



Research on Employment and Fertility Support Policies for Women in a Sub-Replacement Fertility Society

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Abstract. Following the implementation of the three-child policy, China introduced related fertility support policies. However, these measures have not reversed the trend of sub-replacement fertility. This paper, through a review of existing literature, reveals that research on employment and fertility support policies for women in sub-replacement fertility societies has mainly been conducted from a macro perspective, with insufficient attention given to micro-level analyses, particularly regarding corporate maternity leave policies. In response, this paper examines the current low fertility intentions among women from the perspective of corporate maternity leave policies, identifying that the challenges women face in balancing family and career is one of the key factors in sub-replacement fertility decisions. The paper also offers recommendations for supporting policies that enhance women's employment and fertility: establishing mother-and-child rooms and other facilities in the workplace to provide work environments that accommodate the needs of women after childbirth, eliminating gender discrimination in hiring, providing flexible working hours and opportunities for remote work, safeguarding women's employment rights, addressing their concerns about childbearing, and thereby improving the current sub-replacement fertility situation.

Keywords: fewer children, women's willingness to give birth, enterprise maternity leave system, employment security

1 Introduction

At the 30th Session of the Standing Committee of the 13th National People's Congress, the "Decision on Amending the Population and Family Planning Law of the People's Republic of China" was passed.[2] Article 18 of the amended law promotes marriage and childbearing practices at an appropriate age and encourages healthy birth and sound care. Couples are now permitted to have up to three children, thus fully implementing the three-child policy. However, China's birth rate continued to decline in 2022 and 2023, indicating that the three-child policy has had little impact on reversing the trend of sub-replacement fertility. This suggests that the anticipated outcomes of the three-child policy have not been realized. In light of the coexistence of an aging population and sub-replacement fertility, addressing this issue is of profound social significance.

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The declining birthrate is primarily attributed to the continuous decrease in women's fertility intentions due to the difficulty of balancing work and family responsibilities. Existing policies that aim to protect women's legal rights and interests in the workplace before and after childbirth, as well as social support for women in their childbearing and rearing, remain insufficient.

According to the existing relevant literature, to address women's' low fertility intentions, some suggest that protecting and enhancing fertility intentions should form the foundation of policy considerations. The dilemma women face in choosing between career and family could be mitigated through the establishment of rational systems. Relevant literature, based on national census data and combining the relevant statistics from the National Bureau of Statistics and the World Bank, has explored the characteristics of China's population transition and the practice progress of family fertility support policies. They have also proposed policy recommendations for inclusive childcare services, family economic support systems, family-friendly time support policies, and mechanisms for sharing childcare costs. Based on the study contents, most literature has focused on social and family support for women's childbearing and rearing, with insufficient attention given to corporate-level analysis.

This paper begins by reviewing existing literature to clarify the research focus. It then provides an overview of the current low fertility intentions among contemporary women in the context of sub-replacement fertility, analyzing the underlying reasons for this phenomenon. Finally, from the perspective of employers, this paper offers recommendations for women's employment and fertility support policies in a sub-replacement fertility society.

2 Literature Review

Sub-replacement fertility refers to the phenomenon where a decline in fertility rates leads to a gradual decrease in the young population. One contributing factor is the average age of women in their prime childbearing years is increasing, leading to a decline in fertility, which significantly reduces the number of women who are both capable and willing to have children. Other factors include rising childcare costs, a decrease in marriage intentions, etc. Sub-replacement fertility aggravates aging, reduces the labor force, and leads to other social problems. This issue has garnered attention not only from policymakers but also from academia, which seeks to address the challenges posed by sub-replacement fertility and aging through employment and fertility support policies for women.

