

Analysis the Deficiency of China's Maternity Leave System Between China and the United States

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Abstract: This paper compares the welfare system of China and the United States, the welfare content for both genders, aims of policy and policy effects. The comparison results show that the laws and regulations of China's maternity leave system are more unified. Second, there is a significant lack of parental leave for parents to support and care for their children. Third, the incidence of postpartum depression among Chinese women is increasing from year to year and is more common than that in the United States. Among the four comparative indicators, the two countries only show a more obvious consistency in the legislative objectives of the birth policy. This paper suggests that China should draw lessons from the unpaid maternity leave of the US federal government and appropriately improve the welfare level while maintaining the paid maternity leave policy. The maternity leave time of female workers should be extended. Male workers should enjoy father leave. In addition, new future government policies will need to include a mandatory requirement, requiring that parents have to exercise their respective powers to take parental leave and family leave. If the holiday cannot be used up before employees return to work, the surplus ought to be left for future use. In this way, employment equity and gender equality will be improved to a great extent.

Keywords: maternity allowance, parents leave, postpartum depression, employment equity

1. Introduction

Maternity leave system, generally refers to the female worker in pregnancy, production and postpartum recovery special period for the enterprise workers to provide vacation, usually including maternity leave, father leave (male nursing leave) and parental parental leave and the corresponding vacation allowance. According to the limited data that can be collected, Chinese scholars mainly focus on the common problems of the maternity insurance system, and put forward suggestions such as improving the maternity insurance legislation and improving the level of security. American scholars focus on the situation of parents choosing to leave, the patchwork of maternity leave and its micro-economic impact on productivity and labor.

This paper chooses the topics related to maternity leave system, because China's maternity policy has long excluded the problem of men's maternity responsibility. Through comparative research with other countries, while promoting the theoretical research of maternity leave system, it is helpful to improve the father leave that male workers should enjoy through legislation, protect the rights and interests of male reproductive role, and promote the necessary participation of men in family affairs,

so as to relieve the pressure of women during the birth period. Secondly, this article will collate the allocation of limited maternity leave between women in China and the United States. Based on the analysis of the correlation between factors such as the duration of maternity leave and postpartum depression, suggestions to protect maternal physical and mental health will be proposed to help women avoid depression during the repair of reproductive injuries. Measures to improve the maternity leave system will also help improve the living standards and disposable expenses of new parents, and improve the growing environment of children in both terms of economic level and parental companionship. Finally, by analyzing the short-term and long-term impact of the long-term leave of female workers on the labor participation rate in the existing literature, the proposal to improve the legislation is proposed based on China's basic national conditions, so as to promote employment equity and promote gender equality.

The maternity leave system includes many aspects. This paper focuses on the source of welfare of maternity leave system, the content of two gender, policy objectives and the effect of four indicators, comparing the results and its possible reasons, draw lessons from the positive influence of American birth allowance and its lessons, trying to improve the shortcomings of maternity leave system in China. This paper using the literature survey method, collected the domestic and foreign legal regulations on reproductive welfare, the literature in the policy objectives, parts of women allocated maternity leave and postpartum recovery, men after the use of family leave what family role, the intimacy of parent-child relationship and newborn health level, to understand the latest maternity leave system at home and abroad and its implementation effect. At the same time, comparative research is used for analyzing the commonness and individuality of individual indicators of maternity allowance in China and the United States, so as to find the positive part of China's maternity leave system and analyze the outstanding part of the paid maternity leave policy in the United States.

2. Maternity Leave System in China

2.1. Source of Welfare

China's maternity insurance system was promulgated by the government Council after a vote by the NPC deputies. The Labor Insurance Regulations of the People's Republic of China stipulate the birth insurance system, while the Population and Family Planning Law of the People's Republic of China stipulates that couples in line with the family planning policy are given certain birth holidays as a reward. In the specific implementation process, the local laws and regulations stipulate their own holiday allowance.

2.2. Welfare Content for Both Genders

In China, maternity insurance provides maternity holidays for women. On April 18, 2012, The State Council passed the Special Provisions on Labor Protection of Female Workers (State Council Order No. 619, 2012), in which Article 7 stipulates that female workers can enjoy 98 days of maternity leave, of which they can take 15 days of prenatal leave. Article 8 stipulates: the maternity allowance during the maternity leave shall be paid by the maternity insurance fund according to the standard of the average monthly salary of the employing unit; for those who do not participate in the maternity insurance, the employing unit shall pay the standard of the salary before the maternity leave.

By the end of October 2013, a total of 28 provinces, municipalities and autonomous regions in China had stipulated male care leave similar to male "maternity leave" in their local legislation. As of April 2024, however, no national legislation explicitly provides father leave.

