

Impact of extended maternity leave on women's employment issues

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Abstract: In the context of the “three-child” policy, the newly introduced “extended maternity leave” policy has significantly increased women’s workplace pressure and had little effect on promoting their willingness to give birth. Only by reducing workplace pressure and childcare costs will women dare to give birth; for employers, especially non-public enterprises, only if the government and society reasonably share the costs of childbirth will enterprises be motivated to accept and encourage female workers to give birth. Encourage childbirth cannot simply from the extension of women’s maternity leave to start, with social values and the status between men and women, family responsibilities change, the development and implementation of policies must be from work, life, to consider the chain reaction, to balance the joint responsibility of men and women to give birth.

Keywords: Extending maternity leave, female employment issues, encouraging childbirth

1. Introduction

In the context of the “three-child” policy, the new “extended maternity-leave” policy significantly increases the pressure on women in the workplace-fear that companies will squeeze women’s opportunities to enter or advance in the workplace because of increased labor costs due to extended maternity leave. Therefore, this policy has little effect on promoting childbearing desire eventually. Only by reducing the pressure in the workplace and child-rearing costs can women really dare to give birth. For employers, especially non-public enterprises, only when the government and society reasonably share the costs of childbearing, can enterprises have the enthusiasm to accept and encourage female workers to have children. With the changes in social values and the status and family responsibilities between men and women, we should not simply start with the extension of women’s maternity leave to encourage childbearing. This study will focus on the impact of the “extended maternity leave” policy on women’s employment and propose specific improvement measures. Therefore, this study has a strong practical significance in promoting the implementation of maternity policy, promoting equal employment, safeguarding the legitimate rights and interests of female workers and upholding the social value of gender equality.

2. Analysis of the “extended maternity leave” policy and the current employment situation of women

According to the results of the seventh population census published in 2021, the proportion of China’s population ageing is on the rise, with the population aged 65 and above increasing from 15.03 million to 190.64 million between 2016 and 2020. of the 31 provinces and municipalities, the proportion of the elderly population aged 65 and above exceeds 7% in 30 provinces, except for Tibet, where the proportion of the elderly population aged 65 and above in 12 provinces exceeds, of these, 12 provinces have a proportion of 14% of their population aged 65 and above. They are Heilongjiang, Jilin, Shandong, Anhui, Liaoning, Chongqing, Sichuan, Shanghai, Jiangsu, Hunan, Tianjin and Hubei. The ageing of the population in China has become a serious social problem. Therefore, in order to adjust the demographic structure, on 21 November 2011, the State Council Legislative Affairs Office published the Regulations on Special Labor Protection for Female Workers (Draft for Consultation), which in its entirety proposes to increase maternity leave from the original 90 days to 14 weeks (98 days in total), with an additional 15 days of maternity leave for special circumstances such as difficult deliveries, and an additional 15 days for each child not born in a single birth.

Encouraging childbirth will solve the problem of low consumption and economic slowdown arising

from a declining population. Population problems affect the amount of taxes we pay, and the reduction in tax revenue is, to some extent, detrimental to the promotion of people's well-being, etc. The extension of maternity leave for women is a complementary measure to the “three-child” policy, and its main objectives are the same: to improve China’s demographic structure, to solve a series of social problems caused by demographic imbalance, to bring about a demographic dividend, to stimulate consumption, to promote economic growth and to work for the well-being of the people. But can this policy really achieve the desired results?

3. Analysis of the current employment situation of women

3.1 Female employment issues

3.1.1 There are barriers to women entering the workplace

On the occasion of this year's Women’s Day, ChiNext Recruitment released the “2022 China Women’s Workplace Status Survey Report”. The report points out that women are still dragged down by gender factors in their career development, with the phenomenon of “being asked about their marital and maternity status during interviews” being the most common, with 61.2% of women experiencing this, compared to 55.8% the year before, almost twice as many as men. In addition, according to a survey by the former Ministry of Labor and Social Security, 67% of employers had stipulated that women were not allowed to become pregnant and give birth during their employment period [1]. So, it seems that most Chinese women have to make a temporary choice between being a working woman and a child-rearing mother.