Existing literature primarily revolves around maternity leave policies, identifying them as the most effective policy for women's child bearing and rearing. For example, Ren Huiling and Zhou Qingyuan (2022) studied the impact of maternity leave policies on sub-replacement fertility in five countries - France, Germany, Poland, Spain, and Sweden.[9] They pointed out that direct population policies include: family support measures, reproductive health measures, and family-friendly employment measures. Employment measures encompass leave policies, childcare arrangements, and employ-

ment protection measures. For instance, in France, mothers can receive maternity allowances from the fourth month of pregnancy until the child is three years old. Germany's statutory maternity leave spans from six weeks before birth to eight weeks after, with maternity benefits paid by health insurance amounting to 100% of the mother's net income. Working parents can take up to 10 days off per year to care for a sick child under 12, with a maximum of 25 days of annual leave. Sweden offers 60 days of paternity leave, and ensures the right to return to the original job afterward. Parents of children under 12 are entitled to 60 days of subsidized leave. In addition, shorter and more flexible working hours are provided for mothers with young children; the right to return to the same or an equivalent position after maternity leave is guaranteed, along with the protection of promotion opportunities, social security, and other benefits. In Spain, the government provides financial incentives to employers who hire women within 24 months after childbirth.

Li Jiachi (2022) analyzed the reasons for low fertility intentions among women. She found that social stereotypes about gender significantly influence women's career choices and promotion.[7] One reason why employers are reluctant to hire female workers is the perception that women will prioritize family over work. Even though there are national regulations prohibiting gender discrimination in hiring, HR departments often avoid assigning important positions to women or refuse to hire them if they plan to have children. The current maternity and parental leave policies in China are insufficient to genuinely protect women's labor rights and interests, and thus fail to boost fertility intentions fundamentally. Women who have recently given birth may struggle to focus on work tasks for extended periods, and their frequent absences can result in hidden costs for employers. The burden of maternity leave and allowances also increases the cost of employing women. Therefore, the current policies face issues such as implicit discrimination in enterprise hiring and the inappropriate burden of maternity leave and allowances on enterprises.

From the above literature, it is evident that while existing research has explored the issue of sub-replacement fertility through the lens of maternity leave policies in the context of women's employment and fertility support, it primarily addresses macro-level policy support and lacks a micro-level focus on corporate practices. Moreover, although some studies have touched on the challenges in policy implementation at the corporate level, they have not delved deeply into the protection of women's labor rights and interests.

In light of these findings, this study adopts a micro-level perspective, focusing on corporate maternity leave policies. By exploring the protection of women's labor rights and interests, it aims to provide practical solutions for employment and fertility support policies for women in a sub-replacement fertility society. This study not only offers a new research perspective in the field but also provides experiences and insights that can serve as a reference for addressing sub-replacement fertility, aging, and other social issues.

3 Current Status and Characteristics of Employment and Fertility Support Policies for Women in a Sub-Replacement Fertility Society

3.1 Key Characteristics of Sub-Replacement Fertility in China

To address the issue of sub-replacement fertility, China has implemented policies encouraging the birth of the second and the third children. However, the time frame for these policies has been relatively short, and their effects have not yet become evident. Currently, China remains in a state where aging and low fertility rate coexist, reflecting three trends of sub-replacement fertility.

First, the birth rate continues to decline. In 2022, the total number of births in China was 9.56 million, with a decrease of 1.06 million compared to 2021. The birth rate stood at 6.77‰, down by 0.75‰ from 2021. By the end of 2023, China's population was 1,409.67 million, with 9.02 million births throughout the year, resulting in a birth rate of 6.39‰. These figures have already reached the threshold for ultra-low fertility.

Second, fertility intentions have also decreased. In 2022, the number of women of childbearing age (15-49 years old) decreased by more than 4 million compared to 2021, with nearly 5 million fewer women in their peak fertility years (21-35 years old). In 2023, the number of women of childbearing age (15-49 years old) decreased by more than 3 million compared to 2022. The three-child policy has not achieved its anticipated impact.

Third, marriage intentions have declined, and the average age of marriage has increased. Last year, 6.835 million couples legally registered for marriage, with a decrease of 10.6% from the previous year. The marriage rate was 4.8‰, down by 0.6‰ from the previous year. Among those who registered for marriage, the proportion of those aged 30-34 was 20.72%, compared to just 11.3% in 2010. The proportion of those aged 35-39 was 9.14%, compared to just 6.6% in 2010. Meanwhile, those aged 40 and above accounted for 17.7%, with a slight decrease from 2021, but still 4.8% higher than in 2010. Delayed marriage often leads to a decline in women's fertility, while increasing family burden may further impact birth rates.

