



Employment Discrimination of Female College Students

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Abstract. There have been many papers on the employment inequality between men and women, and they have their own reasons and solutions. However, the gender discrimination in the employment of law graduates still exists and has not been solved. In order to tackle the problem, this research is going to study the gender discrimination in employment of law graduates by reviewing relevant articles.

Keywords: Law graduates · employment · gender discrimination · gender inequality

1 Introduction

In China, there are a lot of literature on the current employment situation of female college students, the problems they face in employment and the countermeasures [1]. China has a large population, with the most abundant labor resources in the world, but due to the unbalanced supply and demand structure, now the employment market supply more than the demand condition, which leads to the employment situation becoming particularly severe.

In fact, the research on women's equal employment is still at a stage of development. To add more on the current research, this paper summarizes the current legal status of employment discrimination, analysis the reasons of female employment inequality, the difficulties for the protection of women's equal employment rights against employment discrimination and the predicament, and offers countermeasures to protect women's equal employment rights. The research topic of this research is gender discrimination in the employment of law graduates. The main research methods include survey method, literature inductive analysis and so on. Through this research, the author hopes to not only alleviate gender discrimination in employment, protect women's equal employment right, but also create a good employment environment and promote the harmonious development of society.

2 Main Body

2.1 The Employment Situation of Female College Students in China

Reflection of Employment Difficulties. Liu Bomin's Research on the Employment of Female College Students in China under the background of Financial Crisis 2009 first

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describes the main reasons for the difficulty in employment of female college students in the face of the global financial crisis: Social prejudice, unit of choose and labor market supply and demand contradiction of sharp, female college students themselves, etc. In the face of these problems, mainly reflected in the following points [2]:

First, China has a large population, with the most abundant labor resources in the world, but due to the unbalanced supply and demand structure, now the employment market supply more than the demand condition, which leads to the employment situation becoming particularly severe.

Second, there is gender inequality in employment opportunities. Empirical studies have shown that there are significant gender differences in access to job opportunities, with women having a clear and considerable disadvantage.

Third, gender discrimination is existed in job hunting. The gender inequality of female college students in employment is also reflected in the gender discrimination encountered in the process of job hunting.

2.2 Legal protection of equal employment rights for women in China

Legal Basis. Many laws in China have been stipulated to protect women's equal employment right. After sorting out, it mainly includes "Constitution", "Labor Law" and "Protection of Women's Rights and Interests"[3]. However, there are still flaws in the legal norms of guaranteeing equal employment opportunities for women, which will be detailed in the following.

"Constitution" is the basic law of our country and its legal provisions have the highest legal effect. Gender equality between men and women is generally provided for in the Constitution, which lays the foundation for other laws on equal employment rights for women. Such as labour law and Law on the Protection of Women's Rights and Interests.

The Labor Law stipulates the remedies for gender discrimination in employment and stipulates the legal liabilities that employers should bear. In practice, women often suffer gender discrimination in employment when applying for jobs or in employment, but because the relief ways of our law are too broad and general, the infringed person still cannot get effective relief after being infringed. In reality, female job seekers who are discriminated against by gender have great difficulties in obtaining evidence of discrimination.

With the rapid development of economy and the continuous improvement of women's status, women also have their own voice in the society.

Relevant Functions of Governments and WOMen's Federations. The government should play a good role in promoting employment, and its functions in promoting employment are as follows: First, the government provides equal employment opportunities for women. Second, the government provides employment counseling services for female workers. Finally, the welfare of female workers should be guaranteed. In addition to government, the All-China Women's Federation has always taken the protection of women's rights and interests as its task.

Judicial Remedies. The law does not specify the standard for filing cases of gender discrimination in employment. At present, China has not formed a complete legal system,

although there exists legislation on women's equal employment rights. After China's female equal employment rights were infringed, the employing units bear civil responsibility generally. The employer shall bear the tort liability caused by the infringement act in accordance with the law. The contents of tort liability include:

- (1) Stop infringement.
- (2) Make an apology.
- (3) Compensation for losses.

2.3 Difficulties in legal protection of equal employment rights for Chinese women

Three Inadequate Legislative Protection Measures. Firstly, the current legislation lacks operability. Secondly, it failed to establish the Sex Discrimination in Employment Act. Lastly, special protection measures are not scientific. The prominent problems in social governance are as follow. Lack of supervision by relevant government departments, no special supervisory body for women's equal employment, limitations in the function of women's federations, lack of coordination between the government and the women's federation and disciplinary measures are not effectively implemented. In conclusion, the current regulations of our Constitution and other branch laws generally lack of legal responsibilities about women's equal right of employment.

