

Study on Multinational Corporations and the Guarantee of Equal Rights for Women in Employment

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Abstract. This article relies on the current situation that the legal provisions related to the protection of the rights of female employees of multinational corporations are not perfect and not tough and uses the legal norm analysis method to explain the existing problems and give possible solutions. Firstly, it discusses the current situation and predicament of the existing women's employment equality protection in multinational corporations, as well as the lack of content and substantive binding of existing international conventions. It also discusses the reasons for the dilemma of rights protection, such as the differentiation of traditional thinking and social structure roles, the level of rule of law in developing countries and the status of multinational corporations. It gives ways to improve legislation and related systems and improve the supervision mechanism of social and non-governmental organizations.

Keywords: Multinational Corporations; Equal Rights; Women.

1. Introduction

In recent years, there has been widespread interest in the rights and responsibilities of women employees in multinational corporations. Since the 1970s, multinational corporations have shifted production activities to low Labor standards to reduce Labor costs and increase efficiency. Developing countries or areas with low labor standards use outsourcing orders to create competition between contractors and to make a profit by reducing the profitability of the producer. Contract manufacturers in each country are at the end of this system and, due to the pressure of orders, are forced to reduce production costs as much as possible to be more competitive at the expense of the workers at the bottom, leading to the bottoming out of labor rights. There were the neglect of safety and health, suppression of wages and benefits, and dismissal of workers for exercising their rights turning a blind eye. With the globalization of the economy, multinational corporations should make gender equality in the workplace an important matter and actively fulfil their obligations. At the international level, some countries have provisions in their legislation that are in line with international labor conventions and have put in place specific measures to promote the implementation of this legislation. Other countries should establish special judicial or semi-judicial bodies for the settlement of labor rights disputes. The means of redress of rights are supplied and the legislation is optimistically improved based on direct requests from the Committee of Experts. Partial compliance means that although the legislation provides for the rights mentioned in the Convention, it is slightly less protective and does not supplement it with specific measures. There is no specific body to resolve disputes over rights. The implementation of the legislation has not yet produced visible results and no optimistic collaborative action has been taken in response to the direct requests of the Committee of Experts. The lack of compliance refers to the fact that the legislation contains few provisions reflecting the rights mentioned in the Convention, only general and principled provisions, and that it supplies only general protection of these rights.

Gender inequality is no longer a new phenomenon, it has been going on for 60 years and has had an impact on the development of subsidiaries of multinational companies with the main objective of managing every kind of discrimination. Women still consider themselves undervalued and believe that they do not have decision-making power in major respects, factors that have led to many conflicts between the genders. It is mainly the gender that finds it difficult in the workplace, for example, income inequalities and holding different positions based on gender rather than knowledge or experience or a range of other factors. Most men think that being a manager or executive in a

multinational company is not for women, that their job is to sit at home and look after the children, as well as deal with household chores, and that their way of thinking somehow creates huge discrimination. The current study specifically explores the relationship between gender diversity and environmental sustainability, as well as basic gender equality in developing countries. [1-2] Considering the current situation, it is important to identify the causes of these situations and to try to find ways to change them to lead to further progress in gender equality in the workplace. Therefore, the author discusses the shortcomings of the current law, the reasons for the violation of women's employment rights, and how to safeguard it nationally and internationally.

2. The protection and imperfect of international Labor conventions

The existing relevant legislation is largely "declaratory" and lacks hard limits, which is therefore not sufficiently binding. The ILO considers gender equality to be an important element in its efforts to achieve the four strategic objectives. Promoting gender equality is an essential element of the ILO's work to promote and enforce labor standards and fundamental principles and rights because promoting gender equality contributes to the promotion and enforcement of labor standards and fundamental principles and rights. It provides men and women with better opportunities for decent work and income, expands the scope and effectiveness of universal social protection, and contributes to enhanced tripartism and social dialogue.