3.2 A Review of Current Employment and Fertility Support Policies from the Perspective of Corporate Maternity Leave Policies

3.2.1. Current Status.

According to Article 17 of the "Regulations on Labor Insurance of the People's Republic of China", "Each enterprise's basic-level trade union committee may, based on the enterprise's economic conditions and the needs of its workers and staff, jointly manage collective labor insurance services such as sanatoriums, recreational sanatoriums, and childcare centers with the enterprise's administration or the employer."^① This provision offers support for the employment of women after childbirth. Additionally, the "Joint Notice on Several Issues Concerning Childcare Centers and Kindergartens by

^① Article 17 of the "Regulations on Labor Insurance of the People's Republic of China".

the Ministry of Education, the Ministry of Health, and the Ministry of the Interior” stipulated that these institutions in urban areas should be collectively established by factories and mines, enterprises, government agencies, and organizations. From a macro perspective, these policies have played a certain role in supporting married women with children in the workforce and alleviating the childbirth-related burdens on employees’ families.[3]

During the planned economy era, the state advocated for the liberation of women’s productive potential, leading to the establishment of numerous childcare centers by state-owned factories and enterprises. The goal was to share women’s responsibility of child rearing, enabling them to actively participate in the workforce. Article 51 of the “Detailed Rules for the Implementation of the Labor Insurance Regulations” published in 1953 clearly stated that all expenses of childcare centers were to be borne entirely by the enterprise’s administration or employer, with parents responsible only for their children’s food costs.[1] The state used legal measures to reduce the cost of raising children and alleviate the pressure on parents. A series of supportive fertility policies effectively addressed the conflict between family responsibilities and labor participation.

In the two decades following the founding of the People’s Republic of China, rapid population growth increased demand for food, clothing, housing, transportation, education, and employment. In response, family planning policies were introduced to control rapid population growth. In 1978, family planning was incorporated into the constitution, marking the beginning of a period of rapidly declining fertility rates in China. Childcare centers established by state-owned factories and enterprises began to have excess capacity. Furthermore, as China entered the reform and opening-up period, many state-owned factories and enterprises underwent restructuring, transitioning to market-oriented operations. Childcare centers and kindergartens established by enterprises were divested to society, leading to a reduction in workplace childcare facilities and a weakening of employment and fertility support policies for women.[10]

Following the introduction of the two-child and three-child policies, the state has enhanced the fertility support policy system to achieve the desired outcomes as quickly as possible. It encourages employers to provide childcare services for their employees and supports state-owned enterprises and other entities in actively participating in the development of inclusive childcare service systems promoted by various levels of government. The state has also improved maternity leave and maternity insurance systems, strictly enforcing maternity and breastfeeding leave policies. In areas with favorable conditions, pilot projects to implement parental leave have been supported, along with the establishment of a cost-sharing mechanism for leave. Women’s legal rights in employment are protected, and the recruitment and hiring practices of government agencies, enterprises, and institutions are regulated to promote equal employment opportunities for women. Employers are encouraged to adopt measures that help employees balance work and family responsibilities, such as agreeing on flexible leave and working arrangements that accommodate childcare needs according to law. Policies and regulations on leave and working hours are to be appropriately revised and improved in due course.[6]

4 Challenges in Implementing Employment and Fertility Support Policies for Women in a Sub-Replacement Fertility Society

Despite adjustments made to macro-level policies regarding women's employment and fertility support, several challenges remain in the implementation process, hindering the effective execution of these policies.

4.1 Inability to Meet Specific Needs Within Companies.

According to the "White Paper on Urban Mother-and-Child Rooms in China", published by Yicai in March 2019, there were only 2,643 mother-and-child rooms across all cities in mainland China. Additionally, the "2019 Workplace Mothers' Survival Status Report" released by Zhaopin on May 9, 2019, indicated that only 8.22% of companies had mother-and-child rooms.[13] The surveys in recent two years showed an increasing trend in the establishment of mother-and-child rooms in public spaces, but they remain scarce in workplaces. Moreover, only a few local governments have enacted legislation requiring employers to provide mother-and-child rooms. Consequently, the lack of mother-and-child rooms leads many women to worry about the inconveniences they might face at work after childbirth, which ultimately discourages them from having children.[8]

