in place to ensure that HRSSB officials respond adequately and promptly to complaints pertaining to pregnancy-based discrimination in job advertising or in the workplace?
5. What mechanisms are available to ensure that the penalties to companies for pregnancy-based discrimination are proportionate to the severity of their violations?

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May 11, 2021

Chairman Zhao Mingliang  
China Railway Logistics  
No. 98, Zhangtai Road  
Heizhuanghu Township, Chaoyang District, Beijing  
People's Republic of China

### Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Zhao,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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, ILO Violence and Harassment Convention (No.190) and Recommendation (No.206), and other international human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found that in December 2016, China Railway Logistics cut three female employees' pay in half after two of them became pregnant and the third had just returned to work after maternity leave. After the three refused to agree to the new salaries, the company removed

their office equipment, revoked their company credentials, and later fired them.

The Law on the Protection of Women's Rights and Interests (妇女权益保障法) states, "No employer shall reduce the pay of female employees, dismiss them, or unilaterally terminate employment contracts or service agreements with them due to circumstances such as marriage, pregnancy (孕期), childbirth (产期) or nursing (哺乳期)." Both the Labor Law (劳动法) and Labor Contract Law (劳动合同法) prohibit the termination of labor contracts during female employees' "pregnancy, childbirth and nursing."

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 25, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 25, 2021, may be reflected in our forthcoming publications and press work. 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 China Railway Logistics confirm that in December 2016, when Lin Jianrong was on maternity leave, the company informed Lin that her labor contract was terminated due to the company's "extreme operational difficulties," even though the company was not experiencing business loss?
2. What steps has China Railway Logistics taken to comply with China's laws relevant to pregnancy-based discrimination in employment? Please provide copies of relevant workplace policies.
3. Have there been complaints filed to China Railway Logistics with regard to gender and pregnancy-based discrimination at the workplace? If so, how has the company responded to such complaints? Please provide a list of all complaints received in the last 2 years and summaries of how they were resolved.
4. Does the company have a union and a collective bargaining agreement? If yes, please provide a copy of the collective bargaining agreement.

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May 11, 2021

Dean Yu Bo

Shanghai Pudong Hospital

2800 Gongwei Road

Pudong New Area, Shanghai

People's Republic of China

### Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Yu,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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, ILO Violence and Harassment Convention (No.190) and Recommendation (No.206), and other international human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found that in a September 2020 ad for a clerk on the website of Shanghai Pudong Hospital, the hospital required applicants to be “men” or “married women with child(ren).” 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 well as other forms of advertising. For a published advertisement that violates the law, the advertised entity, the advertising agency, and



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the entity that publishes the advertisement can each be fined from 200,000 yuan to one million yuan (\$30,000 to \$150,000) and have their licenses suspended. The Interim Regulations on Human Resources Markets (人力资源市场暂行条例) stipulates that employers can be fined from 10,000 yuan to 50,000 yuan (\$1,500 to \$7,700) if they refuse to rectify publishing gender discriminatory recruitment ads.

In February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women's Federation, jointly issued a notice outlining specific measures for implementing existing laws that prohibit gender discrimination in employment. The regulation stipulates that employers are prohibited from inquiring about women's marriage and childrearing status during job interviews, requiring women to take pregnancy tests in the recruitment process, or conditioning employment on their not being pregnant. Employers and recruiters who publish gender discriminatory job ads can face fines of up to 50,000 yuan (\$7,700).

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the hospital in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 25, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 25, 2021, may be reflected in our forthcoming publications and press work. 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 Shanghai Pudong Hospital taken to comply with China's laws relevant to gender and pregnancy-based discrimination in employment and employment advertising?
2. What policies and procedures does Shanghai Pudong Hospital have to prevent discrimination and ensure equal treatment at work, including as part of the company's hiring processes? Please provide copies of relevant policies and procedures.
3. Have there been complaints filed to Shanghai Pudong Hospital with regard to gender and pregnancy-based discriminatory job ads the hospital published? If so, how has the hospital responded to such complaints? Please provide a list of all complaints received in the last 2 years and summaries of how they were resolved.
4. Does the hospital have a union and a collective bargaining agreement? If yes, please provide a copy of the collective bargaining agreement.

