

Gender Rights Differences in Rural Social Security

Boxuan Fu^{1,a,*}

¹College of Humanities, Northwest Agricultural and Forestry University, Shaanxi, 712000, China

a. fuboxuan0126@163.com

*corresponding author

Abstract: The extensive participation of Chinese women in rural economic activities has not only contributed significantly to the construction and development of the rural economy but also played a crucial role in poverty alleviation efforts. Women's involvement in various sectors such as agriculture, livestock farming, handicrafts, and small-scale businesses has helped create employment opportunities, increase household income, and improve living standards for their families. However, despite their immense contributions, there still exist disparities in social security rights, including pension insurance, medical insurance, and maternity insurance, between women and men in rural areas. Rural women's labor remains undervalued, resulting in inadequate social security coverage compared to men. By comparing the discrepancies in social security rights between rural women and men, it becomes evident that the value of women is grossly underestimated. It is imperative for the government to establish and improve a policy and regulatory system that safeguards women's personal rights while incorporating a gender perspective into the process of policy formulation to ensure basic rights protection for rural women and promote sustainable development in new rural areas.

Keywords: Social security policies, gender issues, rights, resource allocation.

1. Introduction

On October 30, 2022, the 37th meeting of the Standing Committee of the 13th National People's Congress deliberated and passed the revised *Law on the Protection of Women's Rights and Interests* in China. This is another major revision of this law since its implementation on October 1, 1992. This is a significant progress and important achievement in safeguarding women's rights and interests in accordance with the law. General Secretary Xi Jinping has repeatedly emphasized that "women's rights and interests are fundamental human rights" and that "the protection of women's rights and interests should be systematically incorporated into laws and regulations, elevated to the will of the state, and internalized as social norms of behavior" [1].

The third inclusion of "adhering to the basic national policy of gender equality and safeguarding the legitimate rights and interests of women and children" in the report of the 20th National Congress of the Communist Party of China demonstrates a consistent political proposition and value pursuit, providing fundamental political guarantees for achieving women's equal exercise of democratic rights in accordance with the law, equal participation in economic and social development, and equal enjoyment of the fruits of reform and development [2].

In terms of the rights and interests of rural women, the revised *Rural Land Contracting Law* in December 2018 stipulates that "family members within the household shall equally enjoy all rights and interests of contracted land in accordance with the law" and "certificates such as land contract management certificates or forest rights certificates shall include all family members who have land contract management rights," so that rural women can operate land in accordance with the law [3].

But in other aspects of rural life, such as agricultural labor and household chores, women's labor has not been fully recognized, and their rights and resource allocation still differ from men's.

This article aims to analyze the social security system in China and compare the differences in social security rights between genders. Rural women not only shoulder 60-70% of agricultural labor but also bear the burden of unpaid care work, which enables urban workingmen to support their families and has long been a driving force behind China's development in the processing industry and economic growth. Women play a crucial role in rural areas' development, thus it is imperative to recognize their contributions and provide them with enhanced support and security. By improving women's education levels, promoting their involvement in rural infrastructure construction and management, as well as encouraging their participation in rural public affairs, it will effectively foster the advancement and progress of rural society while achieving sustainable development on China's path towards modernizing its rural areas.

2. Gender Rights Differences in Rural Social Security

2.1. Pension Insurance

Pension insurance requires individuals to contribute proportionally based on their salary level, with the contribution amount accounting for 8% of their statutory salary. The distribution of pension is calculated based on the basic pension and personal account accumulation. The basic pension is 20% of the local average social salary from the previous year, while the standard for personal account pension is determined by dividing personal account savings by a coefficient. In other words, the more personal accounts accumulate, the higher the pension standard will be. Two main factors influence personal account accumulation: payment amount and payment duration. Contributions are directly related to salary levels; however, women generally earn lower incomes compared to men, and due to retirement at different ages, they also have fewer years of contributions. As a consequence, this disparity has led to the emergence of a gender-based income gap evolving into a gender-based pension gap.

According to the second survey on the social status of Chinese women, urban employed women earn 70.1% of men's average annual income, with a threshold of 6000 yuan. Below this threshold, women earn more than men, while above it, men earn more than women. In the lowest income group below 3600 yuan, women account for 66.3%. Among high-income earners above 10000 yuan, only 33.5% are women; however, this income group represents 48.18% of the total income. The gender wage gap also exists in different industries: in real estate with higher incomes, women's average salary is 84.5% that of men's; whereas in the wholesale and retail as well as catering and social service industries where female workers are more concentrated, women's average salaries are respectively at 80.1% and 74.5% compared to men's salaries [4].

