

China¹

Fan Wu (Department of Social Policy and Social Work, Nankai University)

April 2018

NB. There are 31 provincial administrative regions (including provinces, municipalities directly under the central government and autonomous regions) in mainland China. These provinces are subordinate to the leadership, authority and direction of the central government. The central government formulates national policies, which are binding nationally; while provincial local governments, in line with these central policies, can independently develop their own policies based on their respective conditions.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)

Length of leave (before and after birth)

- Ninety-eight (98) calendar days: 15 days before the birth and 83 days after the birth.
- Leave take-up is not obligatory.

Payment and funding

- One hundred (100) per cent of salary.
- Funded by the Maternity Insurance Fund for employees included in maternity insurance; and/or by work units (work units cover the gap if the maternity allowance is higher than the female worker's salary; and they pay the full benefit if the female worker did not participate in the maternity insurance).

Flexibility in use

- None

¹ Please cite as Wu, F. (2018) 'China country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Regional or local variations in leave policy

- National laws and regulations set the basic provisions for Maternity leave, such as the length of leave, its payment and funding. But provinces may develop their own regulations, in relation to their local conditions. On this basis, 31 provinces in mainland China have extended the duration of Maternity leave to employees who comply with fertility laws and regulations (see below). This varies from extending leave from the national entitlement of 98 days to 128 days (Beijing, Shanghai, Jiangsu, Zhejiang, Hubei, Chongqing, Tianjin, Guangdong) to extending leave up to 190 days (Henan, Hainan); the most common extension is to 158 days (Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Anhui, Jiangxi, Shandong, Hunan, Sichuan, Guizhou, Yunnan, Qinghai, Ningxia, Shaanxi, Xinjiang).
- In Shanghai, there are two additional provisions. Female employees who are 28 weeks or more pregnant should receive a one hour break each day, paid at 80 per cent of earnings, and not work night shifts; and women who need to be exempted from work to protect their foetus can, upon presentation of a medical certificate, take foetus protection leave.

Eligibility

- All female employees are entitled to 98 days of paid Maternity leave, whether they meet the requirements of fertility policies or not (see Section 3). Female staff who conform to fertility policies can (in most parts of the country) get a reward of extended paid Maternity leave or other additional social benefits on top of 98 days of Maternity leave (see 'regional or local variations' above).
- Women who are unemployed, flexibly employed or agricultural workers are not eligible for Maternity leave. Self-employed are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Female employees who suffer from dystocia can have an additional 15 days of leave.
- Female employees who have multiple births are entitled to an additional 15 of leave for each additional birth.
- In four provinces, female employees who still cannot work after the end of Maternity leave, due to physical problems or other difficulties can, with the approval of their work units, obtain additional leave. In Zhejiang, Jilin and Chongqing, leave can be extended to one year after birth (including statutory Maternity leave), with salary continuing to be fully paid (Zhejiang) or paid at 75 per cent or more (Jilin, Chongqing).

b. Paternity leave (陪产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)

Length of leave

- No statutory entitlement nationally.
- However, in all provinces, Paternity leave is provided ranging from seven days (Shandong and Tianjin) to 30 days/one month (Yunnan, Gansu, Henan, Tibet), with 15 days in most areas. In Anhui and Shaanxi, five and 15 days respectively can be added to Paternity leave if the husband and wife live in

different places. Where Paternity leave is provided, fathers taking leave receive full earnings. All male employees who conform with fertility policies are eligible. There is no legal requirement as to when the Paternity leave should be taken.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Time off for the care of dependants

- Currently, two provinces entitle an only child to leave (20 days per year in Henan and ten days in Fujian) to care for parents, if the parents have reached the age of 60 and are treated in hospital. Employees taking leave receive full earnings.

Flexible working

- See below.