The benefit of existing provisions is the effective implementation of integrated and coordinated policies and institutions. This includes a range of policy objectives such as the promotion of fundamental human rights, job creation, social protection and social dialogue. An integrated approach to gender equality and decent work is part of this approach. It includes, for example, strengthening equal opportunities in the labor market through measures to improve women's access to education, training, and health care, while fulfilling their role in society. However, the application of international treaty provisions may be unclear or exploited.

3. Factors cause the current problems existing in MNEs about protecting women's employment right

3.1 The differential influence of traditional thought and social structure role

After the change from matrilineal to patrilineal clans, the status of women became lower than that of men. In ancient times, women had higher status and were able to do many things other than politics. However, in many underdeveloped countries and regions, the status of women was severely suppressed. There is still a legacy of patriarchal thinking. The result is that women are not valued in the family and have less access to education than men, which can lead to women having less seniority than men in job applications. In such an environment, the majority of senior people in organizations are predominantly male. Even if a male candidate is equally qualified as a female candidate, the hiring organization will give preference to men. There are certain biological differences between male and female employees by nature, and more women are more emotional than men. They are more delicate-minded and at the same time more susceptible to emotions. Even the more sensible women, cannot escape the biological factors. For example, there are monthly physiological periods, such as when a woman gets married, there are periods of pregnancy, gestation, and maternity leave, and then there is also the possibility of depression after giving birth. In a married family, family conflicts can also affect emotions more easily. With a child, as a mother, one will bet more energy on the child than the father. A person's energy is limited, and more energy focused on the family and children leaves less for the workplace. As a profit-oriented business, it is certainly more willing to give opportunities to men who are not preoccupied with promotion and salary increases. Therefore, this leaves even fewer opportunities for women to be promoted. Socially perceived factors can also lead to discrimination against women during the job search. Women are always blamed more for marrying late or not marrying at all, or even facing careers and family after marriage. A man who ignores his family for

his job will be praised for being career-minded and motivated. A woman who gives up her marriage for her career will be accused of not caring for her family and being irresponsible. Hence, in this climate of public opinion and social pressure, many women must make compromises. At around 30, when faced with a promotion or a return to the family, they choose the family. Giving up their careers and at the same time failing the company's cultivation and previous efforts leads companies to consider the cost of cultivating women and men when hiring.

3.1.1 Gender perspectives and gender roles

Gender refers to the fact that it is not simply the biological sex that is used as a criterion to distinguish a person's social attributes, social identity and social status. Specifically, the social roles that women and men assume are not determined by their biological sex alone, but by cultural factors including traditional social attitudes and practices. Over time, males and females have come to accept the gender roles assigned to them by society and culture. [1]

According to gender theory, "male superiority and female inferiority" in social status are not caused by congenital reasons, but by acquired circumstances. The gap between men's and women's social status is the result of long-term social and cultural nurturing and shaping, and men and women will form fixed gender roles as they gradually accept gender concepts. In layman's terms, this means that women are no less qualified and capable than men. However, due to the influence of traditional social attitudes and practices, people gradually form a fixed mindset that women are less capable than men.

Although women's employment has become a common phenomenon and women's independence is widely recognized by society, the traditional social and cultural dependence and introversion of women still exist. Even women themselves still have the mentality that 'men are strong and women are weak, and this social mentality undoubtedly contributes to women's employment problems. Traditional gender attitudes still influence women's professional activities: most women still hold the idea that 'family comes before career. The majority of society still insists that it is natural for women to sacrifice their interests for their husbands or families. When family and work come into conflict, most women choose to give up their jobs or devote more time to their families. or devote more time to their families and just keep their jobs at a moderate level. [2-3]

3.1.2 Gender division of Labor

In many countries, the traditional culture has long been based on a social division of Labor in which men work and women take care of the family. Men are responsible for earning money to support the family, while women are responsible for taking care of the household and providing services and emotional support to men and other family members. This traditional gender division of Labor has had a huge impact on the career choices of women and the structure of society as a whole. As the traditional gender division of Labor is highly discouraging for women and does not recognize the results of women's social work, women are biased in their career choices. The traditional social culture of the country does not value women's professional achievements and only uses women's economic income as a supplement to the family's economic income. The traditional culture of society does not value women's professional achievements and only considers women's economic income as a supplement to the family's economic income. As a result of this traditional culture, women tend to consider the ease and comfort of work first when choosing a career. The traditional culture tends to consider the ease and comfort of the job above all else, rather than the wage income and the career benefits it can bring. This is because women tend to choose a career based on the ease and comfort of the job, rather than on the income they earn and the professional fulfilment it offers.

