

Research on the Problems and Countermeasures of Female Employment under the New Birth Policy in China

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Abstract: Women's employment has been a problem for a long time, but with the introduction of the new birth policy, women's employment is also facing a series of new problems, such as serious employment discrimination against women and employment inequality; The career development of female workers is hindered and occupational segregation is serious; Problems such as unequal pay for men and women for work of equal value are widespread. In response to these problems in women's employment, we should take positive measures, such as improving relevant legislation, establishing special anti-employment discrimination agencies, implementing the responsibilities of employers, and fully protecting women's labour rights.

1. Introduction

The new birth policy refers to the policy determined by the state after timely and partial adjustment of the family planning policy in view of the actual fertility situation in the process of continuous development and the degree of impact of the fertility level on social development. Article 18 of China's Population and Family Planning Law of the People's Republic of China, amended by the 18th Meeting of the Standing Committee of the Twelfth National People's Congress on December 27, 2015: "The state advocates a couple to have two children", which means that the two-child policy has been fully liberalized, and China's new birth policy has officially kicked off. On May 31, 2021, the Political Bureau of the CPC Central Committee held a meeting and pointed out that in order to further optimize the birth policy, the policy that a couple can have three children and supporting measures will be implemented. After the implementation of the new birth policy, it will have a new impact on women's employment.

2. The New Birth Policy Needs to Adapt to the Progress of Social Civilization

In today's society, women's participation in social activities reflects the degree of civilization of the country, and women, who account for nearly half of the total population, have become an important support for national development and an important symbol of social progress. The implementation of the country's new birth policy has aggravated the employment worries of women. The intensification of conflicts over employment and childbirth can have two consequences: one is that women suffer "birth punishments", earn lower incomes, and are gradually marginalized by high-paying occupations and even squeezed out of the labour market; another is that women choose to have fewer children or even not have children out of their own career development considerations.

At present, China's economic development is rapid and material civilization is constantly improving. And with the expansion of the scope of education, people's pursuit of spiritual civilization is also constantly improving. According to the fourth survey report on the social status of Chinese women, the education level of women has improved significantly, and the proportion of women receiving college education or above is 18.0%, 1.6 percentage points higher than that of

men and 3.7 percentage points higher than that of 2010; The proportion was highest among women aged 18-24 at 50.9%. Women accounted for 53.6% of those enrolled in undergraduate education, an increase of 5.8 percentage points from 2010 ^[1]. More and more women are enrolled in higher education, and while improving their personal knowledge, the need for respect and self-actualization is also increasing. The improvement of women's educational level will strengthen women's awareness of self-fulfilment, thereby reducing fertility. While obtaining higher education, women's cognition of self-worth realization began to change, and the pursuit of personal value shifted from all life focus around the family to personal social status and respect from others, so many highly educated women hope to get promotion opportunities after entering the workplace, improve career development, and thus obtain higher social status. In this process of pursuing personal value, in order to successfully achieve the goal, they will choose to reduce fertility or even not have children. This result will directly reduce the fertility rate, aggravate the shortage of labour in our country, and affect the process of social reproduction.

3. The Issue of Female Employment Affects the Effectiveness of the New Birth Policy

3.1. Discrimination against Women in Employment

In the case of the same level of productivity, the employer's reproductive and parenting behavior attached to the natural nature of the female gender creates a preference for male job seekers, thereby raising the entry threshold for female job seekers and increasing the pressure on women to be promoted, resulting in gender employment discrimination ^[2]. According to the theory of personal prejudice discrimination model, the phenomenon of female employment discrimination under the scenario of the new birth policy is discussed, and employers are dissatisfied with the work and even career interruption due to the need to spend a lot of time and energy on women's childbearing and parenting behaviour, forming personal preferences that are unwilling to hire female job seekers unless there is a very low salary required by women ^[3].

According to the provisions of the Labour Law, all workers enjoy equal employment rights, that is, except for factors based on the special intrinsic needs of occupation, type of work or position itself and the needs of national security, workers are equal in employment opportunities or employment treatment without regard to factors such as race, colour, sex, property, political opinion, social origin and other factors. Moreover, according to China's Labour Law and the Law on the Protection of Women's Rights and Interests, women may not refuse to hire women on the grounds of sex, except for jobs or positions that are not suitable for women as stipulated by the State. However, in practice, discrimination against women in employment is not uncommon, and this situation is even more acute in the context of the new birth policy. The reason is that as a recruiter, the purpose of recruiting workers is to create value by using its labour force to create value, and must pursue the minimum cost in exchange for maximum benefit, and the first consideration in the recruitment process is cost and rate of return.