The Litigation Mechanism is Flawed. No matter how perfect the scientific legislation system is, the current situation of women's unequal employment will not be improved without smooth and diverse relief channels.

The Burden of Proof System is Unreasonable. China's Civil Procedure Law stipulates that the principle of burden of proof is generally "who advocates, who proves" unless it is clearly stipulated in the law to apply the system of reversion of burden of proof.

The Infringers' Legal Liability is Not Clear. The Chinese law clearly stipulates that the EMPLOYING unit has implemented the illegal behavior of employment gender discrimination, and the laborer is entitled to remedy to the judicial organ [4].

2.4 Analysis of problems restricting the development of girls' employment

Social Attribution. First, Gender discrimination exists in the employment of female students. In the process of enterprise recruitment, some employers will directly declare in the recruitment brochure that only boys are recruited or adopt the method of imposing on others. Some employers have a very obvious bias towards male students. They tend to hire male students or raise the standards for female students under the same conditions and even when male students are at a disadvantage. Second, national laws, regulations and social security are not perfect for girls' employment security. At present, in our current laws and regulations to guarantee women's employment. However, in actual social life, many enterprises do not seriously implement relevant laws and regulations, practice gender discrimination in disguise, refuse to recruit women or improve recruitment standards. Third, employment competition and employment pressure are increasing year by year. According to the enrollment numbers of the survey majors, the number of female

students has been increasing year after year, and the number of female students in the class of 2020 has exceeded the number of male students. As the number of college graduates increases year by year and the society and enterprises have limited demand for college graduates, the number of female graduates increases, which further aggravates the employment pressure of female graduates.

Gender Stereotypes. Feminist theory provides a theoretical perspective for analyzing the employment of female college students.

Chinese Traditional Concepts and Social Prejudices Traditional cultural norms and social prejudices underlie the perception that women are less creative and aggressive than men, which is one reason why some employers justify their sexist behavior. Traditional culture and ideology also influence female college students' gender consciousness and their choice of major and job position. Women are more likely to choose the humanities and social sciences, such as accounting, education and social work.

Differences in Social Division of Labor Between the Sexes. In the actual analysis of female labor force employment obstacles, it is impossible to accurately judge that a certain factor plays an absolute role, while other factors play a secondary role.

The Implementation of Current Legislation and Policies is Ineffective. After the founding of People's Republic of China in 1949, China has constantly promoted gender employment equality and protected female workers' rights and interests through various kinds of legislation.

Macro (country level) Attribution. First is economic factors: Sino-US trade friction. The trade friction between China and the United States is apparently a war over trade in goods and services, but it is actually a battle over "jobs".. Second is discrimination in recruitment after the opening of the two-child policy. Third is corporate factors: gender discrimination. Fourth is historical and traditional factors: the idea that men take care of the outside and women take care of the inside. Fifth is gender awareness: the career choice concept caused by women's own gender awareness.

Individual Attribution. Subjective and objective problems limit the development of employment. The employment concept of individual existence limits the development of employment. Individual employment mentality limits the development of employment [5].

2.5 Solutions

National Macro Level. There are some methods. Firstly, promote the part-time mode, the development of career mobility, national public childcare services and the development of the service sector. Secondly, measures to promote women in politics and continue to expand the scope of influence of the Belt and Road Initiative and reduce dependence on a single country for foreign trade. Last but not least, pay attention to the development of family service industry and price regulation.

Government Level. From the government's perspective, there are the following solutions. Complete and scientific legislative system and strengthen the operability of legal practice. Formulate a special Anti-Gender Discrimination in Employment Law.

Improve the supporting system of special protection for women in employment. Improve the government's regulatory capacity. Set up a special supervisory body for women's equal employment. Rationally optimize the organizational functions of women's federations. Practice the complementary relationship between the government and women's federations. Effective application of disciplinary measures. Improve the litigation mechanism for women's employment equality and broadening the scope of relief.

The Social Aspect. First, corresponding training should be provided to female workers and the pertinence and effectiveness should be improved. To ensure the perfection of the social security system, improve the wages and payment methods of female labor during the childbearing and lactation periods, so as to not only improve the employment competitiveness of female labor force, but also reduce the burden of employers.

Second, raise awareness of gender equality. Feminism believes that gender roles and behavior differences between men and women are the product of socialization and therefore can be changed. Because the root cause of gender inequality is that men have the right to speak in the social, political and economic fields, it is necessary to deconstruct the male-centered social gender system in order to achieve gender equality.

Therefore, integrating the consciousness of gender equality into every field of political and economic life is one of the ways to change social stereotypes, improve the consciousness of gender equality in the whole society, and create a good employment environment for female college students.