3.1.2 Low promotion expectations for women in the workplace

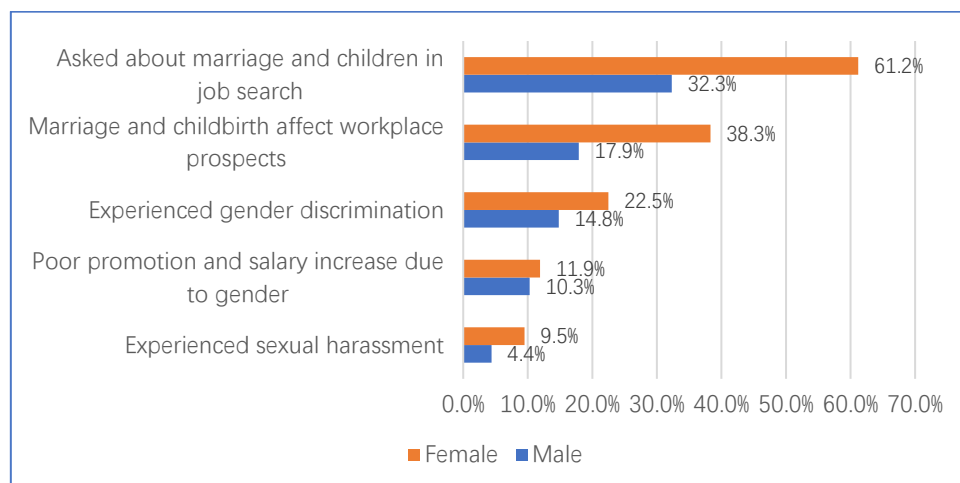


Figure 1: Injustices experienced by people in the workplace, by gender, 2022

As shown in Figure 1, 38.3% of women said that marriage and childbirth had affected their workplace prospects, more than twice the percentage of men. And 11.9% of women have been hindered from getting a promotion or pay rise due to their gender, again higher than men. The data shows that marriage, childbirth and gender issues pose relatively more difficulties for women in the workplace than for men.

There is also some gender-based and marital differences when it comes to specific barriers to promotion. Men tend to cite personal skills, superior management, competition among colleagues and other reasons directly related to the workplace as barriers to promotion, while women are more likely to cite “taking care of family”, “loss of promotion opportunities due to marriage and childbirth” and “gender discrimination” as barriers. Again, this reflects the fact that: factors unrelated to work, such as gender and marriage and parenting plans, largely influence the value of women in the workplace.

3.1.3 It is more difficult for women to return to the workplace after giving birth

Since the implementation of the comprehensive two-child policy, working women have encountered varying degrees of indifference from their employers when they ask them to give birth to a second child. According to figure 2, 4.1% of women are not able to take full leave during the marriage and childbirth phase, and 7.8% of women are even transferred to a lower salary during the marriage and childbirth phase.