Specific provision for (breast-)feeding

- During the period of breastfeeding (including bottle-feeding) for infants under one year, work units should not extend mothers' working hours or arrange night shifts for them. They should also arrange at least one paid hour of breastfeeding time during the working day for mothers during this period. Female employees who have had a multiple birth are entitled to another hour of paid breastfeeding time per day.
- In three provinces, additional breastfeeding leave can be applied for after the end of Maternity leave. In Shaanxi, if work units are unable to guarantee breastfeeding time and provide breastfeeding conditions due to special circumstances, three to six months of paid breastfeeding leave can be granted. In Hainan, after Maternity leave, work units can agree breastfeeding leave until the child's first birthday, paid at no less than 80 per cent of the employee's basic wage. In Guangxi, employees who have difficulty in nurturing infants after the Maternity leave ends can be granted six to twelve months of breastfeeding leave, paid at 80 per cent of earnings.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in China is 12 weeks, as laid down by national regulations; but the period is extended in nearly all provinces, most frequently to 4.7 months. These leave periods are well paid. However, China is lacking in a system of formal ECEC services for children under three years, so informal care is dominant. According to the Third Survey of Chinese Women's Social Status from 2010, 99.9 per cent of children under the age of three years are taken care of by their families, with mothers as main caregivers accounting for 63.2 per

cent². There is, therefore, a gap of over two and a half years between the end of well-paid leave and the start of kindergarten, during which families are required to take the responsibility for taking care of children. From three years of age, there is a right to a kindergarten place (but no compulsory education). Participation of children aged three years or older in ECEC was 75 per cent in 2015, which is lower than the average for OECD countries³.

3. Changes in policy since May 2017 (including proposals currently under discussion)

To give a brief historical overview, Maternity leave in China began in 1951, when the Labour Insurance Regulations of the People's Republic of China stipulated that female employees must be given a total of 56 days of prenatal and postnatal leave, with full earnings replacement. In 1988, Regulations Governing Labour Protection for Women Staff Members and Workers extended the length of Maternity leave from 56 days to 90 days. In 1995, the Labour Law of the People's Republic of China was formally implemented, prescribing that female staff must enjoy no less than 90 days of Maternity leave after the day of delivery, which legally guaranteed women the right to take Maternity leave. In 2012, Special Rules on the Labour Protection of Female Employees was implemented, which is now in place and described above.

Since 2010, China's 'one child' fertility policy has been adjusted; along with this, Maternity leave policy has also been adjusted. At the end of 2011, the policy of 'two-child policy for couples where both husband and wife are from a single-child family' (i.e. a policy of two children where both parents are only children) was implemented. At the end of 2013, the policy of 'two-child policy for couples where either the husband or the wife is from a single-child family' (i.e. a policy of two children where one parent is an only child) was implemented. Finally, in October 2015, the universal two-child policy was implemented⁴, following which the Chinese government in December 2015 made changes to Maternity leave and Paternity leave policies. The Population and Family Planning Law of the People's Republic of China was amended by stipulating that "the couples who bear children in line with the laws and regulations can get rewards of extended birth leave or other social benefits". Consequently, late marriage and late childbirth among citizens are no longer encouraged and rewarded with additional entitlements. Mothers of single children, mothers of two children and other families that conform to the policy are all now entitled to extended Maternity leave and other social benefits. As a result, a range of measures has been enacted by provinces since 2016, with the length of Maternity leave often being extended beyond 98 days, ranging from 128 days to one year. Paternity leave has also been introduced in different areas, ranging from seven to 30 days. With latest changes in 2017 in the provinces of Xinjiang and Tibet (introduction of Paternity leave and expansion of Maternity leave; see above), all 31 provinces in mainland China had completed adjustments in the extension of Maternity leave and introduction of Paternity leave.

² Research Group of the Third Survey of Chinese Women's Social Status (2011) 'The Main Data Report of the Third Survey of Chinese Women's Social Status', *Collection of Women's Studies*, 2011 (06): 5-15.

³ Ministry of Education of the People's Republic of China (2016) *The Statistical Bulletin of National Education Development in 2015*. Available at: http://moe.edu.cn/srcsite/A03/s180/moe_633/201607/t20160706_270976.html

⁴ In certain circumstances, couples can have more than two children, e.g. remarried couples, couples who have one or two children with disabilities, couples from ethnic minorities, or couples who legally adopt children.

