

Exploration of the path to effectively protect the reproductive rights of female workers in the implementation of the "comprehensive two-child" policy

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Abstract: The paper presents the "comprehensive two-child" policy as a proposed solution to the challenges of population aging and unbalanced population development in China, while also addressing the fundamental reproductive rights of women. With the full implementation of the policy, working women experience an increased difficulty in balancing employment opportunities with their reproductive choices, amidst more stringent infrastructure requirements in China. This paper centers on the dilemma arising from the "comprehensive two-child" policy's impact on the fertility of female workers, and aims to analyze strategies for safeguarding the reproductive rights of this demographic.

1. Introduction

Currently, China is facing a challenging employment situation, primarily due to fertility issues. This has led to female employees encountering difficulties in achieving equality and favorable competition in the job market compared to their male counterparts. The implementation of the "comprehensive two-child" policy, while to some extent protects women's right to reproduce, has also exacerbated the challenges faced by female employees in childbirth. This has further emphasized the need to actively explore and address the reproductive rights of female staff.

2. Difficulties caused by the "comprehensive two-child" policy for female workers' fertility

2.1 Easy to face workplace discrimination

The aging population and increasing college graduates have intensified the job market competition, making it challenging for both men and women to secure competitive positions. However, women face additional challenges due to the impact of childbirth on their career prospects. The liberalization and implementation of the "comprehensive two-child" policy have prompted many companies to prioritize hiring male employees over females who may potentially give birth twice. Consequently, some enterprises either refrain from hiring women for certain positions or deliberately reassign pregnant or soon-to-be pregnant female employees to less advantageous roles with reduced benefits, with the ultimate objective of coaxing them into voluntary resignation. This discriminatory practice in the workplace is likely to be exacerbated with the enforcement of the two-child policy, thus intensifying gender bias. [1]

2.2 Double pressure

Female employees experience various physical discomforts throughout the process of preparation, pregnancy, and childbirth, such as breathing problems, visceral dislocation, swollen feet, nausea, and vomiting. These challenges are unique to women and cannot simply be delegated to others. The implementation of the "comprehensive two-child" policy exacerbates this burden, as female employees are now required to endure the same physical distress twice while balancing their professional responsibilities. Additionally, despite personal preferences, the liberalization of this policy may lead to pressures from other family members for a second child, further increasing the familial responsibilities and tasks that female employees must manage. As a result, the implementation of the "comprehensive two-child" policy not only places additional physical and emotional strain on women, but also amplifies the challenges they face in juggling their professional and personal roles.

2.3 Higher economic burden

During this period, the expense of raising a child until adulthood has escalated significantly. This encompasses the expenses related to childbirth, including direct costs, educational expenses, and the impact on parents' career development. When compared to families with one child, those with two children need to bear a heavier economic burden. The substantial economic pressure is a major factor influencing the decision of many female employees to refrain from having a second child. Furthermore, the absence of maternity benefits, especially for families with two children, has further dampened the enthusiasm of female employees to have a second child. Consequently, this situation has led to a decline in the willingness of female employees to give birth to a second child.

3. Effective paths to safeguard female workers' right to give birth under the background of the implementation of the "comprehensive two-child" policy

3.1 Government departments should promote the improvement of relevant systems and regulations

Under the "comprehensive two-child" policy, the first responsible body for safeguarding the reproductive rights of female employees should be the national government departments, so the effective path of safeguarding should be centred on promoting the improvement of the relevant systems and regulations. Firstly, the anti-discrimination law. Female employees will be discriminated against by employers due to maternity, and with the liberalisation of the "comprehensive two-child" policy, the discrimination in this regard continues to increase [2]. Therefore, the state introduced the anti-discrimination law to clearly define the content of employment discrimination, and organised the establishment of a special department to monitor the implementation of this law by enterprises. According to the economic development of each region in China, targeted relief mechanisms are constructed to safeguard the legal employment rights and maternity rights of female employees, and to help female employees solve the predicament of being unemployed when they give birth. With the force of law, we will deal with the problem of discrimination against women in the job market, so that true equality between men and women can be realised as soon as possible.