Colleges and universities play an important role in realizing gender equality. Creating a campus culture free of gender bias and discrimination is an important way to promote gender equality. The research shows that the stronger the individual gender consciousness, the higher the overall level of female college students' employment quality. Gender education can help girls build correct gender cognition and gender confidence. Colleges and universities can make use of their faculty advantages to open lectures and elective courses on feminism to improve female college students' gender awareness. Women's specialty courses can also be set up to cultivate outstanding women both inside and outside.

Companies need to change their ideas about talent selection and recruitment requirements, abandon biased thinking patterns about women, and offer equal employment opportunities to men and women based on talent.

Third, Strengthen legislation and institutional construction.

In view of the lack of effective norm of employment discrimination in our current legislation, the voice of making a special anti-employment discrimination law is very high. In the prospective anti-discrimination law in employment, not only should sex discrimination in employment be defined according to the characteristics defined by the law, but also the scope of protection objects should be clarified. In addition to current employees, a wider range of protections should be covered, including future employees

and contract workers, among others. At the same time, relief and enforcement measures should be clearly defined, and strong remedies can strengthen law enforcement by deterring violations.

Student Level. This paper discusses the employment competitiveness of female college students from the perspective of the theoretical model of employment ability.

Professional Ability. Professional ability includes the learning and application of professional skills and the mastery of professional knowledge. The professional skills that female college students in business management need to improve [6].

Quality of Social Adaptation. The quality of social adaptation includes personal quality and attitude. Students should cultivate the spirit of self-discipline, uphold the honest and fair attitude in daily study and work, maintain the attitude of loyalty to the school and the company, dare to contribute, can let the employer find their own advantages. At the same time, keep a positive learning attitude, modest and polite, not complacent, do not belittle yourself, maintain an optimistic attitude towards life and work.

Practical Execution Ability. In addition to the requirements on the professional ability of the newly recruited employees, the management of enterprises will also attach great importance to the cultivation of the practical execution ability of the employees.

Interpersonal skills. In the process of communicating with others at ordinary times, the girls in charge should cultivate a kind of ability: how to better achieve their own communication effect. How to use different communication methods to achieve their own communication goals when encountering problems.

Intellectual Competence. In terms of the cultivation of intellectual competence, female students should practice their way of thinking to deal with problems. When encountering a problem, first learn to understand what kind of problem it is, judge the attribute of the problem, and define it. Then find relevant information and seek help, analyze and summarize the solutions, and get the best measures to solve the problem. In the event of an emergency, check their knowledge reserves and improvisation and emergency ability.

Innovation Ability. The main contents of innovation ability include adventurous spirit, innovative consciousness, imagination ability, critical ability, creative ability, problem-solving ability, practical ability, organization and coordination ability and integration ability. Only the historical foundation is not enough for the development of an enterprise. Only with innovation consciousness and innovation ability can an enterprise base on the present and look to the future. Compared with male business management students, some female business management students have outdated ideas and lack of innovation and adventure spirit. This is a disadvantage of female college students in business management. After finding this problem, it is an important breakthrough to cultivate innovation ability and innovation consciousness. Usually pay more attention to the development of the forefront of the society, cultivate their courage to innovate, dare to be the "first person to eat crab" innovative spirit. Try more, be more innovative, the situation will be new.

Establish a Correct View of Career, Keep Pace With the Times, Update the Concept, Do Not Belittle Yourself. We should establish the career direction we are interested in

according to our actual situation, timely reduce the employment expectation, and give play to our advantages; 9, comprehensively improve their own quality, learn professional at the same time to expand the scope of knowledge, establish an independent consciousness, that is, self-reliance, self-confidence and self-esteem, have good psychological quality, have confidence in themselves, have plans for the future, believe that they are the best.

Employment Should Start From Enrollment. As a qualified and ambitious college students, we should set goals for ourselves, do a good job in career planning, change with the change, with practical action toward their dreams; Change the biased work idea and correct the work mentality. When you see and hear the work you are interested in, take the initiative to fight for the interview opportunity, on the one hand, exercise your courage and improve your employment competitiveness [7].

3 Conclusion

Through the analysis of the difficulties and reasons of legal protection of women's equal employment right, we should aim at the problem, from the state macro aspect, legal aspect, social aspect, school aspect and student aspect to solve the problem.

And there are also some limitations of the study. For example, this analysis is for students of all majors and lacks a customized solution for one major.

In the future, research can be conducted specifically for different majors such as some social sciences and sciences ones, and specific solutions can be obtained.

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