MNEs, as companies with production processes in several countries, should take a leading role in gender equality. MNEs that produce in developing or underdeveloped countries should implement gender equality so those female employees can have the same employment opportunities as male employees. [4-5]

3.2 The differential influence of the rule of law and the status of multinational corporations in developing countries

In the early 19th century, most Western societies considered women to be less capable and intelligent than men. Since then, various tests by American educational psychologists and biologists have shown that there is no intellectual superiority or inferiority between men and women, and that differences in gender behavior are more closely related to differences in gender roles and socio-cultural structures. Their original educational barriers to women achieving success are still deeply rooted in their psychological barriers. Women The low income of women is the result of their preferences and choices.

Childbirth increases women's discrimination in the workplace and their exploitation in domestic work, while an increase in unpaid domestic work affects women's performance in the paid work market. A "child-friendly society" is one in which women are not discriminated against or burdened by childbirth and where there are public facilities to facilitate women's travel with their babies. The only way to better protect women's rights is to break down the "work-family" dichotomy, recognize the value of women's contribution to pregnancy and childbirth, and include family work in the regulation of the right to work and treat it on an equal footing with workplace work. Respect for women's right to freedom of choice, the guarantee of equal rights to work and the realization of employment security should be addressed. Improve the system of tax concessions and maternity insurance, increase "paternity leave", provide government purchase of domestic services, and strengthen the construction of childcare facilities. Establish social mechanisms to share the increased cost of childbirth for women. The government, enterprises and families will work together to achieve the vision of building a "child-friendly society".

The wage rate for a job position shall not be arbitrary. In China, Article 35 of the Labor Contract Law provides that the employer and the worker may, by consensus, change the contents of the Labor contract agreement. Changes to the employment contract shall be made in writing. In practice, some employers unilaterally change the job position of a female worker once she is pregnant and reduce her salary and remuneration, a practice that is contrary to the law. It should be noted that even if a change of job position is made to accommodate a female employee, the principle of consensus must be observed and the special physical condition of the female employee must be taken into account. If the change of job position and salary is made because the female employee is unable to perform her original job, it must be supported by a complete management system, otherwise, the employer may bear the legal risks.

Host States are territorially bound to MNEs. Host states have the primary obligation to protect human rights within their jurisdiction because the principle of territoriality prevails. Therefore, host countries should have revised and improved their domestic legislation to strengthen the regulation of MNEs. However, relevant legislation and legal regimes that attempt to regulate the obligations of MNEs to protect human rights are uncommon and inadequate in developing countries. Not only that, but developing countries themselves face difficulties when it comes to regulating the behavior of MNEs as host countries. In the area of human rights protection, host countries have not always regulated Transnational Corporations strongly enough. [6]

Firstly, the economic power and strength of MNEs give them the possibility to compete and play against many developing countries. In developing countries, often the governance mechanisms are not sufficiently well developed and strong, thus making it difficult to achieve the objectives when dealing with cross-field companies and supply chain abuses. As labor legislation, regulation and jurisdiction are at the national level, achieving compliance with labor norms in the workplace can make it difficult to procure products and services across borders. There are power asymmetries between some large MNEs and weak host countries, which give companies the ability to resist economic or legal sanctions from host countries.

Secondly, the level of development of the rule of law in some developing countries is still relatively low, which, combined with the different traditional cultures of each country, leads to different answers when determining whether women have been subjected to abuse. Developing countries cannot regulate

MNEs. Regulatory bodies established and enforced by government departments may not have sufficient resources or expertise to oversee compliance in all or most workplaces. Not all governments can cope with the rapid economic transformation in the global economic situation, which creates a governance gap.