In addition, women retire five years early, thus having a shorter contribution period of 5 years. As a result, their personal account accumulation is generally lower than that of men, leading to lower pension levels. However, this gap is considered reasonable under the principle of linking payment with benefits. Compared to urban areas, the income of elderly men in rural areas is significantly higher than that of women. This means that the gender gap in income among elderly people in rural areas is greater than that in urban areas. This may be due to the fact that elderly men in rural areas participate more in the labor market to obtain higher wage income, while elderly women bear more

responsibility for their family support/upbringing'[5]. Women's pensions are typically lower than men's in the same occupation, and rural women are particularly disadvantaged as they often stay at home while their husbands work outside. Their pensions are distributed through the rural pension insurance system which guarantees basic living needs but offers generally low pension levels due to limited government financial investment and relatively low economic development in rural areas. This has also to some extent affected their quality of life and social status.

2.2. Maternity Insurance

Maternity insurance is one of the earliest established insurance programs in China and also one of all legally mandated insurance programs. However, after the implementation of maternity insurance as a single item in the form of *The Trial Measures* by the Ministry of Labor in 1994, the regulatory level was lowered and the mandatory nature was greatly reduced. Although the statutory benefits during childbirth were still favorable and the maternity leave was increased from 56 days to 90 days, the proportion of people who could actually enjoy maternity leave benefits actually decreased.

Maternity insurance is of great importance to women. The newly revised *Social Insurance Law* retains this type of insurance, but it is increasingly showing a trend of weakening and marginalization in the social security system. In practice, due to the increase in informal employment for women and the actual existence of stage employment, many women find it difficult to enjoy maternity insurance. After the implementation of China's "three child" policy, maternity leave has been extended in various regions.

Taking Beijing as an example, the city has revised the *Beijing Population and Family Planning Regulations*, which stipulate that in addition to the 98 day normal maternity leave stipulated by the state, the extended maternity leave enjoyed by the female party has been adjusted from 30 days to 60 days. However, the extension of maternity leave has led to an increase in the cost of childbirth when employers hire female employees, and the phenomenon of discrimination against women in employment has become increasingly severe. This has also led to the phenomenon that "the stronger the job stability of the childbearing age group, the lower their willingness to have children" and "in some underdeveloped countries, job instability can actually have an increasing effect on women's willingness to have children, because having more children can make the future safer and more reliable" [6-7]. At present, there are legal norms such as the Women's Rights and Interests Protection Law that guarantee the realization of women's equal employment rights, but in practice, some problems still hinder the development of China's laws[8]. Some companies even require women to sign a guarantee letter to ensure that they will not have children for 2-3 years after joining the company, and if they become pregnant, they will automatically resign. This phenomenon further hinders rural women from entering the workforce, resulting in fewer job opportunities for them.

Overall, although everyone is equal before the law, in the actual implementation of social security, men are allocated more resources than women. In rural areas, the difference in social security rights between men and women has led to a more prominent imbalance in resource allocation, with rural women at a disadvantage in resource allocation. Foreign experience has shown that regulations centered on ensuring equal employment rights have a more significant guiding effect on childbirth, reducing childbirth costs, and ensuring a balance between childbirth and employment. This is a key link in the construction of a legal system for childbirth protection. The legal system for childbirth protection should not prioritize maternity leave over supporting services, but should be guided by the concept of gender equality, ensuring the realization of women's labor and employment rights, and highlighting the role of fathers in sharing the responsibility of childbirth[9].

3. The Impact of Rural Gender Culture on Social Security

3.1. Family Status and Social Security

In rural society, men are usually regarded as the economic pillar of the family, while women are expected to take on the responsibilities of family life and care. Due to this gender role division, women are often more susceptible to the influence of family responsibilities, which in turn affects their opportunities to participate in social security policies and welfare levels.

The social security system is mainly built on the basis of professional identity and status, and the professional identity and status of both genders are not balanced. Firstly, according to regulations, the professional identity must be that of a 'worker'. The legal meaning of "worker" in China is clearly defined in the *Labor Law* as "enterprises, individual economic organizations, and workers who form labor relations with them within the territory of the People's Republic of China" [10]. This legal definition has two requirements: first, they must work for domestic employers, and second, they must form labor relations. According to these two requirements, all agricultural workers are not included in the category of laborers, including informal workers, flexible workers, self-employed individuals, and unemployed individuals. As they do not have employers or labor relations, they are not considered legal laborers and are therefore difficult to enter the social security system.

