

The distribution of reproductive costs for female employees in enterprises - an analysis of gender discrimination in the occupational process

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Abstract. The phenomenon of gender discrimination in the occupational process is mainly due to the fact that in the process of distributing the total cost of female employees during pregnancy and childbirth among individuals, enterprises and the state. And female employees are unable to compete and bear a large amount of cost. Then to solve this problem, socialized system for sharing the cost of childbirth should be established.

Key words: reproductive cost; adverse selection; socialization system.

1. Introduction

It is widely known that participation in social labor is an important prerequisite for women's emancipation. In the analysis, a person's status in the family and society is determined by his status in social production. Also Engels pointed out that as long as women were still excluded from the productive labor of society and only limited to private labor in the family. Then the liberation of women, the equality of women with men, is and will not be possible in the future. And it can be seen that the significance of women's employment is not only the ability to seek independent survival, but more importantly, the realization of personal independence and personal freedom on the basis of economic independence and social value, which is an important part of women's liberation. In addition, it is true that careers are of great significance to women, and laws and regulations also grant women equal employment rights. And more and more women go out and participate in all aspects of social life just like men.

However, due to various reasons, they still suffer from all kinds of overt or covert discrimination in the course of their careers. Firstly, in terms of employment, gender discrimination is an indisputable fact. According to a survey of 3,424 people in 10 major cities in China, including Beijing and Shanghai, 22.3% of women applying for jobs were discriminated against because of their gender, while 31.8% of women applying for civil service were discriminated against because of their gender. What's more, marriage and childbirth are restricted. Secondly, in the process of promotion, professional women are often difficult to balance work and childbirth, facing the dilemma of "giving birth to a child" and "promotion", which results in career interruption. In addition, due to the lack of clear stipulations on the standards, burden of proof, responsibilities of violators, and implementation mechanisms and enforcement mechanisms for gender discrimination in employment, existing laws and regulations are short of operability, and it is difficult to provide effective protection, resulting in gender discrimination in the occupational process. And there is a new trend of invisibility. That is to say, the recruitment process appears to be open, fair and just, and there are no rules that would obviously exclude women. However, in interviews and other links where they have the right to make their own decisions, female job applicants who meet the requirements are rejected for various reasons. Then it is a typical representative that graduates are difficult to find employment, or when training and promoting internal employees, priority is given to male employees.

Due to the irreversibility of reproductive function in the physiological cycle, many educated women are in a dilemma on the balance of marriage and career. It seems that marriage, family and career can only be single-choice questions forever. No matter which one you choose, it is an unspeakable regret for those well-educated women who yearn to be truly "social people". And it is not only contrary to the establishment of a fair, harmonious and orderly employment environment,

but also a disguised deprivation of women's employment rights, as well as a huge waste of national human resources.

2. Reasons analysis

2.1 Historical, ethical, and economic reasons

In the ethical thought of our country, Confucianism has long occupied the dominant position. The traditional concept of "men would be superior to women", then Mencius developed it as "gender and acceptance of men and women were not intimate", which only concerned the issue of intercourse between men and women. But in fact it was a deep development of Confucius' concept, which was equivalent to having an insurmountable gap between men and women. Then Dong Zhongshu's "three principles" of "the husband as the wife" further strengthened the social status of women's. The feudal rulers "removed a hundred schools of thought and respected only Confucianism", and the sexist concept of "men were superior to women" and the feudal society's autocratic monarchy thought well, deeply rooted in the hearts of the Chinese people. After the founding of the People's Republic of China, the idea of "equality between men and women" and the liberation of women began to be advocated in the whole society, and the Confucian concept was completely denied. In the form of the inequality that women encounter in employment and the career advancement, it is reflection of the traditional notion.

What's more, the pursuit of profit maximization is an important feature of the market economy. Under the condition of equal benefits, the cost to be paid by the employer is significantly higher for women than for men. And female employees need to reduce the labor intensity or take vacations during pregnancy, childbirth and breastfeeding due to physical needs or to take care of children. According to the "Labor Protection Regulations for Female Employees", employers should not reduce the basic wages of female employees during pregnancy, childbirth and breastfeeding, and can not take the initiative to terminate the labor contract. In addition, the employment of female workers of childbearing age by an employer would inevitably lead to a period of time when the wages paid to female workers are higher than the labor output of female workers. And women retire earlier than men, which means women are in retirement longer than men and pay more for medicine and benefits. Therefore, companies that intend to maximize profits will naturally choose men under the same conditions when their profit goals conflict with laws protecting women. Also it is also one of the important reasons why women are discriminated against in the employment process.

2.2 The laws and regulations of equal employment are not perfect

Although there are relevant laws and regulations prohibiting employment discrimination in my country, the Constitution and the Labor Law would have relevant provisions stating that women and men have equal rights to employment and job selection, most of the legal provisions are only requirements in principle. And there are no specific penalties for employers who commit sex-related acts of discrimination. It is universally acknowledged that women suffer from gender discrimination. There would be no suitable means to defend one's rights. Also it provides employers with an opportunity to brush the ball, and these laws and regulations cannot play a role in protecting female workers. So in real life, employers still refuse to hire women on the grounds of gender. Only by constantly improving relevant laws and regulations and strengthening the legal responsibility of enterprises, can enterprises fundamentally eliminate the existence of gender discrimination, and make female workers have laws to abide by. That's to say, only in this way can female workers have equal opportunities for job selection and employment.