Finally, to attract investment from MNEs, host countries often relax human rights standards so as not to reduce or deter the introduction of foreign investment. Many MNEs have a strong influence on developing countries through their investments and purchases. To retain investment and develop the economy, it is necessary to adopt policies that are more attractive to MNEs and subsequently relax the relevant regulatory requirements. As developing countries continue to relax regulatory standards and even introduce preferential policies to attract foreign investment, the interests of women workers are less likely to be served and protected by the relaxation of labor and human rights standards. On the other hand, in seeking to minimize costs and maximize profits, MNEs select countries and regions around the world that offer the lowest labor conditions requirements and the laxest regulations, in line with the business logic of MNEs. In some cases, host governments may stop protecting women's rights and join MNEs in pursuing economic interests, ignoring the adverse human rights impacts of their business practices on women. This is the case even if there are significant gaps at the legislative level. [7-9]

4. Future Expectations

4.1 Improving legislation and related systems

Laws and regulations to safeguard women's equal employment have been enacted one after another and are constantly being improved. In recent years, the elimination of gender discrimination and the guarantee of equal employment for women has been a topic of continuous international attention. The world continues to explore mechanisms and measures to promote gender equality and eliminate gender discrimination, and more progress will be made in the future in guaranteeing women's equal employment rights.

In international law, relevant conventions should be developed. The right of women to employment should be clearly and explicitly regulated, including its content, the conditions for its realization and the mechanisms for guaranteeing it. Domestic laws should be transposed into international legal and regulatory requirements and incorporated into domestic laws to guarantee their further implementation. The current situation, where most laws are not sufficiently punitive, has not been addressed.

Countries that have laws on equal rights for women in employment should quantify well the practice of their relevant laws. They should be well integrated with international conventions and take a leading role in the international community. For countries where there is no legislation on women's equal rights in employment, but where there are relatively few cases of violations of women's equal rights in employment. These countries should introduce and improve laws and regulations to protect women's rights in the workplace to further protect the rights of women employees in many areas by international conventions and the current situation in the country. Countries that do not have laws and regulations on equal rights for women in employment have a high number of cases of violations of women's rights in the workplace. These countries should, with the help of experienced countries and international organizations, create laws and regulations to protect women's employment rights to safeguard the rights of female workers.

The host country refers to the country where the MNE has established a subsidiary, branch or another branch. Under territorial jurisdiction, MNEs subsidiaries or branches and suppliers must comply with local laws for cross-border sourcing or foreign direct investment. International human rights law has evolved to the point where many human rights norms have become internationally accepted standards. As a result, many host countries have incorporated human rights standards in their relevant laws and have therefore acquired the same effect as domestic law and can be enforced through host country compulsion. In such cases, the transfer must fulfil its human rights obligations accordingly. [10]

Based on its sovereignty, the host country can adopt legislation to regulate the behavior of transnational corporations and can also provide administrative and judicial remedies to its nationals in cases where transnational corporations have violated women's human rights in the host country. In this way, women who are sued for violations have the opportunity to obtain compensation, while the company, as the violating party, is held liable and sanctioned under domestic law. As can be seen, the legislation and jurisdiction of the host country can regulate the business conduct of MNEs' subsidiaries or branches and suppliers, as they have a direct regulatory effect on entities within their jurisdiction.

Developing countries, as host countries, have provisions in their national laws that guarantee the right to work for women in development. Many national constitutions and laws contain provisions that do not discriminate based on gender, and local subsidiaries, branches and suppliers of multinational corporations are obliged to comply with the law. To achieve anti-discrimination and equality objectives, the first approach used by host countries is to have a uniform anti-discrimination legal regime, and the second is to have separate anti-discrimination or equality laws.