Improving women's maternity rights and interests protection system is crucial as maternity rights and interests are fundamental social rights that must not be infringed upon by others. Despite being a fundamental right, the current situation highlights that female employees often experience varying degrees of violations of their rights and interests in the workplace. The comprehensive protection of

these rights has yet to be fully realized. It is imperative for both employers and societal organizations to closely adhere to relevant laws and regulations to ensure the protection of female staff's rights and interests. Therefore, both employers and social organisations must comply with the relevant laws and regulations in order to safeguard the reproductive rights of female employees from being infringed upon. For female workers of childbearing age, government departments can also provide them with special legal aid services, so that on the one hand, they can have an in-depth and comprehensive understanding of their reproductive rights, and on the other hand, ensure that their rights can be exercised normally. Government departments should further increase strict law enforcement, especially for employers who harm the reproductive rights of female employees, and take appropriate punitive measures to maximise the binding and coercive force of the law.

Thirdly, optimise the supporting public facilities and service quality. Improving the public facilities and quality of services will help female employees to eliminate the fear of childbirth and actively implement the "comprehensive two-child" policy. The quality of public facilities and services is an important element of China's economic development and an expression of humanistic care for the general public. Further improving the medical environment on the basis of the original, and training more specialised maternity personnel, will help female employees to greatly reduce the risk of giving birth, and help them to alleviate their fear. On the one hand, it refers to the convenience of female staff during pregnancy, and on the other hand, it also provides necessary psychological counselling for female staff during breastfeeding period, helping them to relieve their negative emotions and reduce the chances of postnatal depression, so that they can smoothly and steadily go through the breastfeeding period and return to their workplaces in physical and mental health.

3.2 Women themselves should establish a high degree of awareness of the protection of reproductive rights

In addition to relying on government departments to protect the reproductive rights of female employees, women themselves should also establish a high degree of awareness of the protection of reproductive rights, break through the limitations of the original traditional ideological concepts, and be able to realise that the right to reproduce is their own legitimate rights and interests, which can not be infringed upon. Against the background of the deepening of the "comprehensive two-child" policy, the actual fertility rate is still facing certain problems. On the one hand, the overall social environment still treats women as a special group due to their physiological characteristics, and does not give them the same status as men; on the other hand, a large proportion of women still do not receive a good education, which makes them less likely to have a child. On the other hand, there is still a large proportion of women who do not receive good education, making it difficult for them to grasp their legitimate rights and interests of the right to speak, and do not know enough about the relevant laws and regulations, so that they do not have the legal weapons to defend their rights and interests when their own rights and interests are infringed upon. Therefore, female employees should seek changes at their own level, actively study and understand the laws and regulations closely related to their own rights and interests, and strengthen their own comprehensive quality from various aspects, which will help to effectively safeguard their reproductive rights and interests. Female employees should be fully aware that they have both the right and the freedom not to give birth. Enterprises are not allowed to interfere with female employees' wishes to give birth for any reason or in any way. When enterprises force professional women to resign and persuade female employees to get pregnant by persuasion or other cold treatment, female employees should be aware that this is a violation of their legitimate rights and interests, and they should actively seek help from the industry trade unions and women's federations

and take up legal weapons to protect their rights and interests [3].

3.3 Enterprises should deepen the implementation of paternity leave system and maternity insurance system

The protection of the reproductive rights of female employees is a crucial consideration at the enterprise level. Enterprises, as the primary agents of responsibility, bear the obligation to uphold these rights. To this end, enterprises should align their policies with the "comprehensive two-child" policy and take proactive measures to enhance the implementation of the paternity leave and maternity insurance systems. It is imperative for enterprises to undergo a shift in their ideological perspective, refraining from positioning themselves in opposition to pregnant female employees. Instead, they should recognize a shared long-term interest with their female workforce. Viewing female employees as a valuable asset rather than a burden, enterprises can augment their human resources by fostering a supportive environment. By aligning with the "comprehensive two-child" policy and introducing comprehensive paternity leave and maternity insurance systems, companies can significantly alleviate the employment pressures faced by female staff due to childbirth. At present, there are certain differences in the paternity leave provisions in different regions of China, mainly in the range of 15-20 days, the system has not yet achieved national legislation and popularisation, so enterprises should consciously comply with the requirements of this system, to give full play to its mandatory effect. When the paternity leave time for male employees within the enterprise is basically equal to the maternity leave time for female employees, the employment pressure gap between the two can be significantly reduced. In addition, China has begun to implement the pilot project of combining maternity insurance and medical insurance in some areas, which helps to further strengthen the insurance benefits for female employees and effectively simplify the relevant procedures. Moreover, under the future development trend, the payment of employees' maternity insurance will gradually change from being paid by enterprises alone to being shared by enterprises, the government and individuals, which will further increase the participation rate of maternity insurance, and the maternity rights of female employees will be fundamentally safeguarded.