3.2. "Hidden Threshold" for Women's Employment

Before the introduction of the new birth policy, employment discrimination against women was a long-standing problem, and in addition to some service industries, nurses, nannies and other special occupations, employers would also give preference to men under the same conditions in recruitment. Before the introduction of the new birth policy, married female workers with children in recruitment could be called strong competitors compared with unmarried female workers, because employers did not need to consider their maternity leave, breastfeeding leave and other issues, which greatly reduced costs. However, after the full implementation of the two-child policy, this advantage no longer exists, the cost of hiring female employees by employers will also increase, and the employment threshold for women will become higher and higher. These "hidden thresholds" are mainly manifested in: gender is not mentioned in the recruitment requirements, but in the resumes received, only male candidates are notified and not women; Female candidates are notified for interviews, but only men are hired for interviews; In order to avoid recruiting female

employees, men will be hired even if the standards are lowered; Women will only be hired if there are no suitable male candidates; In addition to the normal requirements of the post, the requirements for women must also have high standards in other aspects such as figure and appearance, and some units even propose the rule that women cannot have children within a few years of work [4]. This implicit gender discrimination in employment has virtually raised the threshold for women's employment.

3.3. Occupational Gender Segregation is Severe

Under the dual pressures of occupation and family, female workers have shorter careers than male workers and have less continuity of work due to special reasons for childbirth. This has led to the fact that after the introduction of the new birth policy, female workers have to consider the contradiction between having a second child and their own career development. The golden period of childbirth coincides with the rising period of occupation, resulting in female workers having to give up or postpone one of them, which in turn will lead to problems such as reduced income and missed promotion opportunities. At the same time, due to the biological differences between women and men, the distribution of men and women in certain occupations is different, and the proportion of female workers in leadership positions is small due to discrimination against female labor in promotion and promotion at work. Based on the traditional understanding, employers tend to favor men in promotion and selection, and this subjective understanding has further led to a large number of discrimination for women after employment, further strengthening occupational gender segregation.

3.4. Men and Women are not Paid Equally for Equal Work

Equal pay for equal work, that is, all workers who perform work with equal skills, responsibilities and physical requirements and similar working conditions, the employer shall pay equal remuneration. Equal pay for equal work is a yardstick to measure whether a society is fair, and it is also one of the important contents of protecting the rights and interests of workers and opposing gender discrimination. According to the third survey report on the social status of Chinese women, the labour income of women aged 18-64 is mostly concentrated in low-income and low-middle-income groups. In the urban and rural low-income groups, women accounted for 59.8% and 65.7%, respectively, 19.6% and 31.4 percentage points higher than men; in the urban and rural high-income groups, women accounted for only 30.9% and 24.4%, both significantly lower than men. The data also revealed that the average annual labour income of urban and rural working women was only 67.3% and 56.0% of that of men, and the average annual labour income of urban and rural working women in Beijing, Tianjin, Shanghai, eastern and central and western regions at different levels of development was lower than that of men [5].

4. The New Birth Policy Requires Government to Strengthen the Protection of Women's Employment Rights and Interests

4.1. Eliminate the Negative Impact of Stereotypical Personas on Women's Employment

Under the scenario of the new birth policy, women's reproductive cycle has increased, and the pressure of life and parenting has gradually increased, so some people have put forward the idea that women should return to the family. It can be seen that the negative impact of this stereotype on women's employment still exists. As things stand, the government still lacks measures to change this stereotype, which in the long run will affect the family's investment in women's education, cause women to lose the opportunity to obtain high-paying jobs in the fierce competition of the workplace, and cause waste of human resources.

4.2. Expand Women's Professional Capabilities

In order to better adapt to the fierce market competition, enterprises will provide training resources for employees, expand their knowledge, improve their working ability, and realize the appreciation of employees' human capital. Due to limited training funds, companies will give

priority to training opportunities to people who can bring stable benefits to the company, but women will miss out on training opportunities due to work interruptions caused by pregnancy, breastfeeding, accompanying children, etc. In the modern labour market, employment competition has intensified, and the requirements for work ability have been continuously improved. Inadequate replacement of knowledge will affect employment competitiveness and loss of promotion opportunities, resulting in downward career mobility, continuous marginalization, and even exclusion from the labour market. In this regard, the government should establish safeguards to expand women's professional abilities to reduce the economic pressure caused by women's ability to improve their abilities.