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Bruno Stagno Ugarte, *Chief Advocacy Officer*

May 12, 2021

Zhen Ronghui, CEO

51job

Building 3 No.1387, Zhang Dong Road,

Shanghai, 201203

People's Republic of China

### Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Zhen,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found job posts with discriminatory content on 51job's website. For example, an advertisement posted in September 2020 on 51job.com for an editor position at an online education company in Beijing said applicants who "already have children are preferred." Another September ad on the site for a manager position in a clothing company in Beijing said, "age between around 30 and 35, already have children, good looking and good disposition."

Chinese government documents concerning pregnancy-based discrimination routinely reference gender discrimination, acknowledging that domestic anti-gender discrimination laws should be applied to cases of pregnancy-based discrimination.

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 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 (\$30,000 to \$150,000) and have their licenses suspended. The Interim Regulations on Human Resources Markets (人力资源市场暂行条例) stipulates that employers can be fined from 10,000 yuan to 50,000 yuan (\$1,500 to \$7,700) if they refuse to rectify publishing gender discriminatory recruitment ads.

In February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women's Federation, jointly issued a notice outlining specific measures for implementing existing laws that prohibit gender discrimination in employment. The regulation stipulates that employers are prohibited from inquiring about women's marriage and childrearing status during job interviews, requiring women to take pregnancy tests in the recruitment process, or conditioning employment on their not being pregnant. Employers and recruiters who publish gender discriminatory job ads can face fines of up to 50,000 yuan (\$7,700).

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 26, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 25, 2021, may be reflected in our forthcoming publications and press work.

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 51job uses to examine advertisements to ensure they comply with China's Advertising Law and the Interim Regulations on Human Resources Markets.
2. What measures are in place to ensure that 51job does not publish pregnancy-based discriminatory job ads on your websites? Are there any penalties to employers who publish, or ask to publish, such ads?
3. What mechanisms are available for users of 51job's website to report discriminatory job ads?
4. What mechanisms are available to ensure that 51job responds in an adequate and timely manner to complaints pertaining to discriminatory job ads published on your website?
5. Is there data on complaints filed to 51job with regard to pregnancy-based discriminatory job ads, including the number of complaints filed, and 51job's response rate? Please provide us with such data since January 2016, when the two-child policy went into effect.

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Bruno Stagno Ugarte, *Chief Advocacy Officer*

May 12, 2021

Liu Jiling, Chief Executive Officer

Haluo Electronic Commerce Co., Ltd

No. 11, Xingzhen Road, Damiao Town,

Xuzhou Economic and Technological Development Zone

Jiangsu province, People's Republic of China

Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Liu,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their employment practices.

Our research has found that according to court documents, in April 2020, Haluo Electronic terminated the labor contract of Sha Meng after learning that she was pregnant, citing the company's poor business performance due to the pandemic.

The Law on the Protection of Women's Rights and Interests (妇女权益保障法) states, "No employer shall reduce the pay of female employees, dismiss them, or unilaterally terminate employment contracts or service agreements with them due to circumstances such as marriage,



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pregnancy (孕期), childbirth (产期) or nursing (哺乳期).” Both the Labor Law (劳动法) and Labor Contract Law (劳动合同法) prohibit the termination of labor contracts during female employees’ “pregnancy, childbirth and nursing.”

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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 Haluo Electronic confirm that in April 2020 Haluo Electronic terminated the labor contract of Sha Meng after learning that she was pregnant, citing the company's poor business performance due to the pandemic?
2. What steps has Haluo Electronic taken to comply with China's laws relevant to pregnancy-based discrimination in employment?