2.3. Aims of Policy

The main audience based on the policy is obvious that the primary goal of the maternity allowance provided in China is to meet the basic living needs of female workers. The subject of fertility is always women, which means that they will inevitably temporarily lose the ability to work and the source of income. Developing relevant maternity protection policy will help offset their losses during this particular period and save them from poverty.

Secondly, maternity leave alleviates the workplace discrimination caused by gender differences to some extent. Without fertility policies, women who choose the great cause of childbirth will always mean lower competitiveness and labor rates, as well as the improvement of fertility rates.

One of the equally important goals is to safeguard the health of the newborn infant. While effectively maintaining maternal living standards to a certain extent, maternity benefits also provide time and financial resources for infant care. Women's physical consumption during childbirth, the baby's demand for nutrition is huge. Therefore, the fertility allowance caters to this requirement to improve the overall quality of the population of the country.

Finally, the state provides a maternity allowance is a recognition of the value of women's fertility behavior. Fertility behavior is the need of social development. In this sense, the process of women giving birth to offspring is also the process of producing labor force for the society. Therefore, they deserve the compensation or reward from the society.

2.4. Effects of Policy

Although the goals of China's maternity security policy cover many aspects, the policy seems to be not effective. The results showed that factors such as shorter maternity leave and unpaid maternity leave contributed to the rate of postpartum depression in women. Among them, the frequency of postpartum depression in women without maternity leave was significantly higher than that in women without maternity leave, indicating a positive correlation between the duration of maternity leave and postpartum depression [1]. This is not only bad for women to restore their physiological mechanisms to prenatal levels, but also indirectly hinders the healthy development and growth of children.

Second, relying on maternity allowances alone is far from enough to pay for the costs of childcare before women return to work, and so even to say that all of the costs are borne by the family alone. Considering the high life pressure of young Chinese people, the overall fertility intention of the society is reduced.

The most ironic point is, the birth policy for the welfare of female employees has the completely opposite results. Women in the job market who show their fertility intentions are more likely to be eliminated by the market. Even if they pass the interview, women who choose to have children after entering the job are still at high risk of being fired during childbirth. Discrimination against female workers in the labor market has increased further.

3. Maternity Leave System in United States

3.1. Source of Welfare

On February 5, 1993, the federal government enacted Public Law 103-3, offering eligible employees up to 12 weeks of unpaid, job-protected leave [2]. As of April 2024, regulations without paid maternity leave have been proposed by the federal government. It is worth mentioning that since the enactment of the Act in 1993, six states and the U. S. territories (California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico) have passed legislation to provide paid family and medical leave to their residents through temporary disability programs [3]. In California, for example, more

than 13 million workers receive partial wage replacement services for home leave, and lawmakers have expanded the state's eligibility to all workers who pay into the system [2].

In the absence of a national policy, parents piece together income from various alternative sources to fund paid leave [4]. Short-term disability insurance (STDI) is one of the source of benefits for paid maternity leave. It was originally intended to provide income insurance for temporary disabled workers, and became a common source of paid maternity benefits when a range of state and federal anti-discrimination laws required them to cover childbirth as a disability [4].

3.2. Welfare Content for Both Genders

The audience of the fertility welfare issued by the federal government and the state is female workers. This helps them recover from reproductive injuries and relieve the care and education of their newborns. The results show that the Family and Medical Leave Act (FMLA) and unpaid state leave laws add little to fathers' leave, even with longer unpaid leave [5].

3.3. Aims of Policy

The goals of the parental leave policy are multifaceted, including protecting and encouraging workforce participation, providing financial security, promoting gender equality, and improving the health and well-being of young children and their parents by allowing their parents to connect with their parents in the first year of life [6]. Although the Leave Act mentioned that one of the goals was to provide equal employment opportunities for men and women while minimizing the risk of gender-based discrimination, it is unclear whether it was achieved.

The purpose of the National Women and Family Partnership (formerly the Women's Legal Defense Fund) is to promote economic stability and maintain family integrity, to give employees leave to care for children or other family members for medical reasons, and to provide equal employment opportunities for men and women, while minimizing the gender risk of discrimination [2].

3.4. Effects of Policy

Considering the large differences in maternity benefits set by the federal government and states, unpaid maternity leave and paid maternity leave in the United States have different effects.

Unpaid maternity leave forces women to piece together paid holidays, making postpartum disposable leave even more difficult. Women on maternity leave often use both leave, sick leave, personal days and / or short-term disability time to ensure they pay part or all of their maternity leave [2]. Unfortunately, it often puts women in a dangerous position of returning to work. When returning to work after childbirth, women will face little vacation or sick leave. Even worse, a small number of working women lack even this option of coordinated maternity leave. Guendelman et al recently reported that even in California with paid prenatal and postpartum leave, most are reluctant to take full advantage of this benefit [7]. Overall, women seem to be cautious in using the prenatal leave period.