At the constitutional level, Brazil's law of inquiry specifically prohibits discrimination at work, and Ecuador's constitution provides for equal pay for men and women. At the sectoral level, women's right to work can often be guaranteed through Labor laws that provide for non-discrimination in employment, equal pay and equal treatment between men and women. For example, equal pay is enshrined in the Labor laws of China and Chad. Or separate laws and regulations may be enacted to regulate their rights. [11-12]

4.2 Improving social and NGO oversight mechanisms

Societies and NGOs should establish agreements to create a sound mechanism for mutual oversight. The government and NGOs jointly monitor the multinational corporations' guarantee of equal rights for women in employment. At the same time, the government and NGOs monitor each other to ensure that rights and responsibilities are shared.

For social organizations and NGOs, their effectiveness in terms of gender affirmative action in the workplace lies less in the use of laws and regulations to bind the violating party, and more in the use of public opinion and international and regional human rights documents to play a wide dissemination role. All the existing laws that we can see on the human rights of workers are against gender discrimination in the workplace. Guaranteeing equal rights for female employees in employment and guaranteeing less intense work for female employees during periods when they are not fit to work a lot, such as pregnancy. However, the legal force of international law is not as strong as society would like it to be, making it more difficult to redress violations of women's rights. It is, therefore, necessary for the international community to use its influence to put these legal instruments into practice to ensure that Labor human rights are legally enforceable and have a strong legal basis.

Increased public scrutiny is an important component of enhanced oversight of transnational corporations. It is worth noting that the 'public' referred to here includes not only nationals of the host country. However, in a broad sense, everyone cares about equal rights for women in employment. There is a growing awareness of public scrutiny and many of the actions of companies. This has led to a covert form of self-regulation and oversight, companies investigate violations of women's rights internally but are the first to admit when violations occur and take responsibility. In this virtuous circle, the whole working environment becomes better and better.

On the social front, public opinion can also be one of the effective tools for regulating the protection of fundamental Labor rights by companies. This is because the climate of public opinion is often very influential and can have a fermenting effect and amplify the impact in the event of cases of violations of women's employment rights, while a certain amount of public pressure forces companies to accept strict monitoring of Labor human rights by social groups.

5. Conclusion

The paper focuses on the imperfections of the existing ILO, both in terms of content and binding force, as well as the lack of clarity in the requirements and conditions of specific guarantees. It gives ways to improve legislation and related institutions, as well as to improve monitoring mechanisms by society and non-governmental organizations. In this article, the author focuses on the reasons that lead to the emergence of problems in existing situations, as well as the protection and imperfections of international conventions and local laws. MNEs' responsibility to promote gender equality stems not only from legal norms and social expectations but also from the inherent need to achieve sustainable development. Ethical norms are at the core of the corporate social responsibility to promote gender equality, which is reflected in soft law documents such as the UN Guiding Principles on Business and Human Rights.

In conclusion, the reasons for the persistence and further expansion of gender discrimination in China can be broadly attributed to three aspects including international, domestic and women workers themselves. Firstly, at the international level, an unequal gender division of labor in a global environment based on production relations in various countries and markets is the external international condition for the existence of the phenomenon of gender discrimination in multinational corporations in China. Women, especially third world women, are become cheap labor for highly mobile international capital because of the unequal international division of labor that starts at the "global assembly line". They are subjected to multiple exploitations and other economic inequalities as well as enormous unemployment pressures.

Secondly, at the domestic level, both historical and practical factors contribute to the persistence of this widespread gender discrimination. There is still a deep-seated belief in the role of men and women as protagonists and supporting actors in society and the traditional division between masculinity and femininity, including the reverence for the former and the contempt for the latter. The fact that women are not only unable to enjoy the same status as men in real life, but are also imprisoned by the double standards of society, where they have to work like men, even in physically demanding jobs, at a lower standard of treatment than men, while at the same time taking on the same family responsibilities as before, makes it inevitable that women are generally subjected to gender discrimination in the workplace. Gender discrimination in the workplace is inevitable. This paper expects more studies to pay attention to the social responsibility of multinational companies for the protection of women's employment equality rights, and to provide certain help for the protection of women's employment rights.

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