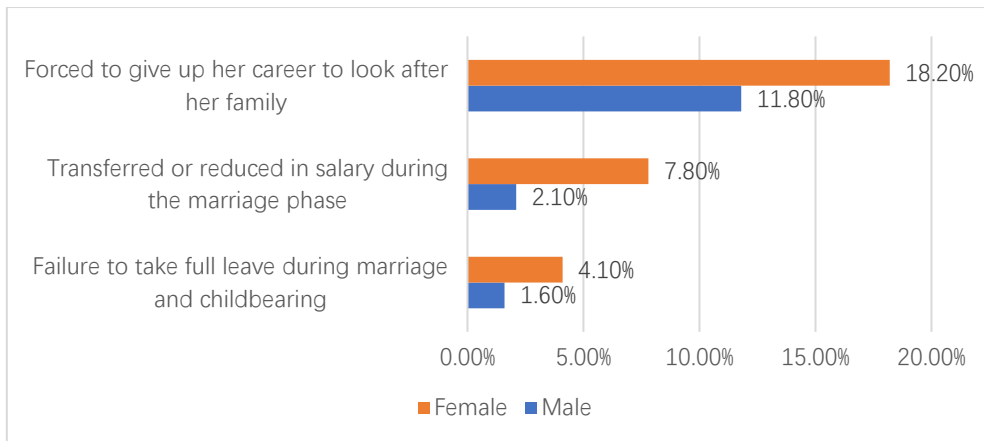
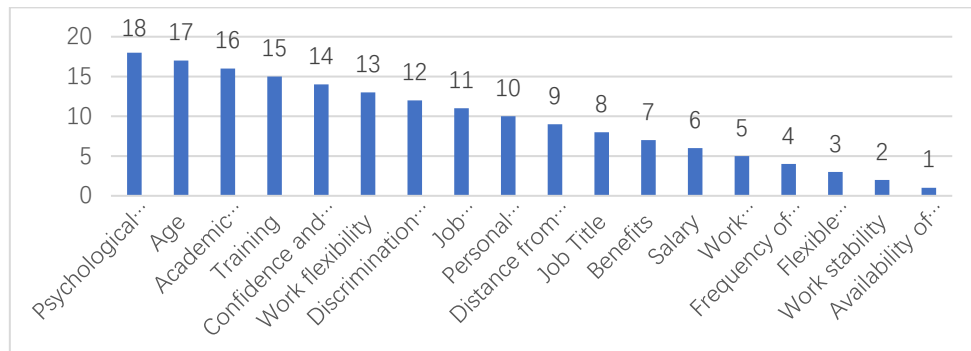


Figure 2: Phenomena experienced by men and women in the workplace in 2021

However, more working women face the problem of being forced to give up their career development because of taking care of their families, with their percentage being 18.2%. According to the third edition of the China Women's Social Status Survey, more than a quarter of post-80s urban women under the age of 30 with children had experienced a break in employment (26.3%). Mothers who have interrupted their employment due to childbirth not only lose their source of labor income, but also pose a huge challenge to re-employment. This is a real difficulty for the more common dual-earner families in China. When some women discontinue their employment due to childbirth, they are prone to reduced personal development due to disengagement from employment, as well as increased financial pressure on their spouses, and may also affect family stability. These issues and challenges have, to some extent, discouraged some women and their families who wish to have children, from having children and having more children.



Data source: Liu Qinghua, Hu Xihou. *Analysis of the Current Situation of Postpartum Women's Re-employment and Countermeasures Research-Taking Tantai City as an Example*
 Data description: the greater the importance index, the greater the relative importance

Figure 3: Ranking the relative importance of factors influencing re-employment

After one or two years, or even three or four years, women who want to return to work face a number of barriers to re-entering the workplace after childbirth. Psychological stress, age and education are the top three factors influencing re-entry into the workforce. Faced with increasing competition for jobs, postnatal women are often at a disadvantage in terms of age and education compared to the army of university students seeking employment [2]. Less than 2% of working women use their free time to undertake work-related studies during pregnancy or maternity leave, while the majority of working women focus more on prenatal education and childcare during this period [3]. With less physical strength and energy than before childbirth, most post-parenting women are no longer able to squeeze in more time to make up for the workplace knowledge they left behind during pregnancy, and are less likely to further learn and explore unknown work-related areas after childbirth.

3.2 Analysis of the causes of women's employment problems

In terms of the causes of gender inequality in the workplace, 62.3% of women believe that "childbirth imposes an irreversible burden on women", much higher than 28.1% of men, indicating that women feel more strongly about this. 2015 saw the full implementation of the policy that a couple can have two

children. And in 2014 the mobile unemployed group, 40.48% of the unemployed were women; and in 2015, which up to 46.25%. In other words, after the implementation of the two-child policy, it is more difficult for female migrants to find work than for men [4]. Among male employees, the highest percentage, 41.5%, believed that the “deep-rooted feudal ideology” caused gender inequality, followed by the “social division of labor”, at 33%.

Accordingly, more than half of the women believe that the core element to promote gender equality is “the burden of childbirth borne by enterprises and society”, and in the face of this obstacle to gender equality in the workplace, the majority of women are eager for enterprises and society to take on the burden of childbirth. In the face of this obstacle to gender equality in the workplace, most women are keen to see companies and society working together to solve this problem [5].