Unpaid maternity leave increases the financial burden on families. Many families needed leave for medical reasons but decided not to leave because they cannot accept it. Other families who did not take advantage of the bill said they simply cannot afford it and were forced to give up maternity leave.

Parent financial status and health care have improved well in families using paid maternity leave. Women have less financial pressure and can better repair their previous fertility injuries. Maternal health also helps to reduce anxiety, prolong postpartum recovery and access to breastfeeding [8]. Positive outcomes that increase the presence of parents include improving the parental offspring relationships and significant health benefits for children and parents. Parents are more likely to care

for their children instead of expensive and less beneficial childcare. It is worth mentioning that generous paid family leave promotes gender equality, but if the policy is only for women, there is still a possibility of undermine gender equality, albeit unintentionally.

For society, paid maternity leave increases the overall labor force participation rate. There is evidence that paid maternity leave contributes to higher retention and lower turnover, especially for female employees [9]. Employees who received improved homework benefits had more productivity, and the increased workforce attractiveness of providing paid maternity leave was most pronounced for women. Moreover, the negative impact of maternity leave on productivity is short-term without any negative impact in the long term. In fact, the relationship became negative five years after implementation, although it is statistically indistinguishable from zero [10]. Last but not least, paid maternity leave not only reduces the financial strain on public aid, but also effectively reduces the costs associated with public assistance and health care.

4. Show the Comparison Results

In terms of the source of welfare, China's maternity leave policy is uniformly promulgated by The State Council, which only varies in the local details of the specific implementation in each region, and maintains a high degree of unity on the whole. In contrast, the maternity leave policy in the United States presents a high difference. Due to the different subjects of promulgation, the federal government and the major states have produced two different maternity welfare policies under the action of unpaid maternity leave and paid maternity leave, which have never happened in China.

Maternity leave in China is paid, although the effect is too small to cover the cost of childbirth, even the costs before female workers return to work, but the national unified paid maternity leave partly supports families with low income levels to make reproductive choices. These families believe that the government will support them in their financial difficulties. In terms of maternity leave, China has a high level of time compared with other Asian countries and the 12-week period in the United States. Globally, China's maternity leave time and maternity leave allowance are both medium and high level, which is closely related to the differences in economic and social levels between countries. When comparing welfare levels across genders, compared with the US, however, there is a significant lack of parental leave and paternal leave for parental support and child care in China.

In terms of the goal of promulgating the birth policy, the two countries show a more obvious consistency. Paid maternity leave in some US states is as dedicated as Chinese maternity leave to providing financial security for families and meeting the basic living expenses of female workers. The main beneficiaries of female workers' maternity leave benefits aim to promote gender equality and employment equity in the workplace, and provide a relatively equal employment environment for men and women, thus minimizing the level of gender discrimination in the workplace. Whatever the final effect of the two policies, this original intention is indeed indisputable. Both countries hope to protect the physical and mental health of parents (especially mothers) while ensuring the health of newborns, provide a high-quality growth environment for children, and strengthen the parent-child relationship between parents and children, especially in the early stages of children's lives. The growth of newborns will positively reverse the health of parents, creating a virtuous cycle, which is expected at the beginning of policy making.

Similarly, women in both China and the United States show caution when assigning the maternity leave they actually deserve, which may suggest that the length of leave time needs to be extended. Despite the high level of maternity leave policy in China, the risk of postpartum depression among Chinese women is increasing year by year, which is rare in American women. Given the negative correlation between the length of maternity leave and the probability of postpartum depression, the so-called "high level" length of maternity leave seems unable to meet the needs of Chinese women. But given that American women with shorter maternity leave are less likely to have post-birth

depression, postpartum depression should be investigated for other possible reasons other than insufficient maternity leave.

The more obvious reason is the lack of family leave and father leave. Both American parents shoulder the responsibility of raising a newborn, but the responsibility in Chinese families is tilted toward the mother. The sharply cut-off means, the increasingly heavy burden of parenting, the indifference of new fathers in the family division of labor, and the urgent need to restore reproductive injuries may be possible factors for the surge in postpartum depression among Chinese women.

5. Analyze the Causes of the Problems

The lack of sufficient parental leave in China is essentially attributed to insufficient social supports. Generally, raising children is divided into the private space of the family, which is considered an independent obligation and responsibility within each family, rather than a public domain with solid foundations and supports provided by the society [11].

As long influenced by Confucian tradition, China tends to "family" in the view of children, that is, it focuses on the children's family identity, and regards children as the private ownership of the family. This situation directly affects the distribution of child parenting responsibilities. Both the family and the government will naturally agree that women should bear the main parenting responsibility for the children, especially for the early children at the beginning of life, and their dependence with the family determines their "family" characteristics.