3. Analysis of countermeasures

Human reproduction not only adds new members to the "cells" of the family, which brings infinite fun to the family, but also provides the reproduction of human resources for the sustainable survival

of enterprises, and contributes to the reproduction of human beings and the sustainable development of society. And women's reproductive behavior not only has the private attribute of self-interest, but also has the public attribute of being beneficial to others. Also the dual nature of reproductive behavior determines that the resulting costs should be reasonably shared among families, businesses and countries.

3.1 Establishing awareness of gender equality

Gender discrimination against women in the labor market is rooted in the subconscious concept, and it is also deeply ingrained. Despite the changing times and social development, the stereotype of women has not been changed. Whether it is to improve the law, strengthen law enforcement or perfect the social security system, the most fundamental thing to eliminate gender discrimination lies in the change of consciousness.

On the one hand, the government should strengthen publicity and publicize the idea of equality between men and women to the society through the Internet, television, newspapers and magazines, as well as creating a good environment for women and men to compete fairly in choosing jobs. Besides, employers who find explicit or implicit gender discrimination shall be severely punished, while supervision shall be strengthened and reporting channels shall be unblocked, and the standards of gender discrimination shall be defined. On the other hand, enterprises must have a sense of self-discipline and integrity, strictly abide by national laws, and fulfill their obligations. That is, we must closely follow government policies. And with the support of government policies and the maternity insurance system, we must gradually reduce discrimination against women. As women themselves, it is necessary to continuously improve their own quality. Due to the stereotype of traditional concepts, many women themselves agree with the saying that "men are strong and women are weak", which leads to a kind of self-discrimination in the process of competition between men, which requires women to strengthen human capital investment and broaden their own knowledge, constantly enrich themselves, together with improving their abilities, so that they have a greater advantage when competing with men.

3.2 Reasonably adjusting the position between husband and wife within the family through institutional arrangements

In this regard, the arrangements for "parental leave" and "parental leave for paternity", as well as the arrangement of male responsibilities in the maternity insurance system, have gained more recognition. And these two aspects happen to be the parts that are not covered by the current Chinese maternity insurance regulations. If it is possible to fully incorporate male responsibilities into the maternity insurance system through institutional or legal arrangements, it will help to correct the traditional concept that children's education is "the mother's business", to reduce the family pressure of professional women, and to the healthy growth of children and families.

3.3 Establishing an employment system that benefits women

As we know women bear the heavy responsibility of human reproduction, and their reproductive behavior is not only a personal behavior, but also a social behavior that is beneficial to the country and the nation. Based on the social nature of female reproductive behavior, the labor risks brought by female employees to their own occupations due to childbirth should objectively be borne by the whole society in a balanced manner. Therefore, it is necessary to use the system to correct the concept and awareness of inequality between men and women. Besides, we need to improve the maternity insurance system, also share the risk of maternity by the society, as well as creating conditions for women to obtain employment and equal opportunities for occupational mobility. In addition, under the circumstance that housework has not been fully socialized, we should try to establish a flexible system of working hour and the employment system for women, so as to alleviate the pressure caused by housework to female employment.

3.4 Establishing an anti-discrimination law in employment to provide legal protection for women's employment

The protection of women's employment rights and interests involves all aspects, and the protection of women's employment must be implemented through the implementation of the mandatory legal guarantee system. In order to combat discrimination against women, the International Labour Organization has adopted a series of international conventions, such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization's 1958 Convention on the Elimination of Discrimination in Employment and Occupation. These conventions have important reference value. In terms of improving legislative guarantees, firstly, we must formulate laws to promote equal employment and improve the legal protection of women's employment rights. Secondly, it is necessary to revise the provisions in the current legislation that would be not conducive to women's employment, to specify them from the perspective of operability, to expand the scope of women's employment, to extend the employment period of women, and to implement a retirement system of the same age for men and women. Thirdly, the right to equal employment should be included in the category of personality rights, allowing the direct use of litigation means to achieve rights relief.

References

- [1] Sun Shuyu. Academic Journal: "Research on Employment Discrimination of College Students". "Cooperative Economy and Technology", 2014, No. 17.
- [2] Zhao Qian. Policy Analysis on Discrimination in Women's Employment [J]. Legal Expo, 2017(7).
- [3] Yuan Xiaoyan, Shi Lei. Research on the influence of education level on women's labor time allocation [J]. Shanghai Economic Research, 2017(6).
- [4] Huang Jianzhong, Zhao Huilin. Female Education, Gender Discrimination and Social Policy: Evidence from China General Social Survey (CGSS) Data [J]. Labor Economic Research, 2016(5).