4.2 Weakening of the Concept of "Raising Children for Old Age Support"

"Raising children ensures support in old age" refers to the idea that parents have children to ensure they are cared for in their later years. Professor Leibenstein of economics at Harvard University developed a marginal economic model for fertility decision-making using marginal analysis. He argued that parents have economic motivations for raising children, as they seek to derive various utilities and benefits from their children to offset the costs of raising them. Before the 21st century, this belief was a significant factor for most parents in deciding to have children. However, this concept has gradually weakened or even disappeared in the 21st century. One reason for this weakening is rapid economic development, which has reduced parents' need to rely on children for their future security. In today's society, the elderly not only receive pensions but also benefit from a range of government-provided retirement measures. When the perceived benefits of "raising children for old age support" fall below the costs of raising them, parents become less inclined to have children. Furthermore, according to Caldwell's wealth flow theory, in primitive and traditional societies, wealth flowed from children to parents. In modern society, however, wealth flows from parents to children, and this shift has contributed to the emergence of low fertility rates, which are an inevitable outcome of changing social dynamics. In modern society, where the right of production decision-making has moved from parents to external entrepreneurs, children no longer provide labor to their parents but instead sell their labor in the market. Consequently, lower fertility rates better align with the economic interests of families. As the

belief in “raising children for old age support” weakens or disappears, enterprises have also reduced their emphasis on providing child-rearing services for employees. This has led to a gradual reduction in related child-rearing services in enterprises, instead raising expectations for women’s contributions to enterprises. As a result, women are increasingly forced to prioritize their careers over family responsibilities, indirectly leading to lower fertility rates and delayed childbearing.[11]

4.3 Women Being Passed Over for Key Positions or Even Dismissed Due to Pregnancy Plans

Maternity leave can disrupt work processes, and policies that extend maternity leave and require employers to maintain a woman’s original salary during leave undoubtedly increase the cost of employing women. As a result, when calculating costs, enterprises have to reduce their hiring of women who plan to have children. According to a survey by a recruitment platform of Kanzhun Limited in its “2020 Workplace Women’s Survival Observation Report”, nearly 90% of married women without children were asked about their pregnancy plans during job interviews.[4] Among the top concerns for these women when deciding whether to have children, the most cited was “the long time required for pregnancy and childbirth, which may affect career advancement”, accounting for 38.8%. Additionally, 85% of women who had given birth believed that having children significantly impacted their career advancement. Thirty percent of women who became pregnant hesitated for a long time before informing their superiors, and 35% of supervisors began recruiting replacements as soon as they learned of a subordinate’s pregnancy. Although the “Labor Law” explicitly prohibits gender discrimination in hiring, and enterprises generally avoid overtly discriminatory policies, implicit discrimination remains widespread in practice. As a result, many women are hesitant to plan for childbirth out of fear that it could negatively impact their careers.[5]

5 Conclusion

Based on the above analysis, the following recommendations are proposed to promote the implementation of employment and fertility support policies for women from the perspective of corporate maternity leave policies.

5.1 Establish Mother-and-Child Rooms in Workplaces with a High Number of Female Employees

According to the “Special Provisions on the Labor Protection of Female Employees”, workplaces with a high number of female employees should establish facilities such as health rooms, rest rooms for pregnant women, and breastfeeding rooms to address their physiological hygiene and breastfeeding needs. This ensures that female employees can address their specific needs within the company, preventing post-childbirth complications from affecting their work hours.

5.2 Provide Flexible Working Hours and Remote Work Options for Women

To allow female employees adequate time for rest and recovery after childbirth, many provinces have introduced policies recommending employers to extend maternity leave. To reduce company labor costs, it is suggested that enterprises extend maternity leave for female employees and combine this with flexible working hours and remote work options, allowing women to arrange their work hours and locations flexibly during pregnancy and breastfeeding periods.[14]

5.3 Promote Gender Equality in Employee Policies

Strictly enforce gender equality in employee policies, requiring employers to avoid gender discrimination in hiring and to provide equal promotion opportunities for both female and male employees.[12]

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