4. Take-up of leave

a. Maternity leave

According to the statistics of the Third Survey of Chinese Women's Social Status, in 2010 almost all mothers had taken Maternity leave; mothers with no Maternity leave accounted for only 1.9 per cent.

b. Paternity leave

According to the Third Survey of Chinese Women's Social Status, nearly half (49.3 per cent) of fathers who had a child in 2010 did not have paid Paternity leave, nearly a third (31.9 per cent) had paid Paternity leave of one to seven days, 13.4 per cent had eight to 15 days and 5.4 per cent had paid Paternity leave of more than 15 days.

c. Parental leave

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General review

Most leave-related research in China focuses on Maternity leave, mainly on the protection of the labour rights and interests of female workers, analysing the current situation and factors influencing Maternity leave. But in the past ten years, studies have also investigated Paternity leave. The existing research has two main perspectives: First, from the gender equality perspective, it emphasises that Paternity leave is beneficial to the establishment of gender equality in partnerships and the promotion of gender equality more generally; second, from the perspective of civil rights, Paternity leave is related to women's rights, early childhood care and education and male rights. Since the implementation of the 'universal two-child policy' in China in 2016, some scholars begin to analyse the relationship between Paternity leave and the policy, advocating that there should be a national law on Paternity leave to support the universal two-child policy.

b. Selected recent publications

Han, Z.Y. and Wang, Z.H. (2017) 'The Research on the Influence of Women's Welfare Policy on Urban Women's Fertility Willingness of Two Children - based on the Survey of Women of Childbearing Age from Ten Cities in China', *Human Resources Development of China*, 9: 139-146.

From the perspective of women's welfare, the research did the survey of the impacting factors on women's fertility willingness of two children in 10 cities in China by questionnaire and interview. The results show that Maternity leave, maternity allowance, gender bias in job hunting, the special labour protection for female employees, health care for women and children, child care and preschool education

consist of the important factors to hinder the women's willingness to have the second child. Furthermore, the research puts forward suggestions on policy reform, mainly including expanding the coverage of birth insurance, improving spending on welfare and services for women's childbearing, and promoting the socialization of family expenditures on childbearing.

Wu, F. and Lin, W. (2017) 'Family Care Arrangements and Policy Needs of Preschool Children in China: An Analysis Based on Multiple Data Sources', *Population Research*, Vol.41, No.6: 71-83.

Based on multiple survey data, the research analyzes the situations and characteristics of family care arrangements for children aged 0-5 in China. Conducted by different organizations between 2010 to 2014, the multiple surveys show high childcare deficits, heavy burdens of mothers, imbalanced responsibility between motherhood and fatherhood, and a high proportion of childcare by grandparents. These problems not only directly affect the healthy growth of children, women's employment and development, and the quality of family life, but also affect the implementation of the two-child policy. One of the key reasons of these problems is the lack of institutional support for childcare, particularly the shortage of formal care for children under age three. "Work-family" balance has become a universal and rigid social needs. From a macro point of view, childcare is a necessary condition for population reproduction. From the perspective of family policy, it is necessary to extend the Paternity leave and Parental leave, to develop formal care agencies for children aged 0-3, and to promote the balance of work--family for childcare givers.

Yang, H. (2017) 'An Analysis of the Influence Mechanism of Fertility on Urban Female Employment under the Universal Two-Child Policy', *Population & Economics*, 4: 108-118.

Women bear the dual responsibilities of population reproduction and social reproduction. Since the implementation of universal two-child policy in China, the impact of fertility on female employment has drawn much attention. Based on the theory of role conflict and Pareto improvement theory, the research analyses the impact of fertility procession on female employment by using the cross-analysis and Logistic regression model. It is found that fertility has negative impact on the employment of urban women. The proportion of urban women who lose their jobs due to pregnancy is the highest, the impact of childbirth on income is the greatest, and the impact of childrearing on employment has a substitution effect. It is suggested that the government should improve the maternity insurance system, promote the employment stability and personal income of urban women, and develop public service of child care to reduce the conflict between employment and childrearing.

Zheng, Z.Z. (2017) 'Reconciling and Sharing: Women's Time Use on Childcare and Help from Family Members', *Studies in Labor Economics*, Vol.5, No.5: 3-17.