3.4 Further increase publicity and education to change the concept of thinking

Only when the whole society can correctly view the reproductive rights of female employees can we help to effectively safeguard their rights and interests, so we should further increase the publicity and education based on the "comprehensive two-child" policy, and put the safeguard work in place with the authority of the law. Specialised government departments are responsible for regular visits to employers, recruitment markets and other places to carry out publicity and explanations of laws and regulations related to the reproductive rights of female employees, so as to encourage society as a whole to truly realise the goal of knowing and abiding by the law in this regard. In the information age, with the rapid development of Internet technology and information media, when carrying out reproductive rights publicity and education, we should also make good use of multimedia, microblogging, WeChat and short video platforms to do a good job of online publicity, and further broaden the scope of publicity. As for offline publicity work, it is possible to actively seek cooperation between communities and employers, and to jointly compile women's reproductive rights publicity brochures and pocketbooks, among many other forms. Once a female employee gives birth, she has to bear the pressure of work and child-rearing at the same time, and her body has to bear a lot of hard work, compared with men, their time and energy invested in the family is greater, so the publicity and education should also cover this part of the content, which is not simply focused on the surface of the right to reproductive rights, to establish a good culture of

respect for women in the whole community, the social status of women can be improved. In addition, special emphasis is placed on publicising the responsibilities and duties of husbands throughout the entire process of a woman's pregnancy, childbirth, breastfeeding and child-rearing.

3.5 Labour unions and women's federations should give full play to their excellent roles

In the context of the promotion of the "comprehensive two-child" policy, it is evident that although national government departments have issued a series of laws and regulations, it is insufficient to rely solely on the policies and laws to address the actual difficulties faced by female employees during maternity and their working environment. A significant proportion of female employees have limited knowledge of the policy specifics, making it challenging for them to protect their rights and interests using policies and laws. Hence, the involvement of external organizations and departments, particularly trade unions and women's federations, becomes crucial in addressing this issue [4]. Trade unions and women's federations possess a comprehensive understanding of the reproductive rights of female employees and their labor rights post-childbirth. Their effective functioning requires them to conduct rigorous analysis and adjustments according to the "comprehensive two-child" policy to facilitate its successful implementation. Providing in-depth explanations of collective agreements to female employees seeking assistance, guiding them to comprehend the special contracts protecting their rights, and encouraging them to clearly define their work responsibilities during pregnancy, childbirth, and breastfeeding are essential roles that trade unions and women's federations should undertake. They should also establish health services and psychological counseling units to monitor the physical and mental health of female employees and help them address related issues. Furthermore, they should actively participate in optimizing and improving policies to safeguard the maternity rights of female workers, advocating for their needs and perspectives.

4. Conclusion

In light of the increasing implementation of the "comprehensive two-child" policy, female employees are encountering growing challenges related to childbirth. To address this issue and better safeguard the rights and interests of female employees during childbirth, government departments should prioritize advancing the enhancement of relevant systems and regulations. Additionally, efforts should be directed towards raising awareness about the protection of reproductive rights among women, which would empower them to have a clearer understanding of their rights and interests. In order to further protect the maternity rights and interests of female employees, it is essential for government departments to drive the improvement of related systems and regulations. Simultaneously, women should be educated about their maternity rights, while enterprises need to intensify the implementation of paternity leave and maternity insurance systems. Furthermore, widespread public education and awareness campaigns should be undertaken, and the responsibilities of trade unions and women's federations should be emphasized.

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