

# ***Research on the Protection of Female Employment Rights under the Background of the Universal Two-Child Policy***

—Taking H District of Jinan City as an example

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***Abstract***—The Fifth Plenary Session of the 18th CPC Central Committee decided to implement the policy of the Universal Two-Child Policy. However, as the main body of fertility, women will be the first to suffer after the adjustment of the birth policy, especially the protection of women's employment rights will usher in new challenges. How to protect women's employment rights after the introduction of the two-child policy has become a problem that our society attaches great importance to. The article outlines the employment rights and protection status of Chinese women, adopts qualitative research methods, explores the problems of women's employment and the reasons behind the problems through interviews, and proposes suggestions for protecting women's employment rights. Through research, it is found that the two-child policy must pay attention to the employment problem of women if it wants to implement smoothly. The government, society, enterprises and women themselves should play their respective roles to protect women's employment rights.

***Keywords***—The universal two-child policy; Female employment; Rights protection

## I. INTRODUCTION

China implemented the family planning policy in 1980. Controlling the population and improving the quality of the population was the main goal of China at that time. It has indeed played a positive role in China's population development for decades. However, with the passage of time, the structural problems of population with negative population growth, severe population aging, and insufficient labor force are becoming more and more obvious. The corresponding problem of single-child families losing their independence and raising old age brings new challenges to economic development and population security. The birth policy is obviously not in line with China's current national conditions. Therefore, the Fifth Plenary Session of the 18th CPC Central Committee decided to implement the comprehensive two-child policy. The comprehensive two-child policy is conducive to promoting better and faster economic and social development, improving the birth policy, optimizing the population structure, and enhancing the family's ability to withstand risks. However, the comprehensive two-child policy has brought other

problems in the implementation process. As a main body of fertility and one of the important members of the family, women are the main force in caring for children. The new birth policy is bound to have a major impact on women, which means that women bear more pressure and responsibility in their work and family. Some professional women have no energy or the willingness to have children after considering family and work. Affected by multiple factors, women who are in a weak position in the employment process have ushered in even greater challenges. "Working" or "born children" has become a difficult choice for women.[1]

## II. RESEARCH OVERVIEW

This paper is a study on the protection of women's employment rights in the context of the two-child policy. Since the implementation of the policy is not long, many problems have not been fully revealed. The information obtained through the literature is not comprehensive, so qualitative research is adopted. The method of interviewing, in-depth understanding of women's dilemma in the employment process. Through a relatively free conversation with the interviewee around this topic or scope, a total of 17 interviewees were selected to understand the basic situation of the interviewee, including: gender, age, marital status, occupation type, number of children born, and family economic status. In-depth understanding of family members mainly includes the willingness to have two children, the degree of family and work participation, whether they face employment discrimination, the predicament in the employment process, and so on. Through interviews, you can understand the personal experience of the interviewees. Because the interview method can flexibly select the respondents, it is beneficial to give full play to the initiative and creativity of the interviewers and interviewees, to raise questions in a targeted manner, to conduct in-depth and meticulous investigations on a certain issue, and to comprehensively understand the comprehensive two-child policy. Let go of the various effects of women's employment.

### III. PROBLEMS IN THE PROTECTION OF WOMEN'S EMPLOYMENT RIGHTS UNDER THE BACKGROUND OF THE TWO-CHILD POLICY

#### *A. The phenomenon of discrimination in the employment process has increased*

Although China has always emphasized equality between men and women and stipulated gender equality as a basic national policy in the Constitution, employment discrimination suffered by women in real life has always existed. The liberalization of the comprehensive two-child policy means that discrimination is more serious.

##### *1) It is more difficult for women to enter the workplace during the job search process.*

The discrimination faced by women in job hunting is mainly reflected in the fact that the acquired conditions of female job seekers are basically equal to those of men or even men, and employers still recruit men. The employer adopts the method of invisible employment discrimination. Although it does not directly indicate that women are not recruited at the time of recruitment, it will eliminate female job seekers at the stage of file screening, written examination and interview. The second child policy was introduced, and women who have had a child who was once more popular in the workplace also face this dilemma [2]. Therefore, after the policy is released, the employer's choice of female employees is even more demanding.

Due to the competitive pressure of employment and invisible employment discrimination, female workers in China have difficulties in entering the workplace, and most of the female workers in the service industry or informal employment have lower levels of work and lower wages. The level of protection or protection is low. Compared with women in the system or in formal employment, they face higher risks and work more unstable.

##### *2) In the process of employment, women encounter more unequal treatment*

After rushing through various job-seeking restrictions, women enter the work environment and face various kinds of discrimination, mainly because of the different pay for men and women workers and the difficulty of women's promotion. During the interview, the author found that most female employees reflect that male workers in the same position have higher income than females, and in order to circumvent the law, employers differ in bonuses. Generally speaking, the level of education and knowledge and skills are important factors in determining wages. However, whether it is domestic or foreign, the gap between the wages of male and female workers is still an indisputable fact. In addition, in terms of training and promotion, women workers are far less likely to get less than male workers. Female workers must not only have maternity leave but also pay for maternity leave, and they have a long period of time during pregnancy, childbirth, and childbirth. Time women can't fully devote themselves to their work, and they can't bring more benefits to the unit. If they are women who have two children, it means that the cost they bring to the company will double, so the employer will More opportunities are reserved for men, women receive less training and promotion, and even some female workers in the interviews

expressed fear of giving up the birth of two children because of the loss of promotion opportunities.