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Bruno Stagno Ugarte, *Chief Advocacy Officer*

May 12, 2021

Liu Fei, Editor in Chief

Ma'anshan Daily

No.1100 Hunan East Road, Huashan District

Ma'anshan City, Anhui Province

People's Republic of China

### Re: Pregnancy-based Discrimination in Employment in China

Dear Ms. Liu,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found that in a June 2020 advertisement for an accountant, *Ma'anshan Daily* required applicants to be between 30 and 45 years old, and, if the applicant was a woman, "be married with child(ren).

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 well as other forms of advertising. For a published advertisement that violates the law, the advertised entity, the

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advertising agency, and the entity that publishes the advertisement can each be fined from 200,000 yuan to one million yuan (\$30,000 to \$150,000) and have their licenses suspended. The Interim Regulations on Human Resources Markets (人力资源市场暂行条例) stipulates that employers can be fined from 10,000 yuan to 50,000 yuan (\$1,500 to \$7,700) if they refuse to rectify publishing gender discriminatory recruitment ads.

In February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women's Federation, jointly issued a notice outlining specific measures for implementing existing laws that prohibit gender discrimination in employment. The regulation stipulates that employers are prohibited from inquiring about women's marriage and childrearing status during job interviews, requiring women to take pregnancy tests in the recruitment process, or conditioning employment on their not being pregnant. Employers and recruiters who publish gender discriminatory job ads can face fines of up to 50,000 yuan (\$7,700).

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 26, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 26, 2021, may be reflected in our forthcoming publications and press work.

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 *Ma'anshan Daily* taken to comply with China's laws relevant to gender and pregnancy-based discrimination in employment and employment advertising?
2. What policies and procedures does *Ma'anshan Daily* have to prevent discrimination and ensure equal treatment in hiring?
3. Have there been complaints filed to *Ma'anshan Daily* with regard to gender and pregnancy-based discriminatory job ads the newspaper published? If so, how has the newspaper responded to such complaints?

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James Ross, *Legal and Policy Director*  
Bruno Stagno Ugarte, *Chief Advocacy Officer*

May 12, 2021

Rony Kahan, Chairman

Indeed

6433 Champion Grandview Way

Building One

Austin, TX 78750

USA

### Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Kahan,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found job posts with discriminatory content on Indeed's Chinese website. For example, an advertisement posted in August 2020 on your website for a nurse in a hospital in Jiangsu province stated, "women, married with children, at least two years of experience." Another advertisement posted in September 2020 for quality control managers at an auto parts manufacturer in Fujian province stated, "no restriction on male or female (females must be unmarried, or married with children, ([schedule] won't interfere with night shifts), age between 18-35."

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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 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 (\$30,000 to \$150,000) and have their licenses suspended. The Interim Regulations on Human Resources Markets (人力资源市场暂行条例) stipulates that employers can be fined from 10,000 yuan to 50,000 yuan (\$1,500 to \$7,700) if they refuse to rectify publishing gender discriminatory recruitment ads.

In February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women's Federation, jointly issued a notice outlining specific measures for implementing existing laws that prohibit gender discrimination in employment. The regulation stipulates that employers are prohibited from inquiring about women's marriage and childrearing status during job interviews, requiring women to take pregnancy tests in the recruitment process, or conditioning employment on their not being pregnant. Employers and recruiters who publish gender discriminatory job ads can face fines of up to 50,000 yuan (\$7,700).

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 26, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 26, 2021, may be reflected in our forthcoming publications and press work.

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 Indeed uses to examine advertisements to ensure they comply with China's Advertising Law and The Interim Regulations on Human Resources Markets.
2. What measures are in place to ensure that Indeed does not publish pregnancy-based discriminatory job ads on your Chinese websites? Are there any penalties to employers who publish, or ask to publish, such ads?
3. What mechanisms are available for users of Indeed's website to report discriminatory job ads?
4. What mechanisms are available to ensure that Indeed responds in an adequate and timely manner to complaints pertaining to discriminatory job ads published on your website?
5. Is there data on complaints filed to Indeed with regard to pregnancy-based discriminatory job ads, including the number of complaints filed, and Indeed's response rate? Please provide us with such data since January 2016, when the two-child policy went into effect.