When female workers engaged in agricultural labor, domestic services, and household chores are excluded from the legal "workers," even if their demand for social security is even higher than the legal "workers," they cannot obtain social security. The situation encountered by female migrant workers is that they have employers, but they may not have a labor relationship and are not considered laborers. The proof of the formation of a labor relationship is the signing of a formal labor contract. Many migrant women have been working in enterprises for several years but still have not signed a labor contract, which is a qualification condition for participating in social security. When women sign contracts, they not only encounter obstacles such as household registration but also fertility barriers. They usually return to their rural hometowns around the age of 22 to get married and have children. After raising the children to the point where they can be fully taken care of by their grandparents, they can then return to the city for employment. This creates a situation where, before the age of 30, they cannot find stable employment, and companies are generally unwilling to sign contracts with them, making it difficult for them to participate in social security.

3.2. Social Participation and Rights Protection

The social participation differences in rural gender culture, such as the idea that "women do not participate in politics," can also affect rural women's understanding and level of protection of social security policies. National laws and regulations grant women the right to participate, but women have fewer opportunities to participate in politics in their daily lives. Influenced by the traditional practice of "men outside and women inside", village governance is mainly based on the household head system with male participation as the benchmark. Women who lack opportunities for education and social participation are more likely to be marginalized by social security policies and unable to enjoy the protection they deserve.

According to the statistical monitoring report of *the 2018 Outline for the Development of Chinese Women* (2011-2020), the proportion of women among village committee members was 24% in 2018, an increase of 0.9% from 2017, but there is still a gap from the goal of "reaching over 30%" in the Outline[11]. Most rural women do not have sufficient awareness of their rights, and their demand for political participation is relatively implicit.

4. Suggestions for Countermeasures

Zhao Xiaomei, a senior economist and member of the National Committee of the Chinese People's Political Consultative Conference, proposes implementing a wage-based system for household chores to effectively safeguard women's rights and interests in social security recognition. The fundamental purpose of this proposal is to advocate for fair compensation for fair compensation for household labor, aiming to raise awareness about the value of such work and liberate women from excessive dependence on men. Despite facing widespread skepticism and criticism since its inception, it remains crucial for both the government and society to recognize and appreciate the significance of household chores, whether they are remunerated or not. The government should establish social security for agricultural and household workers, provide them with the same standard of social security and social security level as ordinary workers, and improve and protect their legitimate social rights and interests.

Besides, Utilizing gender methods to examine and analyze how unified institutional rules contribute to the existence of gender power disparities in practical operations. The evident disparity in the enjoyment of rights between genders within the social security system is a factual outcome resulting from recognition gaps and limitations on rights reflected by uniform rules, which puts women at a disadvantage when it comes to equal protection. This cannot be solely attributed to the the policy provisions of the social security system itself. It cannot be identified solely from the policy provisions of the social security system itself. Prejudice against women has multiple causes, and attributing it to any single factor, such as economic deprivation, social structure, customs, fear, aggressiveness, gender conflict, etc., is a serious mistake. All of these factors, as well as many others, can be breeding grounds for gender bias[12]. It is necessary to evaluate the different impacts that policies may have on both genders during actual operation, especially by using social gender methods to analyze gender division of labor and role assignments in real life, in order to discover the actual power gap between genders.

Furthermore, develop gender aware social security policies. "In terms of cognitive dimensions, the right to social security should help correct gender based shame, stereotypes, humiliation, and violence"[13]. By conducting a thorough analysis based on gender considerations, transform neutral policies into ones that are attuned to addressing specific needs related to different genders. Starting from the existence of gender that causes social differences between men and women, it is not about helping women adapt to the current social situation and integrating men and women into a fixed social order, but about attempting to change the deeply rooted social gender structure to alter the social order. Any macro policy may have different impacts on social classes and genders. Fully understanding the potential negative effects and taking preventive measures can transform neutral policies into gender aware policies. Only through adjusting policy mechanisms can gender equality be guaranteed not only in form but also in substance.

5. Conclusion

From the analysis of pension insurance, medical insurance, and maternity insurance, it can be seen that women's rights and resources are somewhat lacking compared to men. In terms of urban and rural security, rural women not only lose a lot of job opportunities due to taking on household chores or giving birth to children, but also reduce the level of social security they receive. For a long time, women's household chores and contributions have been neglected and considered as labor without economic value. These tasks need to be valued by people, so the method of wage based household chores and the development of social security policies from a gender perspective can be adopted. China has a huge population base and vast territory. The situation in different regions is quite different. This article cannot specifically analyze the actual situation of a village, but can only provide general

ideas, which can be supported by some real cases or adding some quantitative surveys and questionnaires. In terms of literature, there are relatively few articles focusing on gender differences in social security in China, and research results from other countries may not be applicable to the situation in China. But China still needs to learn from advanced methods and experiences abroad, and incorporate diverse perspectives and gender perspectives in future policy-making. Future social security research will also focus on different types of populations, continuously refining and optimizing to better serve residents.

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