#### *B. Declining income of female employees*

At present, according to Chinese law, female workers who participate in maternity insurance can enjoy maternity insurance benefits during pregnancy. However, in the actual implementation process, most employers will only send the basic salary of employees to women. Many respondents indicated that they are giving birth. The allowance during the period is far lower than the salary during the period of employment, and some female workers who have given birth to their children can return to work and may find that the position originally belonging to them is already someone else. They are transferred to other jobs and obtained at the same time. The salary is not as good as before, which is unacceptable to female workers.[3]

For families with two children, the income of the family, which is extremely burdensome, will be reduced, and the pressure on both husband and wife will increase, which may lead to conflicts in work and family life. Therefore, after the implementation of the "two-child comprehensive" policy, the income of female employees may decline, and the family pressure will increase sharply, which in turn will affect the willingness to have two children, which is not conducive to the implementation of the comprehensive two-child policy.

#### *C. Women's career development is affected*

As mentioned above, the promotion opportunities faced by female employees are far less than that of men, and the career development of female workers is slow. A woman who has given birth to a child can no longer adjust her status when she returns to work. One interviewee complained to us that taking care of the child and working hard to make her exhausted every day. She often does not work or makes mistakes. She sleeps during the day and sleeps at night. Also, rest is not good, etc., which seriously affects the working condition and the quality of work declines. Not only that, but after the female employee was pregnant, the employer did not dismiss him, but they transferred the post or the female employee on the edge, forcing him to resign. Some women quit their jobs completely, take care of their children, become full-time mothers, and have a broken career.[4]

Some women quit their jobs to take care of their children. They want to return to the workplace when their children are a little older. Their re-employment path is even more difficult. In a few years, they are no longer familiar with the working environment, knowledge and skills are degraded, human capital Cuts, but also take care of children, coupled with the current employment competition, even if you can find a job, it is probably not as good as the previous work.

#### *D. The employment rights of female employees in the "fourth phase" are difficult to fully protect*

"Four-phase" protection generally refers to the protection of women during menstruation, pregnancy, childbirth and lactation. In the Special Provisions on Labor Protection for Female Employees, female workers are specially protected based on the special physical conditions of women, but in practice it is difficult to carry out. Female workers engaged in

informal employment, their working environment is very bad, and it is almost impossible to get more welfare protection. And some small businesses, especially private companies, have difficulty in paying social insurance for their employees. Even if they pay, they may pay less maternity benefits during the period of female employees' production, or they may be transferred or dismissed after the female employees give birth. In short, the employer's own interests are not in accordance with the regulations.

Before the implementation of the "two-child" policy, some companies in our society did not provide adequate protection for female workers during the "four-phase" period. After the opening of the two-child policy, there are still quite a few enterprises that have not changed. The state has not introduced corresponding supporting policies, and the supervision is insufficient. The employment rights of female employees in the "fourth phase" have not been more fully protected.

#### IV. ANALYSIS OF THE CAUSE

##### A. Personal factors

Influenced by the traditional concept, the concept of male and female lords has continued to this day, and women themselves seem to have defaulted to this mode of life. In most families, women make far more sacrifices in their careers than men. They put more energy into caring for children and doing housework, which makes their work ability decline after childbirth and their employment competitiveness declines. Many women return to the workplace after giving birth, human capital declines, and they do not adapt to the original work.[5]

In the process of employment and re-employment, women lack the correct employment value orientation and good employment mentality. They have never invested in their own human capital, interrupted their studies, and blamed the hard-to-employment only for objective reasons and not for their own reasons. The author found from the interview that almost all the respondents who gave birth to children only paid attention to the children's problems during the birth period, and almost no relevant work was involved, and the study was not even possible.

At the same time, women's awareness of self-protection is already large. The number of women engaged in informal employment is already large. Their education level is limited and their legal awareness is weak. When their employment rights are violated, they will not actively raise objections. In order to protect their work, they will not be swallowed up and will not use legal means to protect them. Most of their own rights do not understand their employment rights. Female workers are often in a weak position in terms of maintaining their rights and interests.

##### B. Social and cultural factors

The social division of labor with discrimination in the "male-minded, female-in-law" in China for thousands of years is the root cause of discrimination against women. Under the influence of this kind of thinking, whether or not to pass on the family is the main criterion for measuring women's value. Although modern society has been advocating equality between men and women, women's overall education level is

still lower than that of men, and their competitiveness in the job market is not as good as that of men. Therefore, most women work at a low level and have low income. Even women with high levels of education and comprehensive ability are still not optimistic, and the glass ceiling in the employment process has always existed.