4. Impact of the extended maternity leave policy on women's employment issues

The “extended maternity leave” policy is a complementary policy to the “three-child” policy, which was introduced to promote childbirth, but its negative impact cannot be ignored. In the context of the three-child policy, the extension of maternity leave may have an impact on women’s employment: at the recruitment stage, employers may take measures to deliberately reduce the number of women employed, such as by raising the recruitment conditions for women. At the stage of labor relations, the extension of maternity leave may objectively lead to disputes between the company and women in employment, such as demotions and pay cuts, or even dismissal of women during pregnancy, maternity and breastfeeding.

The recipients of the “extended maternity leave” policy are female employees of institutions, enterprises, social organizations and other organizations; however, there are still many women who are not covered by maternity protection. For example, women entrepreneurs, women in informal employment, and women who do not meet the various requirements for maternity insurance are all outside the design of the policy system. The implications for women are discussed here only in the context of the policy recipient groups.

4.1 The “extended maternity leave” policy exacerbates women’s employment inequalities

Inequalities such as male preference, unequal pay for equal work and gender segregation persist in the labor market. For women who were already employed at the time of the ‘extended maternity leave’ policy, one third of those who were employed felt that their jobs had been negatively affected by the policy, such as ‘reduced opportunities for promotion and salary increase’, and that they might face for example, “forced to leave the job due to maternity” or “transfer to another job with reduced salary”, which have shown in figure 4.

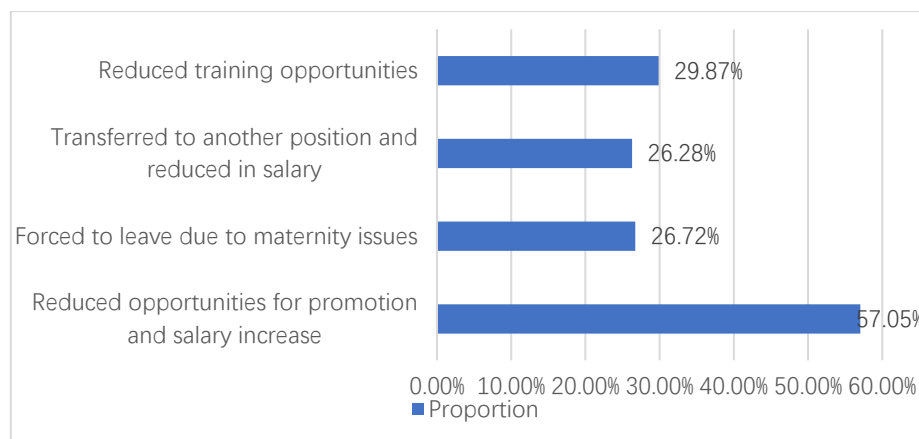


Figure 4: Specific impacts at work following the introduction of the “extended maternity leave” policy

Women in the job search process are more directly affected by the ‘extended maternity leave’ policy than women in the workforce. The policy of extended maternity leave is ostensibly to encourage childbirth and compensate women for their hard work in childbirth, but it is also a step in the direction of losing women’s initiative in the workplace.

4.2 Women are affected in different ways depending on the nature of the business

4.2.1 Inequality is more pronounced in the private sector than in the public sector

In the context of the “three-child” policy, female workers in the public sector ¹ have been able to benefit more from the policy. Women workers in the public sector can enjoy the benefits of the policy, such as extended maternity leave and paid maternity leave subsidies, and are the largest group of beneficiaries under the current maternity policy. In the analysis of interviews for this study, a university teacher said that she agreed with the current extended maternity leave policy “because it takes at least one to two years if the child is breastfed, and nowadays it is a two-earner family and it puts too much pressure on women if they don’t have parents to help look after the child.”

So, for women working in the public sector, the only concern with this policy is that taking a long maternity leave will affect their chances of promotion and salary increase, rather than the concern of being “forced to leave” or “transferring to a lower salary” due to childbirth.

For institutions and state-owned enterprises, the introduction of extended maternity leave will lead to an increase in the number of employees who are pregnant and breastfeeding, disrupting the normal order of work.