4.3. Improve the Functions of Institutions for the Protection of Women's Employment Rights and Interests

The increase in the employment threshold has increased the difficulty of women's employment and blocked women from the starting line of employment. This hidden threshold makes it difficult for women to obtain effective evidence to prove that their legitimate rights and interests have been violated, even if they feel that they have been discriminated against in employment. It can be seen that the relevant administrative departments lack effective safeguards for the realization of women's equal employment rights. The labour arbitration process generally takes about 60 days, while the litigation process takes about 6 months. In the course of dispute hearing, due to the lack of legal knowledge and understanding of the litigation procedures, it is difficult for individual women to clearly state their claims, and if they hire a lawyer for this purpose, it will add an additional financial burden. Many people have given up defending their legitimate rights and interests because of this. It can be seen that judicial remedies also lack the protection of women's employment.

5. Measures to Improve Women's Employment under the New Birth Policy

5.1. Improve Legislation

Judging from China's Labour Law and Law on the Protection of Women's Rights and Interests, it stipulates that women in China have many rights, such as the right to equal employment and choice of occupation, the right to receive labour remuneration, the right to rest and vacation, and the right to occupational safety and health protection. In February 2019, nine departments, including the Ministry of Human Resources and Social Security, issued the Notice on Further Standardizing Recruitment Practices to Promote Women's Employment, prohibiting gender discrimination in recruitment in accordance with the law. However, the rights in these laws are only principled and general provisions, more like a declaration, and the lack of relevant specific legal provisions and systems makes these legal provisions lack operability, resulting in many women's employment problems without real effective relief. In the face of the introduction of the new birth policy, China should also introduce the Anti-Employment Discrimination Law, which gives specific and systematic provisions on what employment discrimination are, the constituent elements of employment discrimination, the burden of proof and legal responsibility in related cases, etc. Let female workers have laws and regulations to follow in the face of employment issues in the new era.

5.2. Establishment of A Special Anti-employment Discrimination Agency

Since women undertake more housework, and housework is generally recognized as unpaid labor because it cannot be recognized as value, women's employment security should adopt diversified policies, pay more attention to gender equality, pay attention to the realization of equal labor rights of employed women, pay attention to alleviating the conflict between women's employment and domestic work, and build a flexible and safe female employment security system. At present, the Women's Federation represents the interests of the vast number of women compatriots, represents women's rights, and trade unions represent workers. However, in reality, women's federations and trade unions have less substantive power, most of them are appeals and advocacy work, and when problems occur, their strength is difficult to solve specific problems in

practice, resulting in Chinese women being discriminated against when they have no way to complain. A special anti-employment discrimination body should therefore be established so that female workers could be protected in the face of related problems and would not be kicked in various sectors. It is conducive to overcoming the limitations of judicial remedies and including prior remedies to further protect the rights of female workers.

5.3. Implement the Responsibilities of the Employer

Employers play an important role in the employment of female workers and the work of female workers, and can use their employment autonomy according to their own needs. However, in practice, employers abuse their employment autonomy widely, some hidden employment discrimination cannot be curbed in a timely manner, and female workers do not have fair competition and promotion opportunities in the workplace. This requires the government department to intervene in the situation of the employer, and if the circumstances are serious, it should be punished to a certain extent. At the same time, due to the employer's own pursuit of maximizing interests, this requires consideration of the rising cost of employment under the new birth policy. Some preferential policies can be introduced to mobilize the enthusiasm of employers to protect the rights and interests of female employees, such as reducing taxes and reducing employer costs.

5.4. Change Concepts and Strengthen Propaganda and Education

Due to the influence of some long-term traditional ideas of "son preference" and "male protagonist and female protagonist" in the past, in order to obtain a working environment and public opinion environment that respects women and truly get rid of employment discrimination and promotion discrimination against women, it takes a long period of persistence and efforts, and cannot be achieved overnight. Therefore, the government should actively respond to the current social situation and improve and implement relevant policies, legal remedies systems and supporting measures in a targeted manner. At the same time, give play to the positive role of women's federations and trade unions, increase efforts to publicize and educate on gender equality and women's rights, strengthen social responsibility for childbirth, fully protect women's labor rights, form a healthy and developing employment system, and build a harmonious society with equality between men and women.

6. Conclusion

The new birth policy gives women more reproductive choices, but the realization of reproductive rights does increase the role and tasks of women in the family field, and when the contradiction between childbirth and work is irreconcilable, women will face a dilemma. If women give up childbearing due to many considerations, it will reduce the number of births, accelerate the aging process, and affect economic development and social progress. Therefore, a good female employment security system can alleviate women's concerns about "childbirth affecting employment", provide reference for the government to formulate and improve the relevant supporting policies of the new birth policy, and help achieve the goal of childbirth.

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