In contrast, in Western countries, where civil society develops earlier, children are more seen as citizens of the new generation than as family lines or heirs to private property. This socialized view of children makes both the family and the state believe that the government and society have a responsibility to provide support for the family. On the one hand, families will consciously reflect needs, highlight problems, and win support; On the other hand, the government is very clear that the purpose of family policy is to share the responsibility of raising children. Therefore, the western welfare states are very sufficient in terms of maternity security. On the one hand, it provides sufficient maternity leave, including basic maternity leave, parental leave and parental leave, as well as unpaid parental leave and special circumstances of parents' homes, so that parents can temporarily stop work and go home to take care of their young children, ensuring the time needs of the family to raise their children. At the same time, the rich allowance, in addition to the basic maternity leave allowance, also includes subsidies for special families and low-income families, which fully guarantees the economic needs of families to raise their children.

6. Some Suggestions for Solutions

One of the lessons of federal policy is that extending maternity leave alone is not enough to meet their parents' needs, which is still unpaid. The financial burden on the family remains and even grows heavier as maternity leave increases. If the government sincerely wants to improve the terms, the wage replacement terms that parents can use will be part of the new policy must stick to, and even the price of economic compensation should be raised, although this new attempt will bring considerable financial pressure to the government in the context of China's huge population. Only paid leave provides parents with a paid opportunity to meet the need to care for their newborn baby, and not unpaid — it can be used to offset some of the cost invested in the baby, such as buying diapers, cribs, baby clothes, etc. Without this, vacations are unlikely to increase.

In addition, more legal provisions should be stipulated, such as increasing maternity holidays for men. This can not only urge men to shoulder their own parenting responsibility, take the initiative to undertake their own family affairs and childcare tasks, but also fundamentally protect the rights and interests of men's reproductive role. The involvement of male characters in family affairs alleviates

the wife's mental health problems and may effectively suppress the possibility of postpartum depression. According to the comparative results, the female maternity leave is known to be limited in both China and the United States, so it is also necessary to extend the maternity leave for women. Given the need for companies to guarantee certain labor participation rates and productivity levels, the extent of extending maternity leave is a challenging question. However, the increased duration ensures that women have enough time to repair the varying degree of fertility injuries caused by individual differences, and also reduces the risk of postpartum depression.

Last and foremost, Chinese law should stipulate that both parents must use parental leave to promote employment equity. The proposal is based on the fact of the US maternity leave study: while some countries offer generous parental leave policies, they may inadvertently undermine gender equality if they are mainly aimed at women. Unpaid maternity leave policies reduce the income of female workers in the labor market, forcing women to opt out of the labor market and assume most of their childcare responsibilities. Their concessions undermine gender equality; generous paid parental leave, which targets women, may also undermine gender equality. Therefore, to follow the United States and other Nordic countries to increase the father leave may be a good choice. Such holidays need to be made mandatory, and if both parents are unable to use them before returning to work, the rest can be left for later use, but maternity leave that does not dominate their own is not allowed.

7. Conclusions

In terms of welfare sources, China maintains a high degree of unity and only makes detailed adjustments in the regional implementation process, while the federal government and states in the United States have issued widely different maternity leave policies. When comparing the welfare levels of different genders, China significantly lacks parental leave for parents to support and care for their children, which is essentially the lack of national support for family parenting. The two countries show a more obvious consistency in the birth policy objectives. The risk of postpartum depression among Chinese women is increasing year by year, but it is very rare in American women. It is suggested that the Chinese government should appropriately raise the welfare level and extend the time of maternity leave while maintaining the paid maternity leave policy. In addition, men's reproductive holidays should also be added to the regulations to urge men to shoulder the responsibility of parenting, take the initiative to undertake the task of childcare, and fundamentally protect the rights and interests of men's reproductive role. Finally, it should be stipulated that both parents must exercise the right to use their respective parental leave and family leave. If they cannot use the holiday before returning to work, the surplus part can be reserved for future use, so as to promote employment equity and promote gender equality.

This study fills in the research gap of the comparison between the domestic fake systems of China and the United States, and summarizes the great contributions and efforts made by the two countries in ensuring women's postpartum physical and mental health, improving children's growth environment, promoting employment equity and promoting gender equality. There are also many shortcomings, such as the lack of correlation between postpartum depression and the lack of male family roles, failure to investigate the historical development of American fatherhood, limited indicators of comparison, and lack of persuasion. It can be improved in the future by data statistics, broader literature surveys and selection of other dimensions. It is hoped that in the near future, China can not only promote the theoretical research of maternity leave system, but also truly improve the maternity insurance system, and improve the level of maternity leave through the establishment of fathers 'leave and parents' leave, so as to truly guarantee the dual functions of women's production and newborn education.

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