In contrast, for women workers in the private sector ², the effects of the “extended maternity leave” policy will do more harm than good. Under the competitive market mechanism of survival of the fittest, all industries are under tremendous pressure to survive, and without external incentives and support, it is difficult for them to bear the employment costs of maternity. In the course of labor relations performance, Ms. Wong, a management-level employee of an e-commerce company, was entitled to 158 days of maternity leave and maternity allowance. She revealed that since the company became aware of her pregnancy, it handed over the projects she was working on, dismissed her subordinates, gave her a leave without pay and interviewed her repeatedly. Ms. Wong was eventually dismissed from the company when she was four months pregnant and is now preparing to file a labor arbitration against the company. In the case of replaceable positions, working women will face the problem of their jobs being completely replaced by others due to the length of their leave; and prolonged absence from work may result in a decline in job skills, making it difficult for them to return to the workplace and thus be transferred to a lower salary.

4.2.2 Female employment inequality in the public sector has hidden characteristics

The public sector has shown clear signs of covert discrimination against women in recruitment since the introduction of the ‘two-child’ policy. In other words, these departments do not explicitly state that gender is required in the recruitment process, but in practice they only hire or hire a large proportion of staff of a certain gender (often male) [5]. The “three-child” policy is accompanied by a policy of “extended maternity leave” to encourage childbirth, reinforcing the covertly discriminatory character of the policy. A 28-year-old married woman who had not yet had children said in the interview that there was a strong bias against married women in state-owned companies and that they would ask if they were married and had children when hiring. Nearly 40 per cent of public sector managers also said that, without breaking the law, they did not hire women by various means, such as screening out women from their CVs and making written tests and interviews more difficult [6].

4.3 The “extended maternity leave” policy further widens the gap in the level of maternity protection for enterprises

The implementation of the maternity leave policy differs markedly between enterprises of different nature due to the different costs associated with childbirth: in the context of encouraging childbirth, the best implementation of maternity leave is in state institutions and public institutions; followed by large and medium-sized state-owned enterprises, while the situation in non-public enterprises is more complicated.

The difficulty in implementing the policy for non-public enterprises lies more in the area of labor costs. Foreign-invested enterprises, especially those in Europe, America and Japan, will try to implement the policy even though it is not in place. Private enterprises, on the whole, do not react strongly to the increase in costs. In an overall analysis, the requirements and scope of application of labor protection provisions for female workers have long been out of step with the current economic development

¹ In this paper, the public sector in the broad sense: government agencies, institutions and state-owned enterprises.

² The private sector mainly refers to private enterprises, foreign-funded enterprises and joint ventures.

situation in China. The continuous introduction of policies to encourage childbirth has, on the surface, increased the level of maternity protection, but in essence there are a significant number of women whose rights and interests are not being implemented or are even being regressed frequently, so for this category of female workers, it becomes an invisible pressure and discrimination in disguise in terms of employment and is even more of a dilemma.

4.4 The “extended maternity leave” policy will lead to a regression in social thinking

In the long term, current policies and regulations can easily lead to conflicts between men and women, and can even cause a further tear in social attitudes. The existing Marriage Law emphasizes the independence and equality of men and women, blurs the boundaries of gender, emphasizes non-differentiated reciprocal obligations, and increases property rights and ignores the value of labor such as housework and childcare. In short, the marriage law reduces the constraints on the family and moral responsibilities of both men and women. But the extension of maternity leave means that the primary responsibility for caring for babies and young children lies with women; at the same time, the introduction of this policy further increases discrimination in employment, increasing pressure on women in the workplace, reducing job opportunities and forcing them to leave their jobs and return to their families, thus reverting back to the prejudiced idea that “men are the primary caregivers and women are the primary caregivers”. In the long run, women’s education may be neglected in the future, which will lead to more negative chain reactions.