Reconciling childrearing and paid work is essential to women's career development, and care support from family members may effectively reduce the time women spend on childcare. This study uses survey data to analyse time devoted to childcare by mother, father, and grandparents respectively, and examine the effect of care support from family members on women's time devoted to childcare. Childcare for those under the age of six is equivalent to a full time job regarding time investment. Usually, mother is the main caregiver, and care support from grandparents helps reduce mother's time investment on care effectively, which plays a significant replacing role. In particular, during the early childhood more than 40 percent of children are taken care by grandparents, while the role of father is quite limited. The gap between mother and father in terms of time devoted to childcare is larger in rural areas compared to the urban. Childcare facilities for children aged above 3 are

widely used, which is very important to reduce women's caring responsibility. Relevant public policy and program design should take into account different childcare helpers and special needs of children at different age, provide multiple choices for family, pay more attention to the role of grandparents, and improve father's role in childrearing rather than only focus on the role of mother.

Zhang, Q. and Zhang, L. (2017) 'The Influence Mechanism of Fertility Support in Females' Career Stability', *Social Science of Beijing*, 7: 32-39.

It's becoming normal for the female to break their career because of childbearing. Existing researches indicate that there are obvious negative relations between childbearing and employment for women. Based on the third Chinese Women's Social Status Survey, the research aims to discuss whether the supportive policy for fertility would be effective to females' employment stability or not. The research shows that legal support for women's rights, economic and child care support for women during the period of fertility can significantly reduce the possibility of females' career breaking.

C. Ongoing Research

Chinese Women's Social Status Survey. National Women's Federation and the National Bureau of Statistics. Available at:

http://www.china.com.cn/zhibo/zhuantu/ch-xinwen/2011-10/21/content_23687810.htm

Since 1990, this survey has been conducted every ten years by the National Women's Federation and the National Bureau of Statistics. The sample is selected by the three-stage unequal probability (PPS) sampling method stratified by regional development; it includes Hong Kong, Macao and Taiwan. There are two types of questionnaire: a personal questionnaire and a community (village, neighbourhood) questionnaire. The personal questionnaire covers 18 to 64-year-old Chinese men and women, and uses household interview methods. The contents include: health, education, economy, social security, politics, marriage and family, lifestyle, legal rights and interests, gender awareness and attitudes, and includes early childhood education and care and female maternity protection. In order to analyse the social status of and changes among different groups of women, the survey also includes five other groups: children, elderly people, college students, people affected by migration, and high-level talent. The survey aims to comprehensively and objectively reflect the status and changes in the social status of Chinese women in the past decade and to explore the relationship between changes in social structure and women's social status.

China Family Panel Studies (CFPS). Peking University China Social Science Research Centre (ISSS). Available at: <http://www.issc.edu.cn/cfps/>

CFPS samples cover 25 provinces, cities and municipalities, with a size of 16,000 households. The survey covers economic activities, educational outcomes, family relations and family dynamics, population migration, health and many other research topics. There are four different questionnaires for community, family, adult, and children. The children questionnaire covers specific aspects of early childhood education and care, including their daily life, health and education. CFPS conducted an initial formal visit in 2010 and there are follow-up visits every two years, tracking and collecting the data at three levels: individuals, families and community. The survey covers all family members of the sample family. All baseline family members and their future bloodline or adopted children, defined by the baseline survey of 2010, will be members of the CFPS sample and be followed-up regularly.

Chinese Families Practicing Family-planning Development Survey (CFPFDS). National Health and Family Planning Commission of China. Available at:

<http://www.nhfpc.gov.cn/jfzs/s7872/201408/58c4547125494fa1865fa97b6fe3e97d.shtml>

CFPFDS is a nationwide family tracking survey. The first round CFPFDS conducted in 2014 was followed by a follow-up survey every 2 years. CFPFDS samples cover 31 provinces, cities and municipalities, with a size of 30,000 households. The purpose of the survey is mainly to understand the actual conditions and changes in economic, social, health, and security aspects of families and family members, mainly consisting with families practicing family planning policy. The survey aims at tracking the family's changes in form, structure, relationships, and functions during the family development process, characteristics and possible causal relationships, and providing information for scientifically formulating family policies and effectively providing public services.