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Bruno Stagno Ugarte, *Chief Advocacy Officer*

May 12, 2021

Chukwudozie Daniel Nwanneka

No.169, Donghouchi, Songnan Village, Liushui Town,  
Pingtan Comprehensive Experimental Zone,  
Fujian Province  
People's Republic of China

### Re: Pregnancy-based Discrimination in Employment in China

Dear Mr. Nwanneka,

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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their employment practices.

Our research has found that according to court documents, in July 2019, when Lin Jianrong was on maternity leave, Lanshun Food Processing Co. informed Lin that her labor contract was terminated due to the company's "extreme operational difficulties," even though the company was not experiencing business loss.

The Law on the Protection of Women's Rights and Interests (妇女权益保障法) states, "No employer shall reduce the pay of female

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employees, dismiss them, or unilaterally terminate employment contracts or service agreements with them due to circumstances such as marriage, pregnancy (孕期), childbirth (产期) or nursing (哺乳期).” Both the Labor Law (劳动法) and Labor Contract Law (劳动合同法) prohibit the termination of labor contracts during female employees’ “pregnancy, childbirth and nursing.”

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 26, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 26, 2021, may be reflected in our forthcoming publications and press work.

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 Lanshun Food Processing Co. confirm that in July 2019, when Lin Jianrong was on maternity leave, the company informed Lin that her labor contract was terminated due to the company's "extreme operational difficulties," even though the company was not experiencing business loss?
2. What steps has Lanshun Food Processing Co. taken to comply with China's laws relevant to pregnancy-based discrimination in employment?

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May 12, 2021

Ma Mingzhe, CEO

Ping An Insurance

Ping An International Financial Center, Yitian Rd. No. 5033,

Futian District

Shenzhen, Guangdong Province, 518033

People's Republic of China

### Re: Pregnancy-based Discrimination in Employment 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 pregnancy-based discrimination in employment in relation to the two-child policy 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 human rights instruments. The report also examines how companies have complied with domestic laws and regulations in their job advertising and employment practices.

Our research has found that a 2019 advertisement circulated on WeChat for a finance position at Ping'an Leasing, a subsidiary of Ping An Insurance, stated, "no restriction on men or women, [but applicants] married without child(ren) will be rejected."

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 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 (\$30,000 to \$150,000) and have their licenses suspended. The Interim Regulations on Human Resources Markets (人力资源市场暂行条例) stipulates that employers can be fined from 10,000 yuan to 50,000 yuan (\$1,500 to \$7,700) if they refuse to rectify publishing gender discriminatory recruitment ads.

In February 2019, nine Chinese central government agencies, including the Ministry of Human Resources and Social Security and the All-China Women's Federation, jointly issued a notice outlining specific measures for implementing existing laws that prohibit gender discrimination in employment. The regulation stipulates that employers are prohibited from inquiring about women's marriage and childrearing status during job interviews, requiring women to take pregnancy tests in the recruitment process, or conditioning employment on their not being pregnant. Employers and recruiters who publish gender discriminatory job ads can face fines of up to 50,000 yuan (\$7,700).

As part of our work, and in the interests of thorough and objective reporting, we would appreciate additional information from the company in response to questions raised below, as well as any additional information you wish to provide us on this issue. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. Please send all responses by May 26, 2021, to Sophie Richardson, China Director at Human Rights Watch, by email at [redacted] or by fax to [redacted]. Any responses received before May 26, 2021, may be reflected in our forthcoming publications and press work.

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 Ping An Insurance confirm the publication of the aforementioned advertisement in 2019?
2. What steps has Ping An Insurance taken to comply with China's laws relevant to gender and pregnancy-based discrimination in employment and employment advertising?
3. What policies and procedures does Ping An Insurance have to prevent discrimination and ensure equal treatment in hiring?
4. Have there been complaints filed to Ping An Insurance with regard to gender and pregnancy-based discriminatory job ads the company published? If so, how has the company responded to such complaints?