Influenced by this culture, men and women have formed a fixed pattern for their roles and social division of labor. In real life, men focus on their work. Women are husband and wife, doing housework, and work is not their main task. The opening of the comprehensive two-child policy, when many families have no extra energy to take care of their children, are women making sacrifices, such as choosing a more relaxed and simple job or giving up work directly to meet the needs of their families.[6]

##### C. Economic situation factors

In the market economy, profit is the primary goal of the employer. They tend to choose workers who bring higher value or lower costs. The opening of the "Comprehensive Two-Child" policy undoubtedly increases the cost of employing female employees in employers.

Manager Chen of the Personnel Department of an enterprise in Jinan said: "Enterprises always have to consider the cost. During the period when women employees in the unit have children, they must not only keep their jobs, pay their wages, but also find jobs in their vacancies instead of them. People, the cost of giving birth to a child is not small, giving birth to two children means that these costs are doubled; companies are for profit, as long as the gap between applicants is not particularly large, we are certainly more willing to recruit male employees. Even if we neither recruit women nor will it makes a large human capital investment for female employees."

Although the government has been stepping up efforts to solve the problem of employment difficulties, the current employment situation is still not optimistic. The oversupply of the labor market and the pressure of employment competition are indisputable. Female workers who are in a weak position after the opening of the comprehensive two-child policy are even less dominant, and there will be more and more employment discrimination.

##### D. Policy and legal factors

After the comprehensive two-child policy is opened, enterprises will inevitably choose lower-cost male employees for the sake of interest. However, this kind of discrimination has no corresponding law to solve. There is no specific anti-employment discrimination law in China. Sex discrimination is the most serious, and the two-child policy will undoubtedly make this discrimination worse. According to the law of our country, when the rights and interests of laborers are violated, arbitration and re-litigation may be initiated first. The parties have almost no legal costs. However, most of the parties in practice have no direct evidence, and it is difficult to prove the evidence and do not understand the legal procedures. Some employers deliberately delay the litigation time and exhaust the time and energy of the parties. These time costs and economic costs are huge; so many parties are willing to

swallow and are not willing to defend their rights. These problems have exposed the lack of operability of current policies, women's employment rights have not been strongly protected, and the employer's method of adopting implicit discrimination has also increased the difficulty of supervision and restraint by government departments.[7]

#### V. THE BASIC WAY TO PROTECT WOMEN'S EMPLOYMENT RIGHTS

##### *A. Improve the employment security system and protect women's employment rights*

###### *1) Increase penalties and increase the illegal cost of employers*

The reason why employers will implement obvious or invisible employment discrimination is that the illegal cost is lower. Therefore, relevant departments should increase the penalties for employers, and employers do not dare to violate the law. At the same time, the supervision of employers should be strengthened to protect the legitimate rights and interests of female workers. [8]

###### *2) Gradually improve laws and regulations on anti-employment gender discrimination*

If women's equal employment rights cannot be guaranteed, there is no way to enter the labor market normally. After that, all labor rights protection and special rights realization will only be in the form. Whether it is the introduction of the new "Anti-Employment Discrimination Law" or the adjustment of the provisions on gender discrimination in employment in the "Labor Law" implemented in China at this stage, the operability of laws and regulations should be improved first.

##### *B. Gradually improve the maternity insurance system and mobilize the enthusiasm of women for employment*

At this stage, China's maternity insurance system should balance the relationship between women, employers and the government in the job market as the basic starting point for institutional design. Although the employer is responsible for paying the insurance premium, the government and other social organizations can appropriately subsidize and reduce the pressure on the enterprise to pay. At the same time, the coverage of the maternity insurance system should be expanded, especially the female groups in informal employment.

##### *C. Promoting the development of child care services and alleviating the pressure on women's work and family*

The Chinese government should introduce a supporting policy for the two-child policy as soon as possible, speed up the establishment of public nurseries and kindergartens, and encourage the establishment of private care institutions. At the same time, the government should also strengthen supervision of the nursery industry, solve the problem of caring for children for families with two children, so that women can return to work with peace of mind.

##### *D. Promoting employers to change their employment concept and protect women's legitimate rights and interests in employment*

If the employer is on a strong side, it should take the initiative to protect the legitimate rights and interests of the workers. From the perspective of employment, female employees have unique advantages, work is meticulous and serious, and they are naturally sensitive to things. This is suitable for a lot of work. If employers can protect women's employment rights, they can establish a good corporate image and benefit the employer long-term development.

#### VI. CONCLUSION

After the opening of the two-child policy, most women will travel between work and family, and even some women will return to the family from the workplace. This paper analyzes the dilemmas and the reasons behind women's employment in the process of employment. To solve these difficulties, not only do women need to make certain efforts, but also need support from families, employers, government departments and society. If we can't solve the contradiction between women's employment and childbearing, gender discrimination will always exist and become the biggest hidden danger in women's employment. Women's employment rights cannot be guaranteed, fertility will decline, and the two-child policy will not be implemented smoothly. The conclusions and solutions of this paper hope to provide reference for policy formulation and escort women's employment rights in the context of "full two children".

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