5. Measures to promote equal employment for women under the “extended maternity leave” policy

The 2022 Nestlé Parenting Index, published by Nestlé Mother & Baby, shows that “lonely” parenting is prevalent worldwide.³ China has moved up from fourth place in 2021 to third place in terms of loneliness caused by parenting. Eighty-five per cent of parents who feel lonely in parenting are women and 15 per cent are men, with mothers feeling significantly lonelier in parenting than fathers [7]. And while parenting is the responsibility of both spouses, a sound child requires the joint efforts of both parents. Extending maternity leave for women will undoubtedly increase the burden of childcare on women, and “lonely” parenting will have a negative effect on the growth of newborns. While it is important to extend maternity leave for women, there are other issues that need to be explored in depth based on the reality of the situation.

We believe that in order to promote women’s willingness to give birth, encourage childbirth and reduce the employment discrimination caused by the “extended maternity leave” policy, we should improve the system and policy in the following areas.

5.1 Increase and improve legally mandatory paternity leave for men

Since many provinces across the country have amended their population and family planning regulations, most provinces have also extended paternity leave for men at the same time. However, in practice, many men are afraid to take paternity leave because of its impact on their work, and usually take annual leave, personal leave or overtime to provide paternity leave. Secondly, unlike maternity leave, which is protected by the Labor Law, paternity leave for men is currently not explicitly provided for in the relevant laws and regulations, and the specific details of paternity leave depend on the actual regulations of each province and city. The lack of legislative protection for paternity leave reduces the cost of breaking the law, and even if men have a claim for paternity leave, their rights and interests are not protected. According to Jiang Shengnan, it is recommended that paid paternity leave for men be increased to 30-42 days, and that regulations on paternity leave for men be unified at the national level. In line with the policy on maternity leave for women, a certain degree of policy flexibility should be allowed for individual regions, subject to national deployment, as there are differences in economic and demographic conditions between provinces and regions [8-12].

5.2 Provide tax relief for different employing units

Because of the different nature, profitability and purpose of companies, the cost to the employer of working women throughout the maternity process varies; the government could grant tax breaks

³ “Lonely” parenting: when one spouse takes on the majority of parenting responsibilities alone, with the parent at home often the parent at home often feels lonely

according to the nature of different companies and the number of women workers who give birth. Such a tax relief policy is more targeted and fairer. For enterprises, this would not only reduce the pressure of employment costs during the period when women are giving birth, but also ease the pressure on companies to recruit female workers; for women, it would further eliminate the concerns of working women considering childbirth and encourage their willingness to give birth, as well as reduce the problem of employment discrimination and promote the idea of equal employment for men and women, thus truly forming a positive cycle of maternity policy.

5.3 Improving the judicial remedy system for infringement of women's rights and interests

At present, the only way to protect the legal rights of women who are dismissed from their jobs due to pregnancy is to resort to labor arbitration. The tedious steps of preparing documents, taking evidence and submitting to arbitration are undoubtedly physically and mentally devastating for pregnant women. For women who suffer from gender discrimination in their professions, the relevant institutions can provide a pro bono mechanism for litigation, such as the local women's union. Such help can also provide other female employees with a value judgement on whether they have been discriminated against on the basis of gender and the measures to address it. China advocates equality between men and women in employment, but there is no complete law that specifically proposes anti-discrimination in employment and penalties that can serve as an early warning to enterprises and effective protection of women's rights. China should improve the laws and regulations related to employment discrimination, clarify the specific meaning of "discrimination" and increase penalties. At the same time, reporting channels should be provided, and companies that discriminate against women on the basis of gender when seeking employment should be punished accordingly, so that the law can serve as a warning and guide. The protection of women's legal rights is not only a complementary measure to extend maternity leave for women, but also an important step towards ensuring gender equality and combating employment discrimination.

5.4 Improve individual tax support policies

In addition to work, the high direct costs of education, health care and housing, the high burden of childbirth and upbringing and the risk of reduced quality of life also discourage men and women of school age from having children. In the face of the high cost of childcare, taxation can be used to regulate income and promote social equity. Firstly, the starting point for personal income tax could be raised accordingly, deducting the corresponding costs of education, upbringing and childcare from the tax bill, a practice that would reduce the burden on families and support their development. Secondly, tax reform policies that do not benefit the vast number of farmers and some poor urban families, who are likely to fall into deep poverty as a result of having three children, should also be introduced to protect this group. Improving support for taxation is an important measure to share the cost of childcare, and sharing the cost of childcare can, to a certain extent, alleviate the worries of families in having children[13-16].

6. Conclusion

The Chinese government has started to implement the three-child policy in order to improve the demographic structure and solve a series of social problems caused by the demographic imbalance in the context of the increasing aging of the population. At the same time, local governments have introduced corresponding policies to extend maternity leave to encourage women to give birth. However, the actual implementation of the policy has been greatly reduced. This is due to the increasing cost of childbirth and childcare. The shortage of family labor during childbirth and the reluctance of companies to bear the cost of labor during childbirth have led to a reduction in hiring married women without children or to women choosing between childbirth and employment. These phenomena exacerbate female employment inequalities and increase female fertility concerns. We believe that fertility promotion should begin with reducing the costs of childbirth and childcare. In terms of employment, we should reduce the pressure of employment from both the family and the company, and try to eliminate women's concerns about childbirth, so as to promote their willingness to have children.

References

[1] Scheubel B. *Does it Pay to be a Woman? An Estimation of the Labour Market Effects of Maternity Leave Legislation [J]. Labour Market Effects of Maternity, 2010.*

- [2] Liu Qinghua, Hu Xihou. *Analysis of the current situation of postpartum women's re-employment and countermeasures research--Taking Yantai City as an example* [J]. *Northwest Population*, 2015, (2): 25-28+32.
- [3] Su Jinjin, Li Jie. *The impact of childbirth on career development of professional women and countermeasures* [J]. *China Human Resource Development*, 2015(5): 60-65.
- [4] *Wise Recruitment: 2022 China Women's Workplace Status Survey Report*
- [5] He Jiechao. *Research on women's employment under the influence of "comprehensive two-child" policy* [D]. DOI:10.27342/d.cnki.gscdu.2021.000224.
- [6] Li Z, Chen Ni, Lan Qingqing. *A review of women's equal employment under the "comprehensive two-child" policy* [J]. *Chongqing Social Science*, 2018(10): 10.
- [7] Nestle. *Nestlé releases childcare index*. <https://www.nestle.com.cn/media/pressreleases/20210225-the-nestle-parenting-initiative-launch>. February 25, 2021.
- [8] Li Hongxiang. *Research on the improvement of legislation to protect women's employment rights under the "two-child policy"* [J]. *Social Science Front*, 2017(10): 197-204.
- [9] Zhou Xiaoyi. *The improvement of China's maternity leave system in the context of the "comprehensive three-child" policy*. *Heilongjiang Human Resources and Social Security*. 13(2021): 41-43.
- [10] Pu Xiaolei. *More than 20 Provinces Amend Regulations on Population and Family Planning*. *Rule of Law and Society*. 02(2022): 52-53.
- [11] *Decision of the Central Committee of the Communist Party of China State Council on Optimizing Fertility Policy for Long-term Balanced Population Development*. http://www.gov.cn/zhengce/2021-07/20/content_5626190.htm. July 20, 2021.
- [12] Lin Yanling. *The impact of female workers' leave setting on the protection of women's rights and interests and the comparison of international experience* [J]. *Journal of China Institute of Labor Relations*, 2018, 32(03): 15-34.
- [13] Ren Zeping, Xiong Chai, Zhou Zhe. *China fertility report 2019* [J]. *Development Research*, 2019(6): 21.
- [14] Maxwell N, Connolly L, Laoire C N. *Informality, emotion and gendered career paths: The hidden toll of maternity leave on female academics and researchers* [J]. *Gender, Work & Organization*, 2019, 26.
- [15] Huang. *"Politics." The problems and improvement strategies of the "three periods" protection system for female workers*. *Legal Expo*. 06(2022): 109-111.
- [16] Yuan Hui, Wang Xichen, Hu Anqi. *Research on the coordinated development of fertility policy and social basic pension security from the perspective of fertility rate* [J]. *Journal of Xinjiang University (Philosophy -Humanities and Social Sciences Edition)*, 2021, 49(02): 19-28. DOI: 10.13568/j.cnki.issn1000-2